San Diego County
SHERIFF'S DEPARTMENT

EVICTION PROCEDURE INFORMATION SHEET

EVICTION PROCEDURE INFORMATION

The following information is provided by the Sheriff's Department to assist landlords. The staff of the Sheriff's Department is prohibited by law from dispensing legal advice and from assisting plaintiffs in completing the required legal forms.

The eviction process is a three-step procedure. The following information is a general outline of each step.

LANDLORD'S NOTICE

A Landlord's Notice provides legal notice of intent to a tenant(s).

FORMS: Available at office supply stores. There are several types. Choose the one that applies to your situation.

SERVICE: Consult an attorney, the Landlord/Tenant handbook at any San Diego County Law Library or the Superior Court website for information on serving your Landlord Notice. **Note**: The Sheriff's Department discontinued service of these processes as of January 2, 2009.

SUMMONS AND COMPLAINT FOR UNLAWFUL DETAINER

A Summons and Complaint for Unlawful Detainer notifies a tenant(s) that they are being sued for restoration of the premises and any rent monies due.

FORMS: Available at office supply stores, or from the Clerk of the Court.

FILING: Complete the summons and complaint, and file them with the appropriate court. You will be required to provide the Certificate of Service and the Original Landlord's Notice at the time of filing. The court will file your complaint and issue an original summons.

SERVICE: Consult an attorney, the Landlord/Tenant handbook at any San Diego County Law Library or the Superior Court website for information on serving your Summons and Complaint – Unlawful Detainer. **Note**: The Sheriff's Department discontinued service of these processes as of January 2, 2009.

WRIT OF EXECUTION POSSESSION OF REAL PROPERTY

A Writ of Execution Possession of Real Property is a court-issued document that directs the Sheriff to evict a tenant(s).

FORMS: Available from the Clerk of the Court.

FILING: After you have obtained a judgment against your tenant you may complete the Writ of Execution and submit it to the Court Clerk for issuance.

SERVICE: This service must be done by the Sheriff. The Sheriff will need:

a. Original Writ of Execution Possession of Real Property (signed and sealed) and two (2) copies (front and back).

b. Instructions directing the Sheriff to levy upon the premises, providing the complete address of property as described on the writ and the name and telephone number for yourself or the party you designate as your contact person. The instructions must be signed by the attorney of record or the creditor if there is no attorney of record (CCP § 687.010).

c. $145.00 per address unit (each suite, apartment, or separate unattached garage).

RECEIPT: You or your attorney will receive a letter from the Sheriff's Department providing the date of the eviction. The workday prior to the eviction you or your contact person will receive a phone call to arrange a meeting time at the property.

At the time of the eviction, the deputy will provide you with a Receipt for Possession, restoring the property to you. KEEP THIS RECEIPT. If the tenants return to the property after the eviction, please call your local police department. They will request to see your copy of the Receipt for Possession.