

# Evictions

This section informs requesters what documents and information the Civil Unit needs to carry out an eviction once a plaintiff has obtained a judgment in court and a Writ of Possession of Real Property. The Sheriff's Office is prohibited from providing legal advice. Information regarding Landlord-Tenant rights and responsibilities may be found at various websites, such as the following [Click Here to access the Department of Consumer Affairs Landlord Tenant Guide.](#)

<b>Court Document(s) Required:</b>	Writ of Possession of Real Property (form EJ-130) plus three copies.
<b>Letter of Instructions</b>	<p>The full physical street address of the property from which occupants are to be removed must be correctly reflected on both the Sheriff's Instructions and the Writ of Possession (e.g. 123 Fulton Ave. Martinez, CA. 94553 or 123 Main St. #20 Concord, CA 94520). Discrepancies between the actual physical street address and the address listed on the writ may result in the writ being returned to the court as "Not Served-Incorrect Address for Service." The address numbers and/or apartment or space numbers must be clearly marked and identifiable on the property for the Sheriff's Office to proceed with the eviction process. If the property is protected by a security gate, provide a gate code or key for the deputies to gain access to post the Notice of Eviction. Any keys provided will be returned when the eviction is completed. Provide the name and telephone number(s) of the plaintiff or the plaintiff's designated agent who will meet the Sheriff's Deputies to take possession of the property once the eviction is complete. The plaintiff's attorney, or the plaintiff (if not represented by an attorney) must sign and date the instructions.</p> <p>Please include a map or diagram if the residence, apartment or trailer is difficult to locate or unmarked due to tenant interference.</p>

Please identify any hazards and/or problems the deputies may encounter, such as the following:

- Vicious dogs in yard or house
- Violent history of person(s) to be evicted or present in the home
- Presence of disabled elders, neglected children and/or mentally or physically handicapped persons.
- Presence of weapons, chemicals or other hazards
- Law enforcement contacts with occupants(s)/ tenant (s)

**Time for Service**

The Sheriff will serve a 5-Day “Notice to Vacate” within three (3) business days after receipt of the writ. The eviction will occur as soon as possible after the expiration of the 5-Day notice. Evictions take place three days per week (excluding holidays and weekends) by region of the county as follows:

- **Tuesday** (East County: Bay Point, Pittsburg, Antioch, Bethel Island, Knightsen, Brentwood, Byron, Discovery Bay and surrounding areas).
- **Wednesday** (Central & South County: Clyde, Clayton, Concord, Pacheco, Pleasant Hill, Martinez, Walnut Creek, Lafayette, Orinda, Moraga, Canyon, Roundhill, Blackhawk, Danville, San Ramon and surrounding areas).
- **Thursday** ( West County: Crockett, Port Costa, Rodeo, Hercules, Pinole, El Sobrante, San Pablo, Richmond, Kensington, El Cerrito, and surrounding areas).

The Writ of Possession of Real Property expires 180 days after issuance.

## Manner of Service

The 5-Day "Notice to Vacate" will be served by personal service on an occupant or by posting a copy at the address and mailing a copy to the debtor/tenant(s).

Our Eviction Clerk will contact the plaintiff/agent and arrange a date and time for the "Lock Out," which is the restoration of the property to the plaintiff. It is the plaintiff/agent's responsibility to be on time for the scheduled eviction. Deputies will wait only five minutes after the appointed time. The eviction will then have to be rescheduled and reposted (Fee \$30.00). Please be aware, however, that often Deputies are late due to law enforcement needs elsewhere. If the Deputies are over 45 minutes late, call our Eviction desk at (925) 313-4204 for an update on their status.

After expiration of the 5-Day notice, uniformed Deputies will meet with the Plaintiff/Agent at the appointed date/time and remove anyone who remains on the premises. The plaintiff/agent must arrange to make entry into the residence. A locksmith is strongly recommended since locks often are changed or damaged.

Sheriff's Deputies will "Knock and Announce" their identity, state their purpose and demand entry into the residence. If there is no answer, it is the plaintiff/agent's responsibility to gain entrance (a locksmith is strongly recommended). The plaintiff/agent must remain outside the residence until it has been cleared by the Deputies and turned over to him/her. Deputies **will not** force entry nor will they climb through windows to gain entrance into the residence. If the plaintiff/agent cannot gain entry into the residence, the eviction will have to be rescheduled and reposted (Fee \$30.00). If entry is made, Deputies will clear the residence of all occupants, turn possession of the property over to the plaintiff/agent and post a "Notice of Restoration" on the front of the property. Any property of the debtor/tenant(s) left on the premises is turned over to the plaintiff/agent for storage and disposition as specified by law (Code of Civil Procedure § 715.030 and § 1174(e) through (m), and Civil Code § 1965 through 1991).

After Deputies have enforced the eviction, the plaintiff / agent will be provided with a "Notice of Restoration."

	<p>Anyone entering the property without the owner/agent's permission is subject to arrest for trespassing pursuant to Penal Code § 419 and § 602 as stated on the "Notice of Restoration." The owner/agent should keep a copy of the "Notice of Restoration" to provide to the local law enforcement agency should violations occur after the eviction is completed.</p>
<p><b>Fee Deposit</b></p>	<p>Notification will be made in the event there are Sheriff's costs.</p>
<p><b>Fee</b></p>	<p><u>Writ of Possession-Real Property (total fee) \$125.00.</u>  The fee for serving a writ of possession of real property on an occupant or occupants or for posting the serving a copy on the judgment debtor is seventy-five dollars (\$75). The additional fee for removing an occupant or occupants from the premises and putting a person in possession of the premises is fifty dollars(\$50). The fee for reposting of a notice to vacate shall be pursuant to Section 26721.</p> <p>\$75.00 for service of the Notice to Vacate: \$30.00 if unable to serve or cancelled prior to the service of the 5-Day Notice to Vacate. \$30.00 to re-post or re-serve another 5-day Notice to Vacate following a cancellation or if deputies are unable to serve.</p>
<p><b>Proof of Service</b></p>	<p>After the eviction is completed, the Sheriff will provide the plaintiff/agent with a "Notice of Restoration" and send the writ together with the Sheriff's return to the issuing court. A Proof of Service is not issued. Instead, a return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the writ when it is returned to the court.</p>

## Portion of Fees Set Aside in Fund

Ten dollars (\$10) of any fee collected by the sheriffs civil division or marshal under Section 26721,26722,26725,26726,26728,26730,26733.5,26734,26736,26738,26742,26743,26744 and 26750 of the Government Code shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

Ninety-five percent of the moneys in the special fund shall be expended to supplement the cost of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other non-automated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

[ [Click Here for a Sample Letter of Instructions—Form D](#) ]

### What is Required Checklist:

- \$125.00 fee deposit
- Original letter of Instructions identifying any potential hazards or problems signed and dated by the judgment creditor's attorney or the judgment creditor (if the judgment creditor does not have an attorney).
- Original Writ of Possession (Real Property) plus three copies for the first debtor and one copy for each additional debtor.
- Diagram of location of property—**If applicable**
- Gate code, key or opener—**If applicable**
- Submit to Sheriff no later than 150 days after the date of issuance on the Writ of Possession
- **Note: A locksmith is strongly recommended to gain entry into the residence. Deputies will not force entry or attempt entry via side or rear doors or windows.**

**COUNTY OF CONTRA COSTA**  
**EVICTON INSTRUCTIONS TO SHERIFF**  
**WRIT OF POSSESSION OF REAL PROPERTY**

\_\_\_\_\_ v \_\_\_\_\_ CASE # \_\_\_\_\_

**TENANT(S):**

Names: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip: \_\_\_\_\_

**FOR RESTORATION OF PROPERTY [person (s) meeting Deputy (s)]:**

Name: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**CORRESPONDENCE:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**FOR NOTICE TO VACATE POSTING:**

**If the property is inaccessible (e.g. locked gate, coded gate...),  
accessibility must be provided either with a key or other means.**

**\*\*\* CAUTIONS \*\*\* WARNING \*\*\* SPECIAL INSTRUCTIONS \*\*\* FOR DEPUTY (S):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_