

I Lost my Eviction Case. Now What?

I did not answer the Summons and Complaint, or I lost at the show cause hearing. Now what?

Generally, you must:

1. Move out or the sheriff will forcibly remove you after giving you notice.
2. Pay what the judge says you owe the landlord. This can include your landlord's court costs, lawyer fees and other court fees. Court fees can cost over \$200. Lawyer fees can cost \$1,000 or more.

Can my landlord physically force me off the property?

No. Only the sheriff can move you off the property. The landlord must first take the court order called the Writ of Restitution to the sheriff for the sheriff to enforce it.

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- ❖ If the landlord has illegally locked you out, taken your things, or deliberately shut off your utilities, contact the police and a lawyer immediately. Read [My Landlord Locked Me Out: What Can I Do.](#)
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What is a "writ of restitution"?

It is an order from a judge directed specifically to the Sheriff. It directs the sheriff

to restore the rental property to your landlord.

The sheriff hand-delivers this to you or posts it at your rental unit. It usually says the date by which you must move out.

What happens if I do not move out before the sheriff returns to the property?

The sheriff

- Will come to order you off the property.
- May remove you and your things from the property.

If you have questions about the sheriff's right to force you off the property, call the sheriff's office. The number is usually on the writ.

When will the sheriff come out to the property?

It depends. After the judge signs the Writ of Restitution, the landlord brings it to the sheriff's office. The sheriff's office assigns the writ to a detective. The detective posts a notice at the property. You then usually only have **three business days** before the sheriff returns.

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- ❖ After three business days, the sheriff will meet the landlord and the landlord's movers at the property.
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Can I stop the sheriff from evicting me?

No. The sheriff can

- Use force to enter the property.
- Arrest anyone who breaks the law or tries to stop the eviction.

What if I cannot move my things myself?

If possible, you should move your things before the sheriff comes. If you do not, the landlord, under the sheriff’s supervision, can move your things if you are not there.

Can I ask the landlord to hold onto my things until I can move them?

Yes. If you **give the landlord a written request to store your things within three days after getting the writ of restitution**, your landlord must store them.

Even if you do not ask, the landlord may have to store your things if the landlord knows

- You have a disability.
- Your disability interferes with your ability to ask for storage.

❖ You generally must pay moving and storage costs to get your property back.

I cannot move my things in time. I do not want the landlord to store them. Now what?

You can object in writing to storage. Then your landlord cannot store your property. Instead, she will usually put it on the sidewalk or parking strip. Your landlord and the sheriff do not have to protect your things from theft, weather, or other damage.

I asked the landlord to store my things. Now what?

The landlord must store the property until she sells it or otherwise gets rid of it after giving you notice of the proposed sale. [RCW 59.18.312](#).

If your belongings are worth more than \$250: the landlord can sell the property after giving you thirty days’ notice. The landlord can sell everything, even personal papers and family keepsakes. The landlord can get rid of any items that did not sell.

If your belongings are worth \$250 or less: the landlord only has to give you seven days’ notice before selling OR getting rid of all your things. The landlord may keep some of the profits to pay to store your belongings. The landlord must give you the rest. If you do not claim the money within one year, the landlord must turn it over to the state Department of Revenue.

❖ State law does not tell a landlord how to value items for a sale, such as a required minimum starting bid.

I have been served with a writ of restitution. Is it too late to try to stop the eviction?

It is very hard to stop at this point. You might be able to if the landlord did something wrong in the eviction process. If you want to try, contact a lawyer immediately. Our packet called [Motion to Vacate – Civil Action](#) can give you an idea of how complicated the process can be.

What if I need legal help?

- **Apply online with [CLEAR*Online](#)**
- <https://nwjustice.org/get-legal-help>
or

- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County**: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.

- **King County**: Call 211 for info and referral to an appropriate legal services provider weekdays, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County at www.resourcehouse.com/win211/.
- **Persons 60 and Over**: Seniors age 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf and hard-of-hearing callers can call 1-800-833-6384 for a free relay operator. They will then connect you with 211 or CLEAR.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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