



Property Management Essentials:

Sheriff Evictions

This is one of the more unpleasant but common tasks in the property management business. To properly evict the landlord (or property manager) must provide anywhere from a 3 to 90-day notice. Once the property has been awarded back from the courts it's time to go and reclaim the property.

The Eviction

Only a Sheriff can evict a tenant. They will post a 5-day eviction notice on the front door. If the tenant does not move out within 5 days, the Sheriff will schedule a date and time with the landlord to return and force the eviction. The Sheriff will ask the landlord or property manager questions about the size of the house and how many items still remain. From there it will be determined the number of people that need to be present to clear out the contents of the property. If the day arrives and the designated number of people are not there then the Sheriff can, and usually does, reschedule the eviction for another time. When the day comes and everything is in order allow the Sheriff to enter the house first and give the "all clear" sign before going in to remove its contents.



The Tenant's Belongings

Once the people representing the landlord or property manager are allowed in the Sheriff will state where the items can be moved to...typically it's off premise to the public sidewalk. It is at this point that the belongings become public domain. However, the people removing the items should, in good faith, not take anything as it could be viewed as a inappropriate and an obvious conflict of interest. A professional property management company should act at this level of integrity.

Public Safety

The landlord or property management company has a responsibility to use better judgment on what house items become public domain. The Sheriff will identify items such as prescription medications, drugs, guns or other weapons. A common but less obvious item would be personal computers. Because of the nature of confidential information that could be stored on the hard drive the computer should be kept and attempts made by the landlord or property manager to contact the former tenant and have them pick up the computer. After a 'reasonable amount' of time and attempts are made to return the computer the property manager is free to properly dispose of the computer through a technology recycling service and can charge that fee back to the former tenant.

Key Topics

- *The eviction timeline*
- *The tenant's belonging*
- *Public safety and identity protection*

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