



Frequently Asked Questions Regarding Civil Process

- 1. How do I evict a tenant?**
Eviction is a court process. A landlord must sue the tenant in a court for possession of the premises. The sheriff serves legal papers and if the tenant does not comply with the court's orders, physically evict the tenant. Information on the legal process may be found at <http://www.osbar.org/public/legalinfo/tenant.html>
- 2. My child's other parent won't return my child after a visitation period. How can I get my child?**
The court can issue the Sheriff an order to take custody of a child and return the child to the custodial parent. This is generally accomplished through the restraining order process or through an Order of Assistance/Writ of Assistance. Victim services in the District Attorney's office can assist with obtaining a Restraining Order. There is no court or Sheriff's fee to enforce a Restraining Order. To enforce an Order of Assistance/Writ of Assistance issued by the court, the Sheriff charges a \$70.00 enforcement fee, and a \$40.00 mileage fee may also apply.
- 3. I see lots of real estate property sales at the courthouse. Where can I get a list of these sales?**
Most sales, even though held at the courthouse steps, are non-judicial trustee sales. The courts and the sheriff aren't involved and don't even know what sales are occurring. The non-judicial trustee sales happen at the courthouse simply because it is traditional gathering place. The sheriff conducts judicial sales on a case by case basis. We advertise our real property sales in the Register-Guard newspaper. The sheriff averages only one sale per month while trustee sales number in the hundreds.
- 4. I can't find an address to serve the defendant my civil papers. Can the sheriff do a background check for the defendant?**
No. The sheriff does not perform detective services to locate a defendant. We are also restricted from using criminal databases to assist individuals.
- 5. What type of papers does the sheriff serve?**
The sheriff serves legal papers that have been filed with a court of law or issued by a governmental administrative agency. The sheriff does not serve letters or sealed envelopes.
- 6. I have a judgment and the debtor won't pay. How can I collect?**
The court can issue Writs of Garnishment or Writs of Execution as methods of seizing property. A Writ of Garnishment directs a third party to turn over property or money that the third party has in their possession. A Writ of Execution directs the sheriff to seize property that is in the possession of the debtor. The creditor needs to determine who has property of the debtor and which legal mechanism to use.