



Joe Nole

JEFFERSON COUNTY SHERIFF

79 Elkins Road Port Hadlock, Washington 98339 (360) 385-3831

TO: LANDLORD(S), THEIR AGENTS AND/OR THEIR ATTORNEYS
FROM: JCSO CIVIL DIVISION
RE: WRIT OF RESTITUTION INSTRUCTIONS

Dear Landlord,

The Jefferson County Sheriff's Office has received a Writ of Restitution in your case, issued by the Jefferson County Superior Court. We are providing the following information to notify you of what to expect, as well as some of your responsibilities, during the eviction process. We recommend that you review this notice in its entirety, as failure to take certain actions on your part may result in our office being unable to execute the Writ and complete your eviction.

Dates:

Two dates will be set:

- 1) The Tenant Vacate Date is the date and time that the tenants are directed to depart, and after which they no longer have a legal right to remain on the premises.
- 2) The Eviction Date is the actual date and time at which the Sheriff's Office will meet you at the property and, if necessary, conduct a forcible eviction. This is typically set at least twenty-four hours after the Vacate Date, in order to allow a "cooling off" period to ensure everyone is safe during the eviction. **Do not disclose this date/time to the tenant.**

If the dates were not set when you or your representative brought the Writ to the JCSO Civil Office, a deputy will contact you or your representative in the next few days to set the eviction date and verify other information. If you have not heard from a deputy yet, feel free to contact the Civil Office at 360-385-9390 during business hours (Monday through Friday, 8:30 am to 4:30 pm).

SAFETY NOTE: The tenant will be notified of the Tenant Vacate Date. They will not be notified of time of the actual Eviction, and we require that you not notify them of the actual Eviction date or time either.

This is a safety requirement. Please be aware that, if you do notify the tenants of the date/time of the actual eviction, JCSO will, at our discretion, either reschedule the eviction at your expense or cancel the eviction entirely.

Indemnity Bonds and Property Inspection:

This section does not apply to Residential Evictions which have been handled under the Residential Landlord-Tenant Act (RCW 59.18).



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Pursuant to the Sheriff's authority under RCW 36.28.050, and in keeping with statewide best practices, JCSO requires a Sheriff's Bond of Indemnity prior to executing all non-residential evictions. The Sheriff's Bond of Indemnity must be brought to the Sheriff's Civil Office (3rd floor, Courthouse) at least one full business day (not less than twenty-four hours) prior to the scheduled eviction date. The Bond must be in an amount double the estimated value of the personal property to be removed from the premises, with the estimate conducted by JCSO personnel (see below). The minimum bond accepted is \$5,000.00. The bond must be signed by the landlord/attorney and the bonding agent and must be made out to the Honorable Joe Nole, Sheriff of Jefferson County. The following language must be included on the bond:

'The principal shall pay all costs, charges, and damages and save harmless and indemnify the Sheriff against any and all claims by the defendants or by any third party against him on account of any and all lawful steps the Sheriff is to make or take under said Writ, whether or not such Writ is lawful or unlawful.'

In order to determine the estimated value of the defendant's personal property, JCSO will need to conduct an inspection of the property, in the company of the landlord or landlord representative. We will work with you to schedule this inspection.

Prior to the inspection, it is your responsibility to provide the tenant with notice of the inspection, pursuant to existing landlord-tenant laws and to your lease or rental agreement. At JCSO's discretion, failure to provide adequate notice to the tenant may result in cancellation of the inspection, or in cancellation of the eviction process. The actual removal of any and all personal property on the day of the eviction remains the responsibility of the landlord; JCSO personnel will not assist in the removal of any property.

If the tenant's property includes a mobile home owned by the tenant it will be necessary for the mobile home and its contents to be moved from the landlord's real property. The bond of indemnity will be for twice the amount of the property value including the mobile home. The Sheriff's Office will not make the arrangements for the removal of the mobile home. It will be the responsibility of the landlord/owner of the mobile home to have the mobile home removed from the premises.

Setting the Eviction Date:

When a Writ of Restitution is delivered to the Jefferson County Sheriff's Office, a Deputy will serve the tenant(s), AKA defendant(s), or will post the premises with the Writ of Restitution and an accompanying letter to the tenant stating the date and time by which they are required to vacate the premises. The letter will inform them that they can be forcibly evicted by the Sheriff's Office at any point AFTER that time. Service is usually completed the day after the Writ of Restitution is received.

After the Writ of Restitution has been served or posted, the Sheriff **must wait** a minimum of three business days (exclusive of the date of service) before the eviction will occur. As mentioned earlier in this letter, the date and time by which tenant is told to vacate in the letter they receive is **not** the date and time of the eviction. The date and time of the eviction will generally be at least twenty-four (24) hours after date and time on the vacate notice.

FOR SAFETY REASONS. WE REQUIRE THAT YOU DO NOT DISCLOSE: THE DATE AND TIME OF THE EVICTION TO THE TENANT.



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Landlord to Inspect Property Prior to Eviction:

On the day prior to the eviction date the Sheriff requires the landlord or his attorney to determine if the tenant is still occupying the premises.

THE LANDLORD OR HIS ATTORNEY MUST THEN CALL THE SHERIFF'S OFFICE AND ADVISE AS TO WHETHER THE TENANT IS STILL OCCUPYING THE PREMISES.

Day of Eviction:

At the time of the eviction the Landlord will be required to provide all necessary manpower and materials to complete the eviction as expeditiously as possible. The personal property of the tenant must be moved to a place where the tenant can recover it without unreasonable difficulty. This can be completed by storage and/or removal to a public right-of-way. JCISO recommends that the landlord/attorney provide a minimum of four people to do the moving, black visqueen (4 M 20 x 100), heavy duty twine, several boxes of 30 gallon heavy duty garbage bags and boxes. All expenses will be incurred by the landlord. The landlord assumes any responsibility for damage to the property during the moving/storage of the property.

It is not the duty of the sheriff to see that the property is reasonably secured. The duty of the Sheriff in executing a writ of restitution is to "restore possession of the real property to the plaintiff". It is sufficient that the Sheriff remove the tenant and ensure that the landlord have the opportunity to peaceably remove the goods.

Sheriff's Fees:

The Sheriff's Office requires a deposit in advance in the amount of \$110.00. If it appears that a physical eviction will be unusually lengthy, the Sheriff may require an additional deposit prior to the eviction. Sheriff's fees are regulated by state law and set by county ordinance. The law states the Sheriff must charge for mileage, court returns, service, and for the eviction. If the Sheriff must do a physical eviction, a fee of \$78.00 is charged for the first hour and \$62.00 for each additional hour.

The eviction process can, by nature, be unpleasant and expensive. With your cooperation, the Jefferson County Sheriff's Office will attempt to complete the necessary action as quickly and efficiently as possible for all involved.

Should you have any questions please call the Civil Office at 360-385-9390 (8:30 a.m. - 4:30 p.m., M-F).



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RCW 59.18.312

Writ of restitution-Storage and sale of tenant's property-Use of proceeds from sale-Service by sheriff, form.

(1) A landlord shall, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises. The landlord may store the property in any reasonably secure place, including the premises, and sell or dispose of the property as provided under subsection (3) of this section. The landlord must store the property if the tenant serves a written request to do so on the landlord or the landlord's representative by any of the methods described in RCW 59.18.365 no later than three days after service of the writ. A landlord may elect to store the property without such a request unless the tenant or the tenant's representative objects to the storage of the property. If the tenant or the tenant's representative objects to the storage of the property or the landlord elects not to store the property because the tenant has not served a written request on the landlord to do so, the property shall be deposited upon the nearest public property and may not be stored by the landlord. If the landlord knows that the tenant is a person with a disability as defined in RCW 49.60.040 (as amended by chapter 317, Laws of 2007) and the disability impairs or prevents the tenant or the tenant's representative from making a written request for storage, it must be presumed that the tenant has requested the storage of the property as provided in this section unless the tenant objects in writing.

(2) Property stored under this section shall be returned to the tenant after the tenant has paid the actual or reasonable drayage and storage costs, whichever is less, or until it is sold or disposed of by the landlord in accordance with subsection (3) of this section.

(3) Prior to the sale of property stored pursuant to this section with a cumulative value of over two



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hundred fifty dollars, the landlord shall notify the tenant of the pending sale. After thirty days from the date the notice of the sale is mailed or personally delivered to the tenant's last known address, the landlord may sell the property, including personal papers, family pictures, and keepsakes, and dispose of any property not sold.

If the property that is being stored has a cumulative value of two hundred fifty dollars or less, then the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of two hundred fifty dollars or less, the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed to the tenant's last Known address or personally delivered to the tenant. After seven days from the date the notice is mailed or delivered to the tenant, the landlord may sell or dispose of the property.

The landlord may apply any income derived from the sale of the tenant's property against monies due the landlord for drayage and storage of the property. The amount of sale proceeds that the landlord may apply towards such costs may not exceed the actual or reasonable costs for drayage and storage of the property, whichever is less. Any excess income derived from the sale of such property shall be held



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by the landlord for the benefit of the tenant for a period of one year from the date of the sale. If no claim is made or action commenced by the tenant for the recovery of the excess income prior to the expiration of that period of time, then the balance shall be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter 63.29 RCW.

(4) Nothing in this section shall be construed as creating a right of distress for rent.

(5) When serving a tenant with a writ of restitution pursuant to RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice to the tenant that: (a) Upon execution of the writ, the landlord must store the tenant's property only if the tenant serves a written request on the landlord to do so no later than three days after service of the writ; (b) the notice to the landlord requesting storage may be served by personally delivering or mailing a copy of the request to the landlord at the address identified in, or by facsimile to the facsimile number listed on, the form described under subsection (6) of this section; (c) if the tenant has not made such a written request to the landlord, the landlord may elect to either store the tenant's property or place the tenant's property on the nearest public property unless the tenant objects; (d) if the property is stored, it may not be returned to the tenant unless the tenant pays the actual or reasonable costs of drayage and storage, whichever is less, within thirty days; (e) if the tenant or the tenant's representative objects to storage of the property, it will not be stored but will be placed on the nearest public property; and (f) the landlord may sell or otherwise dispose of the property as provided in subsection (3) of this section if the landlord provides written notice to the tenant first.

(6) When serving a tenant with a writ of restitution under subsection (5) of this section, the sheriff shall also serve the tenant with a form provided by the landlord that can be used to request the landlord to store the tenant's property, which must be substantially in the following form: ...

[FORM PROVIDED BY SHERIFF'S CIVIL OFFICE, CONFORMING TO RCW 59.18.312(6)]