



## 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
- pay the rent late

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**

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

### SERVING THE NOTICE

There are four basic methods:

1. **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 to mail by certified mail, add two (2) days to the time period.
3. **Securely posting the notice on the entrance door** and mailing the notice by regular mail the same day.
4. Request **Milwaukee County Sheriff's Office via a Civil Process Division** to attempt service of the evictions papers. There is a fee for this service.

## PREPARING FOR COURT

**After** the expiration of the notice ( 5, 14 or 28 day), the first step is to complete the following forms:

1. An **Evictions Summons**
2. A **Complaint Form**
3. Form of **Non-Military Service**
4. 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**

File the forms in Room 104 of the Milwaukee County Courthouse, 901 N. 9th Street to pay the court fee.

- Forms will be notarized, if not already done;
- A Case number issued;
- A court date is 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 different than serving the 5-, 14-, or 28-day eviction notice. 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. There is a fee associated with this service. It is 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". (**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 indicating you have contracted with one of the bonding companies used by the Sheriff's Office) to the Milwaukee County Sheriff's Office Cashier located in the Safety Building, 821 W. State Street (Room 102 Window #6). The fee is payable with cash, credit card, money order or cashier's check made payable to the Milwaukee County Sheriff's Office.

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.

### 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 contacts the landlord on the day of the move so please provide contact telephone number(s) to the Sheriff's Office.

## ANY QUESTIONS – PLEASE CONTACT

- Milwaukee County Clerk of Courts, Civil Division 278-4140
- Milwaukee County Office of the Sheriff Civil Process Unit 278-5030
- 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).
- Consult with an attorney for legal advice