

## Sheriff's Office Eviction Procedures

If you have any questions or wish to arrange an eviction, please contact the Worth County Sheriff's Office at (64-324-2481).

When filing paperwork for an eviction, please list the name of the tenant/s and "All Parties in Possession". This will cover the landlord for all people living there, in case an occupant/s make a claim.

### 1. Notice of non-payment of rent.

If rent is not paid when due, the landlord must deliver a "Notice to cure or quit" (3-day notice form) to the tenant. This notice must state that the rent is due but unpaid and the landlord intends to terminate the rental agreement in three (3) days if the rent is not paid.

### 2. Notice to Terminate for any other reason.

If the property owner wished to terminate tenancy for any other reason and is not familiar with the applicable Iowa landlord-tenant laws, THEY SHOULD SEEK LEGAL ADVICE.

### 3. Forcible Entry and Detainer.

All notices to terminate must be followed up by serving a "Forcible Entry and Detainer" notice which is obtained from the clerk of court. This sets a court date for the landlord and tenant to appear in court. The landlord will be requesting an immediate eviction. The landlord must also have all the copies of previous notices in the court file and have them available to present to the court.

When requesting service, please list the names of all people known to reside at residence, whether they are listed on the rental agreement or not, and list "Parties in Possession".

This notice must be served at least three (3) days before the hearing date. If the Sheriff Office is unable to serve this notice after two (2) attempts, the plaintiff may opt to serve by posting a copy of the notice on the door and mailing a copy of the notice to the defendant by certified mail and regular mail. The sheriff will make a diligent return noting the attempts of service. The plaintiff should file an affidavit with the clerk of court state the service attempts, posting and mailing have been completed at least three (3) days prior to the hearing date. (SERVICE IS NOT DEEMED COMPLETED UNTIL FOUR (4) DAYS AFTER MAILING) Iowa code 631.4(2)C.

It is the plaintiff's responsibility to determine if the requirements have been met. The Sheriff's Office will not call you if they are unable to serve the defendant prior to date of the hearing.

### 4. Writ of Removal and Possession.

When the clerk of court receives a ruling on a forcible entry and detainer action in the plaintiff's favor, the plaintiff will need to request that the clerk issue a "Writ of Removal and Possession" to the sheriff. It will not be done automatically.

The plaintiff must then contact the Sheriff's Office, Monday – Friday, (8:30 AM – 4:00 PM), except for holidays at 641-324-2481, to schedule the eviction. The Sheriff's Office will not contact you after the Writ is received. If you fail to contact the Sheriff's Office, after 30 days the Writ will be returned to the clerk as diligent and you will be billed.

We will not schedule an eviction the same day that you contact us. Evictions will only be conducted during weekdays and daylight hours. The process must be completed by 5:00 P.M.

Once a date and time for the eviction has been established, the Sheriff's Office will post a courtesy letter at the address given on the writ indicating the date and time of the eviction.

The plaintiff is expected to check the address of the eviction at least one hour before the eviction is to be conducted to see if the defendant has vacated voluntarily and would want to cancel the eviction. If the plaintiff cancels the eviction, the plaintiff accepts any liability for property left behind by the defendant. The plaintiff must call the Worth County Sheriff's office to advise if a deputy is needed to keep the peace or if the residence has been vacated. The deputy will not show up unless you call in and request a deputy to meet you at the property.

It is the plaintiff's responsibility to supply the labor to remove the defendant's possessions. The eviction must be completed in 2 hours. We recognize that unusual circumstances do arise and will deal with them accordingly.

Except by determination by the Sheriff's Office regarding inclement weather, the only way that an eviction will be postponed is at the request of the plaintiff. The only way an eviction will be cancelled is upon request of the plaintiff or the Sheriff's Office receiving a court order.

In the event of possible light rain, the plaintiff should bring tarps to protect the property. The plaintiff is responsible for the property and shall not do any unnecessary damage. In the event of severe weather, the eviction will be postponed.

The Sheriff's Office function at an eviction is to provide the authority, keep the peace and direct the procedure. The Sheriff's Office will also handle any cash, credit cards, checkbooks, firearms, ammunition, narcotics, prescription drugs or other illegal items if found.

We require that the plaintiff provide enough boxes or large trash bags to facilitate the efficient moving and placing of the property. It is recommended that you wear gloves and keep in mind any potential hazards such as sharp objects and blood borne pathogens. The property should be moved to an area of normal garbage pick-up near the road right of way. Any vehicle/s will be dealt with through the abandoned vehicle process from your local law enforcement. Freezers, refrigerators or other large items should be secured for safety purposes.

Contact animal control and facilitate the rescue of animals on the premises at the time of removal.

It is also recommended that you contact a locksmith for entry and/or to change locks following the eviction.

We expect the plaintiff to remove all property from the residence, garage, sheds or in the yard. We will not be involved in determining what is valuable and what is garbage.

Once the eviction is completed, if the property is still curbside after 24 hours it should be removed to avoid any city or county nuisance violations.

Our fees are \$30 for service of a Writ of Possession (eviction), .50 per copy and hourly fee of \$25 plus mileage.

The above is provided as an outline of the process. For any legal advice and directions, you should consult your attorney.