

**Cherokee County Sheriff's Office  
Warrant/Civil Unit**

**Eviction 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):**

- Have the Magistrates Office send a copy of the **Signed** writ to the Warrant/Civil Unit.
- Before an eviction (set-out) can be scheduled the Sheriff's Office must have the copy of the signed writ along with a check, money order or cash money in the amount of \$25. No evictions will 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 Drive Canton Georgia 30115. If you mail a payment in you must place the name of the person(s) you wish to evict either on the check or attach a note. Any check or money order mailed without the name of the defendant will be returned to sender. **Do not mail cash money.** Once an eviction has been scheduled no refunds can be made.
- To schedule an eviction call (678) 493-4264 this is the dedicated phone line for the handling of evictions. This phone is not manned during the day so leave a message and the Deputy in charge of evictions will return your phone call usually in the afternoon hours. Leave your name and phone number and the name of the person(s) you wish to evict. 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 (set-out). It will be up to the Landlord/owner to reschedule the eviction (set-out).
- Until the date of the eviction (set-out) the landlord/owner should NOT enter the dwelling prior to the Sheriff's Office. If entry is made prior, the eviction (set-out) will be cancelled and can not be re-scheduled.
- 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.

### **Crew Guidelines**

- 1) Mobile Homes (minimum of 4 crew members)
- 2) House (minimum of 6 crew members)
- 3) Apartments/Towne 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 eviction (set-out), the Sheriff's Office will not proceed with the eviction (set-out) and it will be the landlord/owner's responsibility to re-schedule the eviction (set-out).

- The Sheriff's Office is only present at the eviction (set-out) to keep the peace and 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.

**If the landlord/owner is present the day of the eviction, the Sheriff's Office will need the following:**

- 1) Copy of the lease/rental agreement to be kept by the Sheriff's Office for records.

**If the landlord/owner is not present the day of the eviction, the Sheriff's Office will need the following prior to scheduling the eviction:**

- 1) Copy of lease/rental agreement.
- 2) Photograph of the dwelling.

**Information for Landlord/owners wishing to execute the writ themselves (if the tenant(s) have already vacated the dwelling:**

- You should have a signed copy of the writ in your possession before attempting to perform an eviction (set-out).
- 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 can not be changed and a few days later the possessions removed.
- 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.
- Possessions removed from the dwelling have to be placed outside the dwelling but not on the street curb or on the side walk.
- Questions regarding the possessions after the eviction (set-out) is completed can be found in the Official Georgia Annotated Code (O.C.G.A.) 44-7-55 (c).
- 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 7:30am to 2:30pm. Messages left will in most cases will be answered the same day and the call returned sometime after 2:30pm. 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 number (678) 493-4251 and a message will be forwarded to the Deputy handling evictions. **This phone line is for scheduling evictions. If this information package has not answered your question then you can call for assistance but legal advice can not 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 is not required.**

### **Foreclosure Evictions (information for attorney's office, banks or mortgage companies and set-out crews)**

- The following items are needed by the Sheriff's Office before a foreclosure eviction can be scheduled.
  - 1) Copy of signed writ
  - 2) Check for \$25
  - 3) Copy of the deed
  - 4) Photograph of the dwelling (must be clear enough and big enough to ensure the eviction is occurring at the correct location).
- Once the above items are in the Sheriff's Office possession the **crew** can contact the Deputy handling evictions at (678)493-4264.
- Below are the crew requirements which represent the minimum number of crew members. The Deputy handling evictions may at any time require a larger number of crew members to be present before the eviction proceeds. If the proper number of crew members is not present the eviction will have to be re-scheduled and the \$25 check will be processed and another check will have to be sent to the Sheriff's Office before the eviction is re-scheduled.

### **Crew Guidelines**

- 1) Mobile Homes (minimum of 4 crew members)
  - 2) House (minimum of 6 crew members)
  - 3) Apartments/Towne Homes (4 to 5 crew members)
  - 4) Commercial Property (minimum of 7 crew members)
- 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.
  - 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 as a no-show and the set-out will have to be re-scheduled and the \$25 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. These numbers are 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 (at no additional cost if the call is made prior to the designated start time of the eviction) depending on the day's eviction schedule.