

**PLYMOUTH COUNTY SHERIFF'S OFFICE  
EVICITION PROCEDURES**

1. The property owner should seek legal advice to determine the appropriate procedure and obtain forms.
2. Failure to pay rent
  - a. Three day notice of intent to terminate lease/notice to quit must be delivered to the tenant. Date and time of delivery should be documented by the plaintiff for court purposes.
  - b. If the tenant fails to pay rent or vacate the premises after the three day notice, a forcible entry and detainer notice can be obtained from the Clerk of Court. This sets a court date for the landlord and the tenant to appear in court. This forcible entry and detainer notice will be served by the sheriff's office.
  - c. Writ of possession (see below for instructions).
3. When the Clerk of Court receives a ruling on a forcible entry and detainer action in the plaintiff's favor, the plaintiff will need to request that the clerk issue a Writ of Possession to the sheriff for an eviction.
4. Contact the sheriff's office civil division at 712-546-8191 between 8:00 a.m. and 5:00 p.m. Monday through Friday to schedule an eviction time. The date that the judge orders the Writ of Possession to issue IS NOT the eviction date. We will NOT schedule an eviction for the same day you have contacted us.
5. The sheriff's office will be delivering a courtesy letter stating the date and time of the eviction to the address of the defendant. It is not necessary to serve this letter on the defendant so we will post it on the door if no one is available to receive it. There is no charge for this service.
6. The day of the eviction, we will expect the plaintiff or his agent to check the location to see if the defendant has vacated voluntarily. Please call our office to either confirm or cancel the eviction. We will not respond until we hear from you. If you discover that the defendant has vacated previous to the eviction date, please inform our office so we can use that time for other purposes.
7. At the time of the eviction, we will expect the plaintiff to provide enough manpower to complete the eviction. If the plaintiff comes to the eviction grossly understaffed, we will reschedule for a time that enough staff can be provided. Our function is to provide the authority, keep the peace and direct the procedure.
8. We request that the plaintiff provide enough boxes and large trash bags to facilitate efficient moving of the property. It is recommended that you wear protective gloves and

keep in mind the danger of sharp objects and blood borne pathogens. The eviction may be postponed by the sheriff if weather conditions are severe.

9. We have the plaintiff move the property to the area where garbage pickup is done. If this is not feasible, alternatives should be arranged in advance whenever possible. Be prepared to deal with abandoned vehicles through your local law enforcement agency at the time of eviction.
10. We will expect the plaintiff to remove all property/garbage from the location, including any storage areas or garages. We will not be involved in determining what is valuable and what is not. If the defendant vacates voluntarily, it is up to the plaintiff to decide if they want to have our office stand by while any remaining property is removed. If the eviction procedure is cancelled, the plaintiff accepts any liability for property left behind.
11. Our fees for service of a Writ of Possession (an eviction) are \$15, plus mileage and \$25/hour.