

# Frequently Asked Questions About Evictions



## **My tenant hasn't paid his rent, and I want to evict him? How do I start the process?**

That depends on what type of rental agreement your tenant has. The process is different between a month-to-month and a yearly lease type arrangement.

### **Termination notices with month-to-month tenants:**

Month-to-month tenants may be given either a 5 day or a 14 day written notice of termination. The 5 DAY NOTICE may be served by you. It gives your tenant 5 days to pay the rent. If the tenant pays the rent, he/she may continue to stay in the apartment. A 14 DAY NOTICE is posted for nonpayment of rent, a broken rental agreement or damage done to the property. Once the tenant receives this notice, he/she has 14 days to vacate the property. The difference in the 14 day notice is that the tenant does not have the option to continue to rent the apartment; he/she must leave within 14 days.

**Tenants with leases; termination notices:** If you don't get your rent on time or if the lease has been violated, you may choose to submit a 5 day written notice. If the rent is paid, then the tenant may stay. However, if within the next 12 months, the tenant fails to pay rent on time, you may issue a 14 day written notice in which the tenant must vacate the property.

If the tenant receives a 5 day notice for lease violations other than rent issues, the tenant may stay if the lease violation is corrected. However, if within the next 12 months the tenant violates the lease or damages the property, you may issue a 14 day termination notice. The notice should state what the violation of the lease was. The landlord can then file for court action.

## **How do I file a court action?**

You can file it yourself or hire an attorney who specializes in handling eviction. Eagle Movers has a list of attorneys that handle this type of law. The process is quite simple to do yourself, but it can be time-consuming. If you choose to file yourself, you must go to the Milwaukee County Courthouse, Small Claims Court (901 N. 10th Street, Milwaukee, WI, Room 400). You will file for an eviction action and will be assigned a court date for your eviction. You then must properly serve your tenant with a small claims action. You may hire the

Milwaukee County Sheriff's Department to serve this notice or you may hire a private process server. Or you may hire anyone else to serve it as long as they are a "disinterested third party." When your court day arrives, you show up with your case against your tenant. A ruling will then be issued by the judge or court commissioner. If you win your case, the judge will order an active date for the writ to take place. On that day, you may proceed to the Milwaukee County Sheriff's Department and continue your action. Please remember that your writ is only valid for 30 calendar days. It expires on the 31st day.

## **How do I obtain my writ after I have won my judgment?**

Proceed to the clerk's office in the courthouse (Room G9) and purchase your "writ of restitution" for \$5. Fill out this document completely, putting any details you want to include concerning the eviction (i.e. dog on premises, evict upper rear unit, stove and refrigerator belong to landlord, articles exist in garage or basement, etc.)

## **Now that I have won my judgment, can I still accept rent money that is due and proceed with the eviction?**

Yes. You may collect past rent and still evict your tenant. Be legal-minded if you make any agreements with the tenant in conjunction with accepting any rent. Such agreements may present legal issues. Please consult your attorney.

## **How do I obtain a letter of authority from Eagle Movers?**

You may obtain a letter of authorization (LOA) easily on our website with a credit card; over the phone with a fax and credit card; or you may come in person to our offices at 929 W. Bruce Street in Milwaukee. We accept personal checks, cash or credit cards for in person requests. VISA, MASTERCARD and American Express are accepted for all requests. Our office hours are 8 a.m. to 4:30 p.m. Monday through Fridays and 8 a.m. to 12 p.m. on Saturday.

## **What do I need to bring to the Sheriff's Department?**

You will need a LOA for Eagle Movers, the writ, the court order, \$130 deposit for the Sheriff's Department and a set of keys if you have them. If the Sheriff does not have keys, he may have to force entry into your apartment. The Sheriff's Department requests that you provide them with reliable contact information (i.e. property manager, landlord) for getting a representative to the eviction. This expedites the move, which will save you money.

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**Now that I have filed with the Sheriff's Department, how long will it take for the Sheriff to proceed with the order?**

The Sheriff has 10 days to act on the eviction. If you have noted on Eagle Movers letter of authority that you would like to be notified prior to the eviction, the Sheriff will attempt to give you a 30 minute notice regarding your eviction. If you wish to call the Sheriff's Department, you may talk directly to a member of the Eviction Squad at 414-278-4437 between 7:30 and 9:30 a.m. After 9:30 a.m., you will have to leave a message.

**Does the Sheriff's department notify my tenant of the impending eviction?**

Yes, once you turn in your payment to the cashier, it automatically generates a 24-hour notice. This notice is sent to your tenant the same day.

**What happens to my keys after the evictions takes place?**

The sheriff will send them back to you.

**What can I expect from Eagle Movers as far as the move itself is concerned?**

We have very experienced crews along with a company owner on the job working, supervising and handling the billing. We work with the intent of saving you as much money as possible through efficient service. We have 70+ years of experience in the moving and the eviction business. We also work with the Racine, Ozaukee, Kenosha County Sheriff's Departments, the U.S. Marshall Service and the Milwaukee Metro Drug Unit. We are the preferred mover for the Apartment Association of Southeastern Wisconsin. We have a great working relationship with all of these agencies due to our reputation for service.

**After you move my tenant, why is there still stuff in the apartment? Aren't you supposed to move everything?**

We don't necessarily move everything out. This is a combination of safety and efficiency reasons. We do not move clothes or debris on the floor for concern of needles or glass being present. In addition, it is an unnecessary cost to you to have the movers pack debris from the floor into a box. If you would like furniture that has been declared junk by the Sheriff's Department to be placed curbside, you may request the movers do that by filling out the form on Eagle Movers letter of authority. We are happy to remove the large items from your unit. Remember, we are working to cut your costs. If you have a special circumstance where you would like your apartment cleared or cleaned after the eviction, Eagle Movers can provide that service for you for a reduced price after the eviction.

Please call our office and let us know about any additional services you would like to have done. We have many connections with service people within the industry and are here to help you.

**Do I lose my deposit if my tenant moves out?**

No. Eagle Movers charges a \$54 cancellation fee. The remainder of your deposit will be returned to you within 30 days.

**What are the expected costs for an eviction?**

Court filing fee:	\$ 87
Writ	\$ 5
Eviction deposit	\$ 350
<i>(one bedroom or less, \$400 two bedroom or more)</i>	
Sheriff's deposit:	\$ 130
Process server	\$ 30 (approximate)

**Where can I get reliable information on landlord/tenant law?**

The State of Wisconsin has a guide for landlords and tenants called "The Wisconsin Way". It is an easy to understand booklet on rental laws in Wisconsin. To request a copy, call the Wisconsin Bureau of Consumer Protection at 414-266-1231.

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**Important Resources**

**Milwaukee County Sheriff's Department Cashier**

G 40 Criminal Justice Facility  
949 N. 9th Street  
Milwaukee, WI 53233  
M-F 8 a.m. to 4:30 p.m.

**Apartment Association of Southeastern Wisconsin**

11801 W. Silver Sprint Drive, Suite 200  
Milwaukee, WI 53225  
414-276-7378

**Eagle Moving and Storage Co.**

929 W. Bruce Street  
Milwaukee, WI 53204  
414-383-1776  
M-F 8 a.m. – 4:30 p.m.  
Saturday 8 a.m. – 12 p.m.

