

PUT OUT PROCEDURES

1. The Judgment will give the Tenant 24 hours to deliver possession. Depending on the schedule of the Constable's office, he will try to accommodate Landlords as quickly as possible. However, there are many things Landlord can do to help:
2. Post another Notice (provided by Constable) that notifies Tenant a Judgment has been rendered, and that Constable will be there the next day to execute the Writ of Possession. It doesn't mean the Constable will be at the unit in exactly 24 hours. In fact, he will not show up unless you and he have made a specific appointment. You should check the unit sometime after the hearing to ascertain whether the Tenant is still in the unit, then call the Constable to discuss setting up an appointment.
3. If the premises have personal possessions, and there are no signs of an attempted move, and the Tenant did not show up at court, my instructions to the Constable are to "slow down." It is neither "normal" nor reasonable for people to allow their personal effects to be put out on the street. Therefore, the Constable and/or Court will probably require the Landlord to give names of relatives, employment or work numbers, etc in an attempt to locate the Tenant. These efforts are done in as much of an effort to err on the side of caution and help the Tenant as they are to protect the Landlord from future litigation. Therefore, please be cooperative and know that the Constable is merely trying to assure the Tenant has had adequate notice, and is not lying in a hospital in a coma completely unaware of what is happening!
4. Have sufficient manpower available to execute the Writ of Possession in one hour. Very often the Constable must wait on moving personnel, which in turn impacts his ability to serve pleadings and execute writs of possession at other locations. Accepting funds from the Tenant after the Constable arrives is acceptable, but we ask that every effort be made to obtain payment prior to scheduling the Constable for a put out.
5. At least 2 people are needed to execute the Writ of Possession or do the "put out." The Constable's office would like to see 2 movers for a one bedroom apartment, and then one additional mover for each additional bedroom. Remember, if the Constable has to spend a lot of time doing put-out's, he can't serve the Petitions of Eviction, which in turn means the court dates for evictions can not be set as quickly. We appreciate everyone's cooperation in this regard.
6. Sometimes the Constable will allow tenants to move themselves, and sign over possession to the Landlord for a certain time. Often this means the Landlord can change locks at the appointed time, and treat any items left in the apartment as abandoned. If the tenant then tries to re-enter the unit, then the Landlord may contact the sheriff or police department as that would constitute the criminal offense of trespassing.
7. The Constable can not "ban" a former Tenant from a property. As long as the former Tenant is the guest or invitee of another Tenant, then he is considered a visitor like anyone else. If the former Tenant is not a guest or invitee, then Landlord can call police or sheriff's office and have the person picked up for loitering or trespass.