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Office of the Sheriff

**Milwaukee County Sheriff's Office
Steps for the Eviction Process**

WHAT IS AN EVICTION?

An eviction is the removal of a tenant by the landlord from a rental property. Landlords may evict tenants who do not pay rent, pay partial rent, or late rent. Also, tenants may be evicted if the dwelling is declared a nuisance by law enforcement.

**IN WISCONSIN A TENANT CAN ONLY BE EVICTED
BY A COURT ORDER ISSUED BY A JUDGE OR COURT COMMISSIONER**

TYPES OF NOTICES & SELECTING THE PROPER NOTICE

All eviction actions begin with a properly served notice to vacate. In Wisconsin the notices typically used are 5-, 14-, and 28-day notices.

SERVING THE NOTICE

It is very important to properly serve the 5-, 14-, or 28-day notice. The most common cause of a landlord losing an eviction is improper service of the notice. There are four basic methods:

1. **Personal delivery to someone at the premises** – giving the notice to the tenants; giving a copy to a family member who is at least 14 years of age, and telling them it is an eviction; leaving a copy with an occupant over 14 years of age, and also mailing a copy by regular mail to the tenant.
2. **Service by certified mail** – if you choose this method, add two (2) days to the time period.
3. **Service by securely posting the notice** on the entrance door and mailing the notice by regular mail the same day.
4. **Service via the Milwaukee County Sheriff's Office (\$60 charge)** via a Civil Process Unit deputy attempting service on the papers.

PREPARING FOR COURT

After the expiration of the notice, the first step is to complete the following forms:

- AN EVICTION SUMMONS
- COMPLAINT FORM
- AFFIDAVIT OF NON-MILITARY SERVICE FORM
- You will need 5 copies

** If you start the case before the notice has expired, the case will be dismissed and you will need to start over.

Once all forms are correctly filled out, go to Room 104 of the Milwaukee County Courthouse, 901 N. 9th Street to pay the court fee. The fee is approximately \$99.00 and includes:

- Forms being notarized, if not already done;
- Case number issued;
- A court date being issued. The cashier will keep the original for the court file. The clerk will place a case number and file stamp on all of the copies.

SERVING THE SUMMONS AND COMPLAINT

Serving the Summons and Complaint is slightly different than serving the 5-, 14-, or 28-day notices. The Summons and Complaint must be served by a third person, who is not a party to the action, who is at least 18 years of age and a resident of the State of Wisconsin. The Summons and Complaint must be served no less than 5 days before the court date; weekends and holidays do not count.

There are a number of private process firms that can also serve the Summons and Complaints. The Milwaukee County Sheriff's Office can attempt service of the notice. The fee is **\$60.00** for a maximum of 3 attempts unless otherwise notified.

Once the Summons and Complaint has been served, the person who served it must fill out an Affidavit of Service form. **Bring the original copy of the Affidavit of Service to court with you.**

If you cannot find the tenant, you can have the information published, normally in the "Daily Reporter" newspaper

AFTER COURT

Step One

If the Court rules in your favor for the eviction, you will be given an "Order" for a Writ of Restitution. After getting the Order, you must go to Room G-9 of the Milwaukee County Courthouse (901 N. 9th Street) to obtain the "Writ of Restitution". The fee for this is **\$5.00 (Note: these are two separate forms)**.

Step Two

Take the Order, the Writ, an extra set of keys (if you prefer) and a **Letter of Authority**, (which is a letter from a certified, bonded mover, with a storage facility in Milwaukee County) to the Milwaukee County Sheriff's Office Cashier located in the Safety Building, 821 W. State Street (Room 102 Window #6), along with a money order, cashier's check for **\$125** made payable to the Milwaukee County Sheriff's Office. Cash and credit cards are also accepted.

As of March 2014 a new law passed stating that a landlord does not need to hire a bonded mover, however the Sheriff still needs to assist in the removal of the tenants. If the landlord chooses this approach then they are responsible for all property and proper storage guidelines.

- *Letter of Authority* is a letter indicating that you have contracted with one of the bonded moving companies used by the Sheriff's Office. These companies are:
 - Aetna Moving & Storage, Inc. ~ (414) 645-9300
 - Eagle Moving & Storage, Co. ~ (414) 383-1776
 - J.C. Triplett & Sons Moving & Storage ~ (414) 353-9780

Step Three

The Sheriff's Office will then mail the tenant a notice. The Milwaukee County Sheriff's Office has ten business days to move the tenant from the date that the paperwork was turned over to the Cashier. If the tenant moves prior to the Milwaukee County Sheriff's Office executing the move, immediately call the eviction **cancellation line at (414) 278-5123** to cancel the move. This will save money, minus the cancellation fees. The Sheriff's Office will contact the landlord on the day of the move so please provide contact telephone number(s) to the Sheriff's Office.

ANY QUESTIONS – PLEASE CONTACT

1. (414) 278-4140 – Milwaukee County Clerk of Courts, Civil Division
2. (414) 278-5030 – Milwaukee County Office of the Sheriff, Countywide Services Bureau
3. Attend the Self Help Clinic, Thursdays and Fridays beginning at 1:30 pm in the Milwaukee Justice Center located at 901 N. 9th Street, Room G-9 (Milwaukee County Courthouse).
4. Consult with an attorney for legal advice