

The Rock County Sheriff's Office cannot provide legal advice. This guide is meant to provide information on the eviction process only. Additional information and options may be available. For additional information or questions, seek legal counsel.

EVICTION PROCESS GUIDE

- **Notice to Vacate** (§704.17, §704.19, §704.21)
 - Landlord can only start the court process for specific violations including failing to fix a violation, nonpayment of rent etc.
 - Proper notice to vacate as described under Wisconsin Statutes above must be given to all tenants who will be evicted before the court process may begin.

- **Summons & Complaint**
 - Summons & Complaint forms available at <https://www.wicourts.gov/forms1/circuit/index.htm>
 - Required fee information available at <https://www.wicourts.gov/courts/circuit/docs/fees.pdf>
 - The filer of the Summons and Complaint will be given a court date. A copy of the filing must be served on the tenant(s) 5 business days before the court date.
 - Please reference the following link for further information:
 - Basic Steps for handling a small claims case for Eviction: https://www.wicourts.gov/formdisplay/SC-6010V_instructions.pdf?formNumber=SC-6010V&formType=Instructions&formatId=2&language=en

- **Service of Summons & Complaint**
 - An uninterested party must serve a complete copy of the paperwork on the individual being evicted. A landlord may have the Sheriff's Office, Private Process Server, or a third party serve the paperwork on each tenant.
 - If the Sheriff's Office is hired, the Sheriff's Office will send their Affidavit of Service directly to Clerk of Courts.
 - Please reference the following link for further information:
 - Basic Steps for handling a small claims case for Eviction: https://www.wicourts.gov/formdisplay/SC-6010V_instructions.pdf?formNumber=SC-6010V&formType=Instructions&formatId=2&language=en

- **Court Date**
 - Please reference the following link for further information:
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- **Writ of Restitution** (§799.44, §799.45)
 - If the eviction is granted, you will need the courts to sign form SC-512 (Writ of Restitution/Disposal of Personal Property) if you need the tenant(s) removed.
 - Clerk of Courts Office will stamp the Writ of Restitution to make it valid after paying the appropriate fee.
 - The Writ is valid for 30 days after it was issued.
 - Once the Sheriff's Office receives the stamped Writ, they have 10 business days to execute it. There is a fee to be paid for the Writ at the time it is dropped off in the front lobby of the Sheriff's Office. The fee will depend on property involved and is determined by the Sheriff's Office.
 - A Civil Process Worksheet and Property Memo must also be filled out before the Sheriff's Office can accept the Writ.
 - The Sheriff's Office will serve or post a copy of the Writ and notice to the Defendant(s).
 - The Sheriff's Office will contact the landlord after giving notice to the defendant(s) with an eviction date.

Additional helpful sources:

Forms by type: <https://myforms.wicourts.gov>

Basic Steps for handling a small claims case for Eviction: https://www.wicourts.gov/formdisplay/SC-6010V_instructions.pdf?formNumber=SC-6010V&formType=Instructions&formatId=2&language=en

Landlord Tenant Guide from ATCP: <https://datcp.wi.gov/Documents/LT-LandlordTenantGuide497.pdf>