



SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

CIVIL ENFORCEMENT BUREAU

400 County Government Center, Redwood City, CA 94063

(650) 363-4497 • Fax (650) 363-4833

Evictions

Sheriff Instructions, Worksheet & Threat Assessment

This section informs requesters what documents and information the Civil Enforcement Bureau needs to carry out an eviction once a plaintiff has obtained a judgment in court and a Writ of Possession of Real Property. The Sheriff's Office is prohibited from providing legal advice. Information regarding Landlord-Tenant rights and responsibilities may be found at various websites, such as the **Department of Consumer Affairs Landlord Tenant Guide**.

Court Document(s) Required:	Writ of Possession of Real Property (form EJ-130) plus three copies.
Letter of Instruction/Worksheet	<p>The full physical street address of the property from which occupants are to be removed must be correctly reflected on both the Sheriff's Instructions and the Writ of Possession (e.g. <i>1234 First Ave. San Mateo, CA. 94401</i> or <i>123 Main St. #20 Pescadero, CA 94060</i>). Discrepancies between the actual physical street address and the address listed on the writ may result in the writ being returned to the court as "Not Served-incorrect Address for Service." The address numbers and/or apartment or space numbers must be clearly marked and identifiable on the property for the Sheriff's Office to proceed with the eviction process. If the property is protected by a security gate, provide a gate code or key for the detectives to gain access to post the Notice of Eviction. Any keys provided will be returned when the eviction is completed. Provide the name and telephone number(s) of the plaintiff or the plaintiff's designated agent who will meet the Civil Detectives to take possession of the property once the eviction is complete. The plaintiff's attorney or the plaintiff (if not represented by an attorney) must sign and date the instructions.</p> <p>Please include a map or diagram if the residence, apartment or trailer is difficult to locate or unmarked due to tenant interference.</p> <ul style="list-style-type: none">▪ Please identify any hazards and/or problems the detectives may encounter, such as the following:▪ Vicious dogs in yard or house▪ Violent history of person(s) to be evicted or present▪ in the home▪ Presence of disabled elders, neglected children and/ or mentally or physically handicapped persons. Presence of weapons, chemicals or other hazards <p>Law enforcement contacts with occupants(s)/ tenant (s)</p>
Time of Service	The Civil Detective will post the eviction notice on the property. Evictions take place three days per week (excluding holidays and weekends) by region of the county as follows:

	<p>Tuesday (South County) East Palo Alto, Menlo Park, Atherton, Redwood City, Redwood Shores, Belmont, San Carlos, Woodside, and Portola Valley</p> <p>Wednesday (Central County) Foster City, San Mateo, Burlingame, Hillsborough, San Bruno, Millbrae, La Honda, San Gregorio, Pescadero, Half Moon Bay and Loma Mar.</p> <p>Thursday (North County) Pacifica, Daly City, Broadmoor, Colma, Brisbane, So. San Francisco, Montara, Moss Beach, Miramar, and El Granada.</p> <p>The Writ of Possession of Real Property expires 180 days after issuance.</p>
<p>Manner of Service</p>	<p>The 5-Day “Notice to Vacate” will be served by personal service on an occupant or by posting a copy at the address and mailing a copy to the debtor/tenant(s).</p> <p>The Civil Detective will contact the plaintiff/agent and arrange a date and time for the “Lock Out,” which is the restoration of the property to the plaintiff. It is the plaintiff/agent’s responsibility to be on time for the scheduled eviction. Detectives will wait only five to ten minutes after the appointed time. Please be aware, however, that often Detectives are late due to law enforcement needs elsewhere. If the Detectives are over 45 minutes late, call our Eviction desk at (650) 363-4497 for an update on their status.</p> <p>After expiration of the 5-Day notice, Civil Detectives will meet with the Plaintiff/Agent at the appointed date/time and remove anyone who remains on the premises. The plaintiff/ agent must arrange to make entry into the residence. A locksmith is strongly recommended since locks often are changed or damaged.</p> <p>Detectives will “Knock and Announce” their identity, state their purpose and demand entry into the residence. If there is no answer, it is the plaintiff/agent’s responsibility to gain entrance (a locksmith is strongly recommended). The plaintiff/agent must remain outside the residence until it has been cleared by the Detectives and turned over to him/her. Detectives will not force entry nor will they climb through windows to gain entrance into the residence. If the plaintiff/ agent cannot gain entry into the residence for the Civil Deputies, the eviction will not proceed. If entry is made, Detectives will clear the residence of all occupants, turn possession of the property over to the plaintiff/agent and post a “Notice of Restoration” on the front of the property. Any property of the debtor/tenant(s) left on the premises is turned over to the plaintiff/agent for storage and disposition as specified by law (Code of Civil Procedure § 715.030 and § 1174(e) through (m), and Civil Code § 1965 through 1991).</p> <p>After Detectives have enforced the eviction, the plaintiff / agent will be provided with a “Notice of Restoration.” Anyone entering the property without the owner/agent’s permission is subject to arrest for trespassing Penal Code § 419 and § 602 as stated on the “Notice of Restoration.” The owner/agent should keep a copy of the “Notice of Restoration” to provide to the local law enforcement agency should violations occur after the eviction is completed.</p>
<p>Fee Deposit</p>	<p>Notification will be made in the event there are Sheriff’s costs.</p>
<p>Fees</p>	<p>Writ of Possession-Real Property (total fee) \$145.00. The fee for serving a</p>

	writ of possession of real property on an occupant or occupants or for posting the serving a copy on the judgment debtor is (\$85). The additional fee for removing an occupant or occupants from the premises and putting a person in possession of the premises is (\$60). The fee for reposting of a notice to vacate shall be pursuant to Section 26721. \$85.00 for service of the Notice to Vacate: \$40.00 if unable to serve or cancelled prior to the service of the 5- Day Notice to Vacate. \$40.00 to re-post or re-serve another 5-day Notice to Vacate following a cancellation or if detectives are unable to serve.
Proof of Service	After the eviction is completed, the Sheriff will provide the plaintiff/agent with a “Notice of Restoration” and send the writ together with the Sheriff’s return to the issuing court. A Proof of Service is not issued. Instead, a return detailing the Sheriff’s actions is prepared by Civil Unit staff, which accompanies the writ when it is returned to the court.

Use the SMSO Eviction worksheet as a guide and submit with letter of instruction.

What is Required Checklist:

- \$145.00 fee deposit
- Original letter of Instructions identifying any potential hazards or problems signed and dated by the judgment creditor’s attorney or the judgment creditor (if the judgment creditor does not have an attorney).
- Original Writ of Possession (Real Property) plus three copies for the first debtor and one copy for each additional debtor.
- Diagram of location of property—**If applicable**
- Gate code, key or opener—**If applicable**
- Submit to Sheriff no later than 150 days after the date of issuance on the Writ of Possession

Note: A locksmith is strongly recommended to gain entry into the residence. Detectives will not force entry or attempt entry via side or rear doors or windows.

**↓*Eviction worksheet & Threat Assessment form
continued on next page*↓**

San Mateo County Sheriff's Office Civil Bureau

400 County Center, Redwood City, CA 94063 650-363-4497

Eviction Worksheet/Instructions

*The Sheriff must have signed instructions by the attorney for the creditor, or the creditor if he/she has no attorney
In accordance with CCP 262; 687.010*

PLAINTIFF: _____

DEFENDANT(S): _____

SHERIFF'S FILE NO.: _____

COURT CASE NO.: _____

RECEIVED – For Office Use Only

Date: _____ Time: _____

Initials _____

window mail check waiver other _____

To: **Sheriff of San Mateo County, State of California**

You are hereby instructed to enforce the Writ of Execution as follows:

Please serve or post and mail a copy of the writ and notice to vacate. If the defendant does not vacate the premises within the prescribed time limitations, please remove the occupants from the premises described below in the manner prescribed by law, and place the plaintiff or their agent in lawful possession. (The enforcement of a writ of possession of real property is governed by Section 715.020 of the Code of Civil Procedure.)

A deposit of \$145.00 in a check payable to the San Mateo County Sheriff's Office or cash to cover your fees. Plaintiff to cover all Sheriffs' fees, costs and expenses in advance.

IS THE UNLAWFUL DETAINER RESULTING FROM A FORECLOSURE SALE OF RENTAL HOUSING UNIT PURSUANT TO CCP § 1161a & 415.46(e)(2) ? Yes No

Location of the premises as named in the Writ of Possession: _____

Cross Street: _____

*****BUILDING DOOR/GATE CODE #***** _____

IS A KEY AVAILABLE FOR THE PROPERTY? _____

*A key for locked gates or doors is needed for posting eviction notices. Please provide our office with the key!!

PERSON PROPERTY WILL BE RESTORED TO:

SUBMITTED BY:

Plaintiff

Plaintiff Atty.

Print Name

Date

Address

Signature

City

Zip Code

Print Name

Daytime Phone Number

Address

City

Zip

Daytime Phone Number

Contact Person Telephone# _____

**** SPECIAL INSTRUCTIONS ****

TENANT(S) INFORMATION

FULL NAME: _____

FULL NAME: _____

DATE OF BIRTH/APPROX AGE: _____

DATE OF BIRTH/APPROX AGE: _____

GENDER: _____

GENDER: _____

RACE: _____

RACE: _____

CDL: _____

CDL: _____

OFFICER SAFETY ISSUES

Please check appropriate box as needed:

- | | | |
|--------------------------------------|----------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> ELDERLY | <input type="checkbox"/> DISABLED | <input type="checkbox"/> SERIOUS MEDICAL PROBLEMS |
| <input type="checkbox"/> ASSAULTIVE | <input type="checkbox"/> LANGUAGE - _____ | <input type="checkbox"/> MENTALLY DISORDERED |
| <input type="checkbox"/> CHILDREN | <input type="checkbox"/> ANIMALS, what kind? _____ | <input type="checkbox"/> FORECLOSURE RELATED |
| <input type="checkbox"/> Other _____ | | |

1. Do you know of any illegal activity that *may* be taking place at this address? _____

If yes, please describe what kind of illegal activity *may* be taking place: _____

2. Do you know of any police contacts at this address? _____

PLEASE PROVIDE ADDITIONAL INFORMATION ON ANY ISSUES THAT MAY POSE AN OFFICER SAFETY THREAT TO OUR CIVIL DETECTIVES.

PLEASE USE ADDITIONAL PAGES IF NEEDED. THANK YOU.

Eviction Threat Assessment Sheet

Plaintiff Instructions

Have you done an eviction with us before? (If so, you know to do the following...)

UNDER NO CIRCUMSTANCES ARE YOU TO GIVE THE TENANT THE TIME THE EVICTION IS TO BE EXECUTED!)

- Arrive at the location on the specified date and time promptly.
- Do not enter the property before the deputies arrive.
- Advise the Civil Detectives the type of car you will be driving.
- Provide the keys or a means to open the door. (If using a locksmith be sure to make arrangements ahead of time)
- Provide a gate code or keycard required to gain access to the property. (Failure to provide this may result in a delay or non-service of your eviction.
- Meet the Civil Detectives near the property (they will be driving a white unmarked Ford Crown Victoria and identify yourself.
- The Civil Detectives will not go through windows or allow you to go through windows or break a door to gain entry.
- If you do not provide a means to enter the property or if you do not appear at the scheduled time, the eviction will not proceed and you will not be given possession of the property.

Plaintiff Questions:

1. Is this eviction the result of normal Landlord/Tenant issues or foreclosure?
Failure to pay rent _____ Violation of lease _____ Illegal Activity _____
2. Are the tenants involved with drugs or gangs? _____
3. Are you aware of any weapons on the premises? If so, what type? _____
4. Are there dogs on the property? _____
5. If so, are they big or small? _____ What type of dog? _____
6. Are there elderly or bed-ridden tenants at the property? _____
7. Are there children on the property # & ages? _____
8. Are the tenants violent? _____
9. Have threats been made regarding the eviction? _____
10. Are there anything other risk factors the Civil Detectives should know about? _____

FOR SHERIFF'S USE ONLY:

Person spoken to: _____ Date: _____

Time: _____ Clerk: _____