



SHERIFF

CHRISTOPHER L. RAVELING • CLAY COUNTY SHERIFF

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Clay County Sheriff's Office Eviction Process

- 1) When the clerk receives a ruling on a Forcible Entry and Detainer action in your favor, you will need to request that the clerk issue a Writ of Possession to the Sheriff. It will be scheduled within three (3) working days per section 648.22.
- 2) Contact the Sheriff's Office Civil Division at 712-262-3221 between 8am and 4:30pm Monday through Friday (except holidays) to schedule an eviction time.
- 3) The Sheriff's Office will be delivering a copy of the writ along with a letter stating the date of the eviction to the address of the defendant. We require that this be done **at least** some time during the day before the eviction. It is not necessary to serve this letter on the defendant so we will post it on the door if no one is available to receive it.
- 4) The day of the eviction we will expect the Plaintiff or his agent to check the location to see if the defendant has vacated voluntarily. Please call our office to either confirm or cancel the eviction. **We will not respond until we hear from you.** If you discover that the defendant has vacated prior to the eviction date, please inform our office so we can use that time for other purposes.
- 5) **At the time of the eviction we will expect the Plaintiff to provide enough manpower to complete the eviction in approximately one hour.** We recognize that unusual situations requiring more time will occur occasionally. The process must be completed by 5pm and will be scheduled with that goal in mind. Our function is to provide the authority, keep the peace, and direct the procedure.
- 6) We request that the Plaintiff provide enough boxes and large trash bags to facilitate efficient moving of the property. If heavy rain is imminent, it is suggested that sheets of plastic be used to cover the property to prevent unnecessary damages. The eviction will not only be postponed because of more severe weather conditions. If a waterbed needs to be drained, we may request that you bring a pump in the interest of time. If a refrigerator or freezer is involved, we will expect the Plaintiff to secure the appliance so a child will not have access to it, or remove the door.
- 7) We will have the Plaintiff move the property to the **curb or nearest public property**. Weapons, cash and drugs should be taken into custody by the Sheriff.
- 8) We will expect the Plaintiff to remove all property/garbage from the location. **We will not get involved in determining what is valuable and what is not.** If the defendant vacates voluntarily, it is up to the Plaintiff to decide if they want our office to stand by while the remaining property is removed. If the eviction procedure is cancelled, the Plaintiff accept any liability for property left behind.
- 9) Our fees for service of a Writ of Possession (an eviction) is \$15.00 plus mileage.