

CHEROKEE COUNTY SHERIFF'S OFFICE

WARRANT/CIVIL DIVISION

EVICION PROCEDURES

In order to complete an eviction (set out) the following guidelines are being used by the Cherokee County Sheriff's Office.

STEPS FOR THE LANDLORD/OWNER TO SCHEDULE AN EVICTION (SET OUT):

- Call & have the Magistrates Office to send a copy of the SIGNED Writ to the Civil Unit-Attention Evictions Dept.
- Before an eviction (set out) can be scheduled, the Sheriff's Office must have the signed writ from the Magistrate court, a copy of the lease or deed under power, along with a check, money order or cash in the amount of \$25.00. No eviction can be scheduled until these requirements have been met. Payment can be mailed or hand delivered to the Sheriff's Office (Warrant/Civil Unit) which is located at 498 Chattin Dr. Canton, GA 30115. If you mail a payment, you must place the name of the person(s) & case # you wish to evict either on the check or attach a note. Any check or money order mailed without the name of the defendant & case Number will be returned to sender. DO NOT MAIL CASH. The \$25.00 fee will only be refunded on cancelled evictions (set outs) if 24 hour notice is given.
- To schedule an eviction, call Deputy Stauf @ 678-493-4264. This is a dedicated phone line for handling evictions. This phone is not manned during the day so please leave a message and the Deputy in charge of evictions will return your phone call, usually in the afternoon hours or the next day. Leave your name and phone number and the name of the person(s) you wish to evict, & the Civil Case Number. The writs are filed by last name not by case number. Evictions are scheduled on a first come first serve basis, so it is not uncommon to have to wait a week or longer to have a scheduled eviction.
- In the case of inclement weather (raining, sleet or snow) the Sheriff's Office will not be able to proceed with an eviction. It will be up to the landlord/owner to reschedule the eviction.
- Until the date of the eviction, the landlord/owner should NOT enter the dwelling prior to the Sheriff's Office. If entry is made prior, the eviction will be cancelled and cannot be rescheduled.
- It is the landlord/owner's responsibility to have the required number of people (crew*) on the set out date to remove all the possessions.
- Questions regarding the possession after the eviction is completed can be found in the Official Georgia Annotated Code (O.C.G.A.) 44-7-55(c).
- Photographing Sheriff's Office Personnel or Patrol Vehicles is NOT allowed by the crew. The deputy present at the set out will not sign any forms.

CREW GUIDELINES

2 PEOPLE PER ROOM

- 1) Mobile Homes (minimum of 4 crew members)**
- 2) House (minimum of 6 crew members)**
- 3) Apartments/Town Homes (4 to 5 crew members)**
- 4) Commercial Property (minimum of 7 crew members)**

If there are not enough crew members present at the beginning of the set out, to complete the set out in a 2 hour time frame, the Sheriff's Office will not proceed with the eviction and it will be the landlord/owner's responsibility to re-schedule the eviction.

- If the crew does not arrive at the set out location within 15 minutes of the designated start time, the Deputy will consider the crew a no-show and the set out will have to be re-scheduled and the \$25.00 check will be processed and another check will have to be sent to the Sheriff's Office before the eviction is re-scheduled.
- The crew should call 678-493-4251 if circumstances arise making it impossible to arrive at the set out at the designated time. This number is for the Warrant/Civil Unit and the Deputy handling evictions will be notified of the late arrival. The crew should leave a phone number because the eviction may have to be re-scheduled.

The Sheriff's Office is only present at the eviction to keep the peace and it is not responsible for the removal of any possessions. All possessions removed from the dwelling are the responsibility of the landlord/owner if not removed by the tenant. Any vehicles, boats or campers left on the property by the tenant are the responsibility of the landlord/owner and will not be removed by the Sheriff's Office. In order for the writ to be executed properly, the possessions belonging to the tenant(s) must be removed from the dwelling prior to locks being changed. The locks cannot be changed and then remove the possessions a few days later. Possessions removed from the dwelling have to be placed outside the dwelling but not on the street, curb, or on the side walk.

- Certain items should not be placed outside and left unattended. These items include any type of weapon, such as guns and knives, cleaning supplies or personal hygiene items, paint, gasoline or propane tanks. No food items should be placed outside or dirty dishes or pots and pans containing grease or other liquids. No pornographic material or adult novelties can be placed outside.
- The eviction phone line is (678)493-4264. This phone has an answering machine since the phone line is not usually answered during the hours of 7:30 am to 4:00 pm. Messages left will in most cases be returned the same day after 4:00 pm. There is no need to leave more than 1 message regarding the same topic. If you need to cancel an eviction the same day it is scheduled, please call the front office at (678)493-4251 and a message will be forwarded to the eviction deputy. If this information package has not answered your questions then you can call for assistance, but legal advice cannot be given. Tenants requesting a date and time for their eviction should be directed toward the landlord/owner. It is up to the landlord/owner to notify the tenant(s) of a pending eviction if they choose to do so but it is not required.