



SHERIFF KALVIN D. BARRETT DANE COUNTY SHERIFF'S OFFICE

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WRIT OF RESTITUTION PROPERTY MEMO:

Case names:

VS.

(Plaintiff)

(Defendant)

Dane County Circuit Court Case #

This memo has been prepared by
plaintiff

plaintiff's agent

and I am the
plaintiff's attorney

The judgment plaintiff requests that the Dane County Sheriff's Office execute the Writ of Restitution in the above-captioned action. The Plaintiff has determined that the Writ of Restitution shall be executed in the following manner: **(Must select one option)**

The Dane County Sheriff's Office shall execute the Writ of Restitution action in accordance with Wis. Stats., §799.45(1) and §799.45(2)(b). The plaintiff will use one of the movers listed on the Dane County Sheriff's Office web site and pay all fees associated with that mover if eviction occurs. **(*fees below)**

The plaintiff/plaintiff's agent shall be responsible for the removal and storage or disposal of all personal property found in the premises described in the Writ of Restitution in accordance with Wis. Stats. 799.45(3m). If requested, the Sheriff shall assist the plaintiff/plaintiff's agent in the removal of all personal property found in the premises pursuant to Wis. Stat. 799.45(2)(bg). The plaintiff/plaintiff's agent certifies either: (1) that the notice requirements of Wis. Stats. 704.05(5)(bf) have been met; or (2) that the plaintiff/plaintiff's agent shall comply with s. 704.05, 2009 stats.

(*fees below)

*FEES

- Posting fee of \$40.00
- Applicable mileage fees for each round trip
- Stand by fee of \$147.32 per hour for 2 deputies with a 1hr minimum

****See back of form for Wisconsin Statutory provisions****

Signature of Person Completing Form

Phone Number

Dane County Sheriff Calvin D Barrett

STATUTES

799.45(3) Manner of removal and disposition of removed goods by sheriff.

(a) In accomplishing the removal of property from the premises described in the writ, the sheriff is authorized to engage the services of a mover or trucker unless the plaintiff notifies the sheriff under sub. (3m) that the plaintiff will remove and store or dispose of the property.

799.45(3m) Alternative disposition of property by plaintiff. When delivering a writ of restitution to the sheriff, as a complete alternative to the procedure for disposition of the property under sub. (3), the plaintiff or his or her attorney or agent may notify the sheriff that the plaintiff or the plaintiff's agent will be responsible for the removal and storage or disposal of the property that is found in the premises described in the writ and that does not belong to the plaintiff in accordance with s. 704.05 (5). If the sheriff is notified that the plaintiff or the plaintiff's agent will be responsible for the removal and storage or disposal of the property under this subsection, the sheriff shall, if requested by the plaintiff or his or her agent, supervise the removal and handling of the property by the plaintiff or the plaintiff's agent.

2009 – 704.05(5) Storage or disposition of personalty left by tenant.

(a) Procedure. If a tenant removes from the premises and leaves personal property, the landlord may do all of the following:

1. Store the personalty, on or off the premises, with a lien on the personalty for the actual and reasonable cost of removal and storage or, if stored by the landlord, for the actual and reasonable value of storage. The landlord shall give written notice of the storage to the tenant within 10 days after the charges begin. The landlord shall give the notice either personally or by ordinary mail addressed to the tenant's last-known address and shall state the daily charges for storage. The landlord may not include the cost of damages to the premises or past or future rent due in the amount demanded for satisfaction of the lien. The landlord may not include rent charged for the premises in calculating the cost of storage. Medicine and medical equipment are not subject to the lien under this subdivision, and the landlord shall promptly return them to the tenant upon request.

2. Give the tenant notice, personally or by ordinary mail addressed to the tenant's last-known address, of the landlord's intent to dispose of the personal property by sale or other appropriate means if the property is not repossessed by the tenant. If the tenant fails to repossess the property within 30 days after the date of personal service or the date of the mailing of the notice, the landlord may dispose of the property by private or public sale or any other appropriate means. The landlord may deduct from the proceeds of sale any costs of sale and any storage charges if the landlord has first stored the personalty under subd. 1. If the proceeds minus the costs of sale and minus any storage charges are not claimed within 60 days after the date of the sale of the personalty, the landlord is not accountable to the tenant for any of the proceeds of the sale or the value of the property. The landlord shall send the proceeds of the sale minus the costs of the sale and minus any storage charges to the department of administration for deposit in the appropriation under s. 20.143 (2) (h).

3. Store the personalty without a lien and return it to the tenant.

****OTHER STATUTES MAY APPLY****

****CONTACT AN ATTORNEY IF YOU HAVE QUESTIONS****