

King County Sheriff's Office Writs of Restitution

Form D-140. Last updated April 15, 2009

This form outlines our procedures for Writs of Restitution. Due to the vast growth in cities and unincorporated areas of King County, our eviction workload has increased significantly, as has the travel time to get to those evictions. In the interest of providing more efficiency, safety, and uniformity for our detectives and your office, it is extremely important that these procedures be followed. We ask that your office share this form with your clients or refer them to this information, which will be available on the King County Sheriff's Office website, under the heading of "Evictions".

How do I present the Writ of Restitution?

All Writs of Restitution are required, by state statute, to be executed by the appropriate Sheriff's Office within the county in which a given premises is located. Writs must not be referred to municipal police departments for service, as this invalidates the Writ.

King County Writs of Restitution should be presented to the King County Sheriff, Civil Process Unit, Room W-150, at the King County Courthouse (516 3rd Ave in Seattle), during normal business hours, 8:30 AM to 4:30 PM, Monday through Friday (excluding holidays). You may also present Writs of Restitution to the Sheriff's office at the King County Regional Justice Center (401- 4th Ave North, Room 1B, Kent, WA, 98032). Please be aware that Writs presented to the Sheriff's office at the Kent RJC, are subject to a two-day delay in processing, due to transit time. Should you have a tight timeline on a Writ, it is strongly encouraged that you bring it to our King County Courthouse location.

The party or attorney presenting the Writ must have their name, address and telephone number imprinted at the bottom of all copies. The original Writ (signed by the Court Clerk) and a copy for each named party residing at the address, along with appropriate fees, (check or money order is only form of payment accepted at the Regional Justice Center) must be presented to the Sheriff's Office. If a Writ is issued under an RCW statute other than 59.18, a Bond of Indemnity to the Sheriff is also required before the Writ can be served.

What else do I need to submit?

All Writs of Restitution must be accompanied by a properly completed Eviction Data Form. This form is required to assist in the scheduling and coordination of the eviction and to inform the eviction detective of potentially hazardous persons or conditions that may exist at the time of the eviction. This form can also be downloaded on the Sheriff's Office website from the "Evictions" page.

Once the Writ of Restitution is received by the Sheriff's Office, the face of the Writ will be stamped with the "effective date" the tenant(s)/occupant(s) are to vacate the premises per court order. This date stamped on the Writ will show the third judicial day following the service of the Writ by a Sheriff's detective. (This date does not include the date of service, holidays, or weekends). The eviction detective's name and telephone number will appear near the date stamp. A 3"x3" space must be available to allow for the Sheriff's notice.

A Writ of Restitution will usually be served on the defendant or posted at the premises on the next business day when received prior to 11:00 AM by the civil office in downtown Seattle.

The common address appearing on the Writ must correspond to the physical address of the premises where the eviction is to take place. If there is no visible address on the premises and all apartments or units are not clearly marked, the Writ will not be served. If there is any question at all as to which apartment or unit is to be served, the Writ will be returned for clarification. Additionally, if the premises are secured, you will need to provide the Civil Process Unit with a key, keycard, or code prior to the service of the Writ. Keys and keycards will be returned by mail following the return of the Writ to court.

How do I schedule the physical eviction?

Per case law, the defendant(s) and/or other occupant(s) have three judicial days to leave on their own. These three days do not include the day the eviction notice was served or holidays and weekends.

If the court, law office, or any other representative has negotiated a date other than the date assigned by the Sheriff's Office Civil Unit, for the defendant(s)/occupant(s) to vacate the location of eviction, they shall immediately notify our office by e-mail at Civil.KCSO@kingcounty.gov, via fax to (206) 296-0918 or by hand delivering the document to our office at 516-3rd Ave, Room W-150, Seattle, WA, 98104.

What do I do after proper time has passed?

After the effective date stamped on the writ, the landlord or their representative shall conduct an occupancy check of the property to determine whether the tenant(s) have complied with the court order and moved themselves and their belongings from the location, or 'vacated the premises.' If the landlord or their representative has reason to believe the tenant(s)/occupant(s) are dangerous or hostile in any way, the Sheriff's Office requests that this step not be taken and that the detective be notified immediately.

The landlord or their representative must immediately notify the eviction detective, law office, or the King County Sheriff's Office Civil Unit upon learning the tenant(s)/occupant(s) have vacated the premises with their property of value, or when a settlement has been reached. Failure to make the notification may lead to additional charges being imposed for the detective's time and travel.

If the tenant(s) and/or occupant(s) have not vacated or settled, it is the responsibility of the landlord or their representative to call the detective to schedule the physical eviction. These evictions are scheduled on a first call, first scheduled basis, with consideration given to potential life and safety issues.

What will happen on the scheduled eviction date?

Due to safety concerns, tenants are NOT to be told of the date and time the eviction is scheduled. If the eviction detective has reason to believe this information has been given out, he or she may reschedule the eviction date.

The detective will be present to grant the authority for the eviction by court order, to remove tenant(s) and/or occupant(s), and to stand by to assure the peace. The detective will supervise and ensure the proper removal of the tenants' property. The eviction detective does not move property.

The landlord or their representative shall provide a key or means to enter the eviction location (locksmith/drill) and the means to change the locks at the conclusion of the eviction.

It will be the responsibility of the landlord or their representative to provide sufficient personnel and materials to expeditiously remove the tenants' and/or occupants' property from the eviction location. This includes equipment necessary to move and transport the tenants' property. The King County Sheriff's Office recommends large, heavy-duty trash bags, cardboard boxes, gloves and any other protective gear deemed appropriate by the landlord or their representative.

Due to time constraints, if the landlord or their representative is unprepared to complete the eviction within approximately one hour, the eviction detective may be forced to reschedule the eviction for a later date. Evictions lasting longer than one hour will be billed at a rate of \$45.00 per hour, for each additional hour.

NOTE: As of June 12th, 2008, House Bill 1865 became effective. This bill changed the law pertaining to storage of tenants' property. Please ask for "Landlord Storage of Property of Tenant" packets at the civil counter or consult your attorney for details.

What happens to the tenants' property once it is placed onto the public right of way?

On physical evictions where the defendants' or occupants' property is placed out onto the public right-of-way, the King County Sheriff's policy requires the following items not be placed on the right-of-way:

- Powders, liquids, or pastes of any kind
- Explosives or ammunition
- Weapons of any kind
- Medications of any kind
- Illicit drugs or associated paraphernalia
- Food items of any type
- Alcoholic beverages
- Large sheets of glass
- Pornography
- Any other items deemed to be potentially hazardous to the public

NOTE: Items included in this list which are legal to possess, may be turned over to the appropriate tenant(s) if the item(s) can be immediately secured within a vehicle or by other means. Items illegal and/or hazardous to possess shall be left where they are found, and the eviction detective shall be notified immediately.

The King County Sheriff's Office's policy requires that the tenants' property may only remain on the public right-of-way for up to twenty-four (24) hours from the time of the eviction. If the tenants have not removed their property in that 24-hour period, it becomes the responsibility of the landlord or their representative to remove and dispose of the property. Failure of the landlord or their representative to remove the tenants' property may result in fines/fees levied by the local jurisdiction. If the tenants are present at the time of the physical eviction, they are advised that they have the 24-hour period to remove their property and that they are the only party responsible for safeguarding their property from theft, weather, or damage once it is on the right-of-way.

Who can I call for more information?

For additional assistance related to eviction policy and procedures, please call 206-296-3800 and ask for the eviction desk.