

# WRITS

## **Writs of Restitution/Eviction (Wisconsin Statutes 799.45)**

A Writ of Restitution orders the Sheriff or his designee to remove the defendant from the premises so that the rightful owner may have possession of the same and to satisfy the judgment for costs.

The Writ is valid for 30 days after issuance. Once delivered to the Sheriff, the Sheriff's Office has 10 days to execute the writ. THIS DOES NOT EXTEND 30 DAY VALIDITY.

A Writ must list all persons who have residence or established residence within the dwelling. This includes people that are living in the residence, but not on the lease.

The Sheriff's Office will execute the Writ upon timely delivery, payment of required fees is made, and all other paperwork requested by the Sheriff's Office is completed.

The Sheriff will serve the Writ, along with an Eviction Notice. If the defendant is not home, the Notice and Writ will be posted on the door to the premises listed in the Writ. The deputy will set a date for a lock change with both the plaintiff and the defendant. On the date of the lock change, if the property is still occupied, the deputy will remove the person(s). Any personal property left by the defendant will be disposed of in accordance to the Property Memo filled out by the plaintiff

## **Writ of Execution Against Property (Wisconsin Statutes 815.35)**

A Writ of Execution Against Property requires the Sheriff to satisfy a judgment together with costs. The Sheriff or his designee is to take enough property to satisfy a judgment, plus costs. Enough property will be taken to satisfy the execution and costs at the resale value of the property seized.

A Writ of Execution Against Property is valid for 60 days after the date of Issuance. The Douglas County Sheriff's Office will execute the Writ within 60 days of the receipt of the Writ, if enough time is allowed between receipt of the Writ and the expiration date, and if all necessary paperwork is accompanying the Writ.: a) surety bond of 3 times the amount of judgment, b) estimated prepayment, c) supplemental paperwork listing the personal property with proper ID numbers and, d) warrant, if needed

The Sheriff or his designee will seize property up to the value of the bond. THE SHERIFF'S OFFICE WILL NOT APPRAISE OR DETERMINE VALUE OF PROPERTY. Before seizure, Sheriff's fees and costs, including the expenses of moving and storage, etc, will be paid.

Items seized will be tagged and an inventory made of all property. All cash seized will be turned in at the Douglas County Sheriff's Office and the amount noted on the back of the execution. A receipt will be given for the money taken. When seizing cash, the Sheriff or his designee cannot go into the pockets of the defendant; however cash registers, cash boxes etc., unopened liquor, furniture, etc., will be seized.

All seized goods are held for Sheriff's Sale, unless ordered by the courts.

### **Writ of Replevin (Wisconsin Statutes 810)**

A Writ of Replevin is an action to regain personal property unlawfully held or retained by another. A Writ of Replevin is valid for 60 days after the date of issuance. The Douglas County Sheriff's Office will execute the Writ within 60 days of the receipt of the Writ if enough time is allowed between receipt of the Writ and expiration.

A writ of Replevin must contain a description of the property and any identifying numbers. Vehicles, including recreational, must have an accurate VIN number.

A bond in the amount of 2 times the judgment is required. If the property is being held in a building or fenced area, the Sheriff's Office may require a warrant. An attorney must supply that warrant.

It is up to the Plaintiff to locate the property. In addition, the Sheriff's Office will need instructions on how to get the property back to you (arrangements with a tow company, mover, etc. will need to be made in advance) and where the property should be taken. We will not transport property.

### **Writ of Assistance (Wisconsin Statutes 815.63 & 815.11)**

A Writ of Assistance is an order of the court requiring the Sheriff or his designee to immediately remove the defendant and property from the premises described in the writ, and return possession of the premises to the plaintiff. It is often used to assist the purchaser of, or owner of real estate to regain possession, but it can also be used to regain possession of personal property. A Writ of Assistance is valid for 60 days after issuance and may be issued by the courts any time after the Confirmation of Sale hearing. The Douglas County Sheriff's Office will execute the Writ within 60 days of the issuance, provided sufficient time is given between the date received and the expiration date. THE SHERIFF'S OFFICE **WILL NOT** APPRAISE OR MAKE A DETERMINATION OF PROPERTY VALUE.