



AMHERST COUNTY SHERIFF'S OFFICE

P.O. BOX 410,
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AMHERST, VIRGINIA 24521

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Eviction Procedures

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. If the tenant does not appear, the judge may grant immediate possession.

STEP 3: Writ of Possession in Unlawful Detainer

Va. Code §§ 8.01-471, 8.01-470, 8.01-472

1. After the 10-day appeal period, or upon the granting of immediate possession by the judge, 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.

Eviction Procedures (continued)

3. **The Sheriff's Office has 30 days from the court's signing to execute the document.** The sheriff's deputy assigned to the area contacts the plaintiff to schedule the eviction day. The plaintiff has the right to cancel the eviction at any time.
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 gets possession on the same day. The plaintiff must provide a locksmith and as many adults as the sheriff's deputy deems necessary. In most cases, an eviction requires 6-10 adults to remove the contents of the dwelling. The sheriff's deputy has the responsibility to protect the interests of both parties. Depending on the particular circumstances, the sheriff's deputy may require the plaintiff to provide a moving truck, boxes and bags. In inclement weather (precipitation, high winds), the eviction will be postponed to the next available date.

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. On eviction day, the plaintiff must provide a locksmith to change all of the locks on exterior entrances to the dwelling. The dwelling becomes a storage facility for the defendant's property for the next 24 hours. The plaintiff must grant the defendant reasonable access to remove his or her property during that 24 hour period. The defendant cannot stay in the dwelling overnight. At the end of the 24 hour period, any property left in the dwelling goes into the possession of the plaintiff who must sell or destroy it. If the defendant remains on the property or returns to the property after the 24 hour period expires, the defendant is trespassing.

Further help can be provided by contacting a civil process server at 434-946-9381 or through the court's website at: <http://www.courts.state.va.us/courts/gd/amherst/home.html>