

Eviction Process After Forcible Entry and Detainer

The following has been set up as a guideline for a landlord or tenant. If your questions are not answered, please seek legal advice through an attorney. All eviction forms may be obtained at the Lyon County Clerk of Court.

Lyon County Sheriff's Office Eviction Procedures After Notice to Quit and Forcible Entry Have Been Served

1. 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 removal and possession to the Sheriff. It will not be done automatically.
2. The plaintiff should contact Deputy Mark Dorhout with the directions to Sheriff. At this time the plaintiff will disclose the names of those supplying the labor to remove the defendant's possessions. The Sheriff's Office requires enough people to complete the eviction within two hours. If the plaintiff fails to supply enough labor, the deputy is instructed not to start the eviction. This will require the plaintiff to set up a new date and time with the Sheriff's Office for the eviction.
3. Upon the completion of the above actions, the writ will be assigned to a deputy sheriff. The deputy will call the plaintiff to set up a date and time for the eviction that is compatible with the plaintiff and the Sheriff's Office. The deputy will post a courtesy letter at the address given on the writ indicating the day the eviction will take place.
4. The plaintiff is expected to check the address of the eviction at least one hour before the eviction is to be conducted to see if the defendant has vacated voluntarily and would want to cancel the eviction. The failure to notify the Sheriff's Office at least one hour prior to the eviction will cause the plaintiff to incur a minimum fee of one hour conveyance time. If the plaintiff cancels the eviction, the plaintiff accepts any liability for property left behind by the defendant.
5. Except by determination by the Sheriff's Office regarding inclement weather or emergencies, the only way that an eviction will be postponed is at the request of the plaintiff. The only way an eviction will be cancelled is upon request of the plaintiff or the Sheriff's Office receiving a court order.
6. The Sheriff's Office function at an eviction is to provide the authority, keep the peace and direct the procedure. The deputy will not assist with moving anything.
7. Any deviation of the above procedures will have to be cleared by the supervisor or commander of the Lyon County Sheriff's Office Civil Division.