

## El Paso County Sheriff's Office (Residential) Writ of Restitution/ Eviction Information

For Landlord/ Property Manager  
Civil Unit Supervisor, Sergeant Tim Raffety 520-7144

A. The Eviction Process is a three-part process:

1. The Landlord/Property Manager must post a **Notice to Quit or to Vacate (Colorado Revised Statute 13-40-107 & 108)** on a frequently used door of the property or by handing it to the tenant. This step can be done by the landlord or owner. The notice must state why you want them out and a deadline for them to vacate your rental premises. The time limit is normally stated in a rental agreement. If there is not a rental agreement, then it can be set by the landlord/ property manager at 3, 10 or 30 days, based upon **Colorado Revised Statute 13-40-107**. It is recommended that you retain a copy for your file.
2. If the tenant fails to vacate the premises, then the property owner/manager must go to the El Paso County Courthouse (270 S. Tejon Street Room #101) to fill out a Forceful Entry Detainer packet (F.E.D.) and be scheduled for a court date. A disinterested party must serve the tenant or family member over the age of 18 or post the summons on the primary door of use. The summons must be served or posted no later than 5 business days prior to the court hearing.
3. If the court renders a verdict in favor of the plaintiff, 48 hours after the hearing the court will issue a Writ of Restitution (CRS 13-40-115). The Writ of Restitution is an order to remove tenants and their possessions (Eviction Order). This Writ must be brought to the Sheriff's Civil Unit at 210 S. Tejon Street immediately to ensure you are placed on the eviction scheduling list. The deputy assigned to your area of the city/county will call you to schedule your eviction as quickly as possible, in the order it is received.

B. Scheduling:

1. Upon receiving your Writ of Restitution, the Civil Unit will enter it into the computer and assign the order to a deputy sheriff for service. Your Writ will be executed as soon as possible, based upon manpower available.
2. Once your "Final Eviction Warning" has been posted at the eviction address, the deputy will call you or your point of contact to schedule the actual move out.
3. The deputy will make three attempts to call the point of contact (POC). If the POC cannot be contacted, the Writ will be unabled and sent back without a refund because the "Warning" notice was posted and the Sheriff's Office considers that a service.
4. All evictions are scheduled in the order they are received. Due to the number of evictions and other civil process this office receives, scheduling will be done in concert with the deputy's workload. All evictions are scheduled Monday through Friday and within the current assigned duty hours for the civil deputies. Evictions cannot be scheduled during the hours of darkness or after the setting of the sun in accordance with state laws. The deputy is instructed to schedule all evictions in the morning hours of each duty day. All afternoons are left open to handle all other types

of civil process. **One of the most common problems encountered by deputies involves the failure by the property owner / manager to provide adequate labor on site to complete the eviction in the one hour time frame. Failure to provide sufficient labor may result in unabling or rescheduling the Writ.**

5. You will need large heavy-duty trash bags to pack small items and clothing and plastic sheeting to cover and protect the tenant's property during inclement weather and enough manpower to move everything out in a one hour time period.
6. The deputy has the authority to reschedule an eviction based upon weather, lack of manpower to move property out in the given time, or if the landlord/ property manager does not furnish boxes or bags to properly move the tenant's property. Also, any circumstances that would cause unsafe conditions for any parties involved with the eviction would require the deputy to reschedule the eviction.
7. Once the property is set out and the deputy leaves, under Colorado law the tenant's property is considered abandoned if they are not there to take possession of it. As to how long the property must sit outside, Colorado state law does not specify; that is a question you should ask your attorney.
8. Tenants are allowed on the real estate property only as far as necessary to load their personal property. Entry beyond that point may constitute criminal trespassing charges.
9. Should a settlement be made with the tenant prior to the scheduled eviction, call the civil unit to cancel the appointment. Your Writ of Restitution will be closed with the appropriate fees deducted and sent back to you.

#### C. Additional Advice:

1. Tenants who present a problem to the landlord/ property manager or other tenants are to be reported to your local law enforcement agency if a crime has been committed. If rental property is being damaged intentionally, you need to report it as a crime to local law enforcement. If you have a life-threatening situation, you need to call 911 for an emergency response and file a police criminal report. This office only handles service of civil process.
2. The Sheriff or his deputies are the only officers who can legally execute a Writ in accordance with Colorado law.
3. Colorado State Statutes can be accessed on-line.
4. Well maintained rental property attracts good tenants and discourages criminal activity.