



Washington County Sheriff's Office

Civil Division

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Law Enforcement Center
399 Broadway
Fort Edward, NY 12828

SHERIFF
Jeffrey J. Murphy

UNDERSHERIFF
John A. Winchell

"Community First"

*Upon receipt of a Warrant of Eviction, Warrant to Remove, Order to Dispossess, (or any other mandate directing that the Sheriff put the Landlord in full possession of a particular premise) signed by the issuing Judge and accompanied by the appropriate fee, (\$105.00 plus two mileages & notary fees per CPLR 8011 and 8012.), the document is processed and assigned to a Deputy. (Note: some actions contain a stay clause. When this occurs, the documents cannot be processed until after the stay date.) The Sheriff will **not** accept a Warrant more than 30 days old from the date of signature. All persons listed on the warrant must be served. There is an additional charge of \$30.00 per person plus a \$2.00 notary fee.*

*Once served by the Deputy, the tenant is given 72 hours excluding weekends and legal holidays to vacate the premises. The tenant is advised in writing, of the specific date and time due out. The tenant is not informed of the scheduled eviction date. The Petitioner/Landlord will be informed of the scheduled eviction date. **At the time of the eviction the Petitioner/Landlord will given the choice to remove and store the tenant's property or sign a waiver authorizing the Sheriff to perform a lock out eviction. This will not be performed without the signed waiver and the landlord will be responsible for the personal possessions of the tenants. The Sheriff's office will no longer authorize the personal possessions to be placed curbside.***

The Deputy is there to see that the warrant is enforced. The Deputy does not personally remove the tenant(s) possessions. At that point the 72 hours expires the landlord is responsible for providing sufficient personnel to remove the tenant(s) possessions to a secured storage facility unless a legal possession eviction is requested. The Deputy will be present during the removal to ensure there is no conflict between the landlord and tenant and that reasonable care is used in the removal to prevent damage to the tenant(s) property.

Once all personal items of the tenant have been removed or the lockout has been performed, the Deputy will check the residence with the landlord to ensure compliance. It is suggested that at some point during the eviction the locks be changed on the entry ways, but this is at the discretion of the landlord. It is at this point that the landlord regains possession of the premises and the eviction is complete.

Additional information including the responsibilities of the landlord is provided below.

- 1. If the landlord fails to have sufficient personnel available at the date and time of the eviction, the Deputy will cancel the warrant and the process will start over with the delivery of a new warrant and fees.**
- 2. Please note that weekends and public holidays can not be counted in the calculation of the 72 hour notice.**
- 3. Should the service of the warrant cause the 72 hour time frame to occur on the same date and time as previously scheduled removal. The Warrant served first will be executed first. Accordingly the Warrant served second will be scheduled for the next available business day.**
- 4. The 72 hour time frame may only be extended at the discretion of the Sheriff, (I.E. the landlord may not request an extension of time.**
- 5. Service of process cannot be done on weekends, holidays or the Sabbath.**
- 6. Execution of the Warrant must be between sunrise and sunset. If the Deputy feels the warrant will take more than one day we can require advanced expenses to cover**