

THE EVICTION PROCESS

The Whatcom County Sheriff's Office is **not** involved in the beginning stages of the eviction process. The Whatcom County Sheriff's office **can only become involved** with the eviction process **after** the court procedure is completed and a Whatcom County Superior Court Judge has issued a Writ of Restitution. This is the point in which the Whatcom County Sheriff's Office can serve and enforce the court order if the tenants do not comply

THE WHATCOM COUNTY SHERIFF'S OFFICE CANNOT GIVE LEGAL ADVICE AND DOES NOT GENERATE PAPERWORK.

The public can obtain information regarding the eviction process and/or assistance in preparing the necessary paperwork to begin the eviction process from the following resources:

- A Private Attorney
- The Office of the Attorney General's Website (Consumer Protection Division) <http://www.atg.wa.gov/residential-landlord-tenant-resources> and click on the Safeguarding Consumers link and then the Landlord Tenant link.
- Preliminary eviction forms and Unlawful Detainer Packets can be purchased at Copy Source, 1122 N State St., Bellingham, WA

THE WHATCOM COUNTY SHERIFF'S OFFICE MUST SERVE THE WRIT OF RESTITUTION, BUT DOES NOT SERVE ANY OTHER TYPE OF EVICTION PAPERWORK.

Eviction paperwork needing to be served can be served by process servers, unless the tenant to be served is incarcerated by Whatcom County Jail, then the Civil Div. will intake paperwork for service and charge accordingly. The WCSO cannot give recommendations for which process server to use but there are several in Whatcom County to choose from.

THE WHATCOM COUNTY SHERIFF'S OFFICE ROLE IN EVICTIONS

- **INTAKE REQUIREMENTS**

- 3 sealed copies & 1 sealed original of the Writ of Restitution
- Mandatory Eviction Intake Data Form
- Landlord Storage Form – Effective June 12, 2008 the landlord is required by law (RCW 59.18.312) to provide law enforcement with a form that we are required to serve on the defendant(s) requesting the landlord to store their personal property. (IF THIS FORM IS NOT PROVIDED, YOUR PAPERWORK WILL NOT BE ACCEPTED)
- \$150 deposit

- **POSTING/SERVING**

- Once a Writ of Restitution has been delivered to the Sheriff's Office Civil Division, the Civil Deputy serves the tenants or posts the premises with the Writ of Restitution, Request for Storage of Personal Property form (RCW 59.18.312) & a letter, which states the date & time the tenants are to be vacated. The Writ is usually served on Wednesday following its receipt by the Sheriff's Office.

- **MOVE OUT TIME FRAME**

- The tenants are given three (3) judicial/business days in which to move out voluntarily. This 3-day period does not include the date of service/posting, weekends, or legal holidays (EXAMPLE: if the writ is served/posted Wednesday, the tenants have until 2359 on Monday; if it's served/posted Friday, the tenants have until 2359 on Wednesday).

- **AFTER THE TIME FRAME HAS EXPIRED**

- The Civil Deputy serves/posts the Writ, after which he will advise the contact person listed on the intake form of the date & time the tenants are to be out. It is then the responsibility of the landlord or his/her designated representative, to notify the Civil Deputy or, in the Deputy's absence, the Civil Clerk in said Division of the Sheriff's Office, on the morning following the expiration of the 3-day count. At that time, the contact person for the plaintiff, must be prepared to advise if the tenants have vacated or if further assistance is needed. If the Writs 3-day count should end at 2359 on a Friday, no law enforcement action will be taken until the following Monday.

- **THE TENANTS VACATED**

- If the tenants have moved, and at the request of the landlord/attorney, the writ will be returned to Whatcom County Superior Court stating the matter has been completed.

- **THE TENANTS DID NOT VACATE**

- If the tenants have not moved, an appointment will be made by the Civil Deputy to meet the landlord or their designated representative at the property to complete the

eviction process. It is imperative this timetable be followed due to the time constraints of the expiration date of the Writ.

- At the time of the eviction, the landlord is required to provide all necessary manpower & materials to complete the eviction as expeditiously as possible. Also, be prepared to have the locks changed on the property at this time. The tenants will be physically evicted and a No Trespass Sign will be posted by the Deputy.
- WCSO Does NOT get involved with the property aspect of evictions. The landlord needs to discuss this with his tenant. HOWEVER, below is what the law states:
 - The landlord must store the property if the tenant has served the landlord a written request to store the property not later than three days after service of the Writ.
 - IF the landlord knows that the tenant is a person with a disability and that disability prevents or impairs the tenant from making a request for storage, it will be presumed that the tenant has requested storage unless there is a written objection to storage from the tenant (disabled person).
 - The landlord may store the property in any reasonably secure place (including the premises) and may sell and dispose of the property as allowed in RCW 59.18.312.
 - The landlord may remove the tenant's property to the nearest public property if the tenant has not served the landlord with a written request if the tenant has not served the landlord with a written request to store the property within three days of service of the writ.
 - If there is a dispute as to whether the storage request was properly received and the landlord will not store the property, the Sheriff's Office will require a further court order regarding storage before executing on the writ.
- The Civil Deputy is present at an eviction to keep the peace and will not assist in or participate in any way with the removal of the property.

- **OTHER PERTINENT INFORMATION REGARDING EVICTION PROCESS**

- If you have a tenant with disabilities, or health issues, that requires constant care, your physical eviction may not proceed unless the Sheriff's Office is assured that satisfactory arrangements are in place for adequate care for that tenant.
- Vehicles left by the tenant must be removed as a private impound (towing and storage arrangements are the responsibility of the landlord).
- Animals will be impounded by Whatcom Humane Society and held pending later release to the tenant or adoptions.

- **SERVICE FEES FOR EVICTIONS**

- A \$150.00 deposit is required when the Writ of Restitution paperwork is submitted to the Sheriff's Office. The payment may be made in the form of cash, check, credit card or money order made payable to the Whatcom County Sheriff's Office.
- Breakdown of fees:
 - 1) Service or posting of Writ of Restitution and the eviction is concluded without further aid of the Sheriff's Office: \$50.00.
 - 2) Service of Writ of Restitution with aid of County: \$70.00

If the Sheriff's Office responds a second time at the request of the landlord to oust and eject the tenant(s), the applicable \$70.00 "with aid" fee will be charged--regardless of whether the eviction proceeds, the eviction is canceled on-scene, or the eviction must be rescheduled due to an inability to proceed.

- 3) If it is necessary for the Sheriff's Office to stand by and keep the peace during a physical eviction, an additional fee of \$60.00 per hour will be charged after the first hour.
- 4) Mileage is charged in the amount of \$.58 per mile with a \$12.00 minimum.
- 5) The \$15.00 Return of Service (ROS) fee is charged for the court document prepared at the conclusion of the eviction advising the court of the action taken in completing the eviction.

EVICCTIONS NOT COVERED UNDER THE RESIDENTIAL LANDLORD TENANT ACT (RCW 59.18)

- A Sheriff's Indemnity Bond will be required. The bond indemnifies the Sheriff from any liability in the action and must be delivered to the civil office prior to the actual eviction.
- The bond must be in an amount twice the value of the property to be removed from the premises with a \$5,000.00 minimum. The sheriff's Office will determine minimum acceptable bond amounts.
- The Bond must be issued to Bill J. Elfo, Sheriff of Whatcom County.