

Collections & Evictions Overview

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The following is a basic outline of the steps required for an eviction. These instructions and forms are optimized for Milwaukee County, however most are valid statewide. Disclaimer: Due to the rapidly changing nature of the law and our reliance on information provided by outside sources, we make no warranty or guarantee concerning the accuracy or completeness of the content. This is not to be construed as legal advice.

Every case can be unique; therefore it is highly recommended that you consult your attorney.

Comments or suggestions?

Overview

Most disruptive tenants only get worse the longer they are allowed to remain in your property. A tenant who is falling further behind in their rent is less likely to be able to pay off their balance. The key is to resolve the problem quickly or get them out as soon as possible.

All eviction actions begin with a properly served notice to vacate. In Wisconsin these are typically 5, 14 and 28-day notices. If you use a rental agreement or lease with a longer notice period the 28-day notice is replaced by a notice with the length of time contained in the lease or agreement, often 45 or 60 days. The type of notice you will use depends on the reason that you wish the tenant to vacate and the type of rental agreement that you have with the tenant.

After service of the notice it is important to attempt to discuss the problem and possible resolution with the tenant. Physical eviction is expensive for the owner and unpleasant for the tenant. If it can be avoided so much the better for all, but be careful not to be taken advantage of by fast talking tenants that have no intention of paying the rent or correcting the problem.

Once the notice has expired and you have been unable reach an agreement with the tenant that you believe will be kept by them, it is time to begin the eviction. This is done by completing the required paperwork, filing these papers with the court and properly serving the tenant. The court fee is \$86.50 and typical fees for serving the paperwork is \$15 to \$35.

At the first court hearing you should receive an Order for Writ of Restitution. The next step is to purchase a Writ of Restitution from the Clerk of Courts for \$5. Complete the Writ of Restitution form. Then select an approved mover who may require a deposit of \$300 to \$400. The mover provides you with a letter of intent. You then give the Milwaukee County Sheriff the Order for Writ, the Writ, and the letter from the mover along with a check for \$130. The Sheriff will move the tenant within 10 days.

You can either take judgment for the money amount at the first hearing or come back for a "second cause" money judgment hearing. Since the tenant has not vacated, it will be difficult to assess the total damages you have suffered. For this reason you may wish to return to court for a second hearing at a later date. This choice is based on 1) you and the tenant agreeing to the amount owed and 2) if you believe you will be able to collect from this tenant.

There are a number of potential errors you can make that can delay the eviction. We attempt to identify these in the appropriate sections. We also will show you how you can speed up the process and possibly save some money. Don't fall for the urban myths. Evictions can occur year round. Christmas and other holidays only slow an eviction by a day or two.

Like so many other things in life, doing it yourself is sometimes far more expensive in time and aggravation than hiring the work out to a pro. Check prices and services offered by your attorney or if you are in Milwaukee County, take a look at the \$229 Easy Evict eviction