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## Milwaukee County Sheriff's Office Steps for the Eviction Process

### What is an Eviction?

It is the removal of a tenant by the landlord from a rental property, when the tenant seriously violated the lease or rental agreement.

**\*IN WISCONSIN A TENANT CAN ONLY BE EVICTED BY A COURT ORDER, GIVEN BY THE JUDGE.**

### TYPES OF NOTICES & SELECTING THE PROPER NOTICE

All eviction actions begin with a properly served notice to vacate. In Wisconsin the following notices are typically used 5, 14 and 28 day notices.

There are several types of termination notices:

1. **5-Day- Notice to Quit or Pay Rent**- is a warning that the tenant is late with rent. The landlord can only give this notice at a point when the rent is late. This notice allows a tenant cure the problem, stop the eviction. By law, the landlord must allow at least 5 days to pay all overdue rent. Not counting the day it was served, holidays or weekends, according to Wis. Stat. 801.15(1).
2. **5-day Notice for Non-Rent Violation**- is a warning that the tenant has caused a disturbance, damaged property, or violated a lease rule. The landlord has to allow the tenants at least 5 days, to promptly take "reasonable steps" to stop the violation or make a "reasonable offer" to pay landlord in the case of a damages to the unit.
3. **5-Day Notice With-No-Right-To-Cure, Notice to Vacate-Nuisance Drugs**- If you the landlord receive a "drug nuisance letter" which will require the tenant to vacate within 5-days.
4. **14-Day No-Right To-Cure Notice**- orders the tenant to move within a period of at least 14 days even if the tenant fixes the problem. This notice is given to week-to-week and month-to-month tenants.
5. **28-Day Notice Terminating Tenancy**- this notice is to evict without conditions to fix or pay rent.

Notices must be in writing and include the date, the rent due or lease clause the tenant violated, or the rent owed, the type of notice, and the right to cure the problem, if the tenant has one.

### SERVE THE NOTICE

It is very important to properly serve the 5, 14, 28 notice. The most common cause of a landlord losing an eviction is for improper service of the notice. There are three basic methods:

1. **Personal delivery to someone at the premises**- giving the notice to the tenants; giving a copy to family member at least 14 years of age, telling them it's an eviction; leave a copy with an occupant over 14 years of age, also mail a copy by regular mail to the tenant.
2. **Service by certified mail**- if you must add two (2) days to the time period.
3. **Service by securely posting the notice on the entrance door and mailing the notice by regular mail the same day**
4. **Service via the Milwaukee County Sheriff's Office (\$35 charge)**

Service to the Community Since 1835  
821 West State Street • Milwaukee, Wisconsin 53233-1488  
414-278-4766 • <http://www.mksheriff.org>

## PREPARING FOR COURT

After the expiration of the notice, the first step is to complete the following forms:

- AN EVICTION SUMMONS
- COMPLAINT FORM
- AFFIDAVIT OF NONMILITARY SERVICE FORM
- AFFIDAVIT OF SERVICE FOR THE NOTICE TO VACATE

**You will need 5 copies**

\*\* If you start the case before the notice has expired the case will be dismissed and you will need to start over.

Once all forms are correctly filled out, go to Room 104 of the Milwaukee County Court House, 901 N. 9<sup>th</sup> St., to pay for the court fee. The fee is approximately **\$89.50**. The fee will include:

- forms being notarized, if not already done,
- case number issued,
- a court date being issued. The cashier will keep original for the court file. The clerk will place a case number and file stamp all of the copies.

## SERVING THE SUMMONS AND COMPLAINT

Serving the Summons and Complaint is slightly different than serving the 5, 14, or 28 day notices. The Summons and Complaint must be served by a third person, who is not a party to the action, who is at least 18 years of age and a resident of the State of Wisconsin. The Summons and Complaint must be served no less than 5 days before the court date, weekends and holidays do not count.

There are a number of firms that will serve the Summons and Complaint. The fee range is anywhere from **\$20. to \$50**. The Milwaukee County Sheriff Office can attempt service of the notice. The fee is **\$35.00** per attempt with a maximum of 3 attempts unless otherwise specified.

Once the Summons and Complaint has been served, the person who served it must fill out an affidavit of service of the summons and complaint. Bring the original copy of the affidavit to court with you.

\*\*If you can't find the tenant you can have the information published, normally in the paper called the **'Daily Reporter'**\*\*

## AFTER COURT

### Step One

Once you have won the eviction case you will be given an (1) Order for Writ of Restitution. After getting the Writ of Restitution you must go to room G-9 of the Court House to obtain the (2) Writ of Restitution, fee **\$5.00**. (**note; two separate forms**)

### Step Two

Take the order, the writ, keys (if necessary) and a Letter of Authority\*, which is a letter from a certified, bonded mover to the Milwaukee County Sheriff's Office cashier in the Criminal Justice Facility 949 N. 9<sup>th</sup> Street (level G), along with a money order, cashier's check (or cash) for **\$130.00** made out to the Milwaukee County Sheriff's Office.

\*Letter of Authority is a letter indicating that you have contracted with one of the bonded moving companies used by the Sheriff's Office. These companies are:

- Aetna Movers 645-9300
- Eagle Movers 383-1776
- JC Triplett 353-9780
- Dwyer 510-8402

### Step Three

The Sheriff's Office will then mail the tenant a "**Twenty-Four Hour Notice**". The Milwaukee County Sheriff's Office has **ten days** to move the tenant. If the tenant moves prior to the Milwaukee County Sheriff's Office call to cancel the move immediately at 414-278-5123. This will save money minus the cancellation fees.

The Sheriff's Office must contact the landlord at the time of the move, please leave contact telephone number(s) for the Sheriff's Office.

Any questions please contact;

1. 414-278-4140 – Clerk of Courts automated instructions line,
2. Attend the Self Help Clinic, Thursdays from 11:30 am –1pm in Room G9 of the Courthouse
3. Consult with a real estate attorney for legal advise.