

General Information on a Writ of Restitution:

What is a Writ of Restitution? A court order to the Sheriff of the County to assist the plaintiff (you) in evicting a tenant and/or their sub-tenants/guests.

How does it work? Once the Sheriff's Office receives the Writ of Restitution from you, we will go serve the defendant (tenant) or post the notice on the door of the residence, if they are absent. If we receive your Writ before 1 PM, we will attempt to serve/post it that day, if after 1 PM it will be served/posted the next working day (excluding weekends). The Writ of Restitution will give the tenant the required amount of time to vacate.

What happens next? If the tenant moves out in the required amount of time, we will notify you and make return on the file. If the tenant does not move out, we will contact you and coordinate the physical removal of the tenant.

Removal of property -- Once we have returned the premises to the plaintiff/landlord, any property left behind can be disposed of by the landlord according to I.C. 6-316.

Advanced Fee -- This is a fee allowed by law and approved by County Commissioners to serve a Writ of Restitution and remove tenants. \$315 will need to be paid up front. If the tenants vacate on their own, \$200 will be returned to you.

If you give the tenant extra time to move-out after the Writ of Restitution is served on them, you must call our office (208) 577-3750 and advise us of the extension.

The Sheriff's Office cannot give you legal advice; you should consult an attorney to assist you in this process.

Common questions:

Can I change the locks once I have a Writ of Restitution? – **No**, not until an eviction is completed.

Can I serve my own Writ of Restitution? – **Yes**, you can serve it yourself. If your service is unsuccessful and you choose to request the Sheriff's Office involvement, you must contact the Sheriff's Civil Office, Monday – Friday 8am-5pm at (208) 577-3750.