



WARREN COUNTY SHERIFF'S OFFICE

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Eviction Procedures

Eviction is the process by which a landlord obtains possession of the rental property by entering a lawsuit against the tenant(s) and receiving judgment from the court directing the tenant(s) to leave the property and pay back any rent, damage claims and costs of the court process. Following are the steps a landlord must take in the eviction process.

Step 1: Notice to Tenant(s)

(Referred to herein as "Tenant" whether singular or plural)

1. 5-day letter (Pay or Quit Notice) for money related issues. This notice is used for failure to pay rent. The landlord gives the tenant written notice that rent must be paid within five days of service date or tenant must vacate the premises.

OR

2. 30-day letter (Notice to Quit) for contractual issues. This notice applies if the tenant is in violation of the lease/rental agreement. The landlord gives the tenant written notice to vacate the premises within 30 days.

If a landlord requests Sheriff's Service for Notice to Tenant, the notice must include:

The name of the individual(s) to be served and the address of the rental property.
The original notice for return to landlord, plus a copy for each individual being served. Self-addressed, stamped envelope to send back landlord's proof of service.
A \$12.00 service fee for each individual being served.

Step 2: Summons for Unlawful Detainer

VA Code § 8.01-126

1. If the tenant does not comply with the notice, the landlord brings proof of the notice to the General District Court to obtain a Summons for Unlawful Detainer, which is a civil claim for eviction.
2. The court issues a Summons for Unlawful Detainer and assigns a date when the landlord and tenant have an opportunity to appear.
3. If the Judge rules in favor of the landlord (Plaintiff), the tenant (Defendant) is granted a 10-day appeal period.

Step 3: Writ of Possession in Unlawful Detainer

VA Codes § 8.01-471, 8.01-470, 8.01-472

1. After the 10-day appeal period, the plaintiff files a Request for Writ of Possession in Unlawful Detainer Proceedings with the clerk of the General District Court.
2. The court sends the Writ of Possession for the plaintiff to the Sheriff's Office.
3. The Sheriff's Office has 30 days from the court's signing to execute the document. The Sheriff's Office contacts the plaintiff with the scheduled date and time of the eviction.
4. The defendant is given a minimum of 72 hours' notice prior to the scheduled eviction.

Step 4: Eviction

There are two types of Eviction:

1. **Full Eviction** – The defendant's property, in its entirety, is placed on the nearest public right of way. The plaintiff **must provide** a locksmith and enough adults deemed necessary by the Sheriff's Office to execute the eviction. The Sheriff's Office is responsible for protecting the interest of both parties. Depending on the particular circumstances, the Sheriff's Office may require the plaintiff to provide a moving truck, boxes and bags, and/or special equipment. In cases of inclement weather or unforeseen circumstances, the Sheriff's Office reserves the right to postpone the eviction to the next available day.

OR

2. **24-Hour Lock Change Eviction** – This is the most commonly used eviction because it is far less costly than a Full Eviction. Possession of the dwelling is granted to the plaintiff within 24 hours after the scheduled eviction date and time. The dwelling becomes a storage facility for the defendant's property for the next 24 hour period. The defendant cannot stay in the dwelling overnight. At the end of the 24 hour period, and property left in the dwelling goes into the possession of the plaintiff who must sell or destroy it. The plaintiff must provide a locksmith to change all of the locks on exterior entrances to the dwelling. If the defendant remains on the property or return to the property after the 24 hour period expires, the defendant is trespassing.

For more information about filling fees at the Warren County General District Court please contact them at 540-635-2335.

NOTICE OF UNPAID RENT

Date: _____

Serve: _____

Serve: _____

Address:

Pursuant to VA Code § 55-248.31(E), you are hereby given notice of your failure to pay rent; that within ___ days of your receipt of this notice, all rent in arrears must be paid; and, your failure to make such payment may result in termination of your lease and a legal action may be filed against you for all remedies, including eviction, permitted under VA Code, or other applicable law.

Requested by:

Address:

NAME
.....
ADDRESS
.....
<input type="checkbox"/> PERSONAL SERVICE Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relations of recipient to party named above.

<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.
<input type="checkbox"/> NOT FOUND

_____ Serving Officer
Date _____ For _____

30 DAY NOTICE TO VACATE

Date: _____

Serve: _____

Serve: _____

Address:

Pursuant to VA Code § 55-248.31(B), you are hereby given notice of your breach of rental agreement; not less than 30 days of your receipt of this notice, your rental agreement will be terminated. If you fail to vacate, legal action may be filed against you for all remedies, including eviction, permitted under VA Code, or other applicable law.

Requested by:

Address:

NAME
.....
ADDRESS
.....
<input type="checkbox"/> PERSONAL SERVICE Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relations of recipient to party named above. _____
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.
<input type="checkbox"/> NOT FOUND

Serving Officer
Date _____ For _____