



Baltimore City Sheriff's Office

Sheriff Sam Cogen

410 396-1155

100 N. Calvert Street



# How to schedule an eviction





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# Step One:

## Judges issues an 'Order for Warrant of Restitution'

When a landlord sues a tenant for nonpayment of rent, a court date is scheduled and at the court hearing the Judge listens to the evidence and makes a decision. If the Judge decides the tenant owes rent, and the tenant has not paid the rent, or appealed and posted a bond, the landlord must request the Judge to sign an "Order for Warrant of Restitution," which tells the Sheriff to evict the tenant.

The District Court mails the signed Warrant of Restitution to the tenant and the landlord.



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# Step Two:

## Scheduling an Eviction

After the signed warrant is delivered to the Sheriff's office (5-10 days), the landlord calls the Sheriff at 410-396-7412 to schedule the eviction. The eviction must be scheduled far enough in advance to give the landlord time to provide the following notices.



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# Step Three:

## Landlord Notifies Tenant of Date of Scheduled Eviction

In evictions for nonpayment of rent, special notice requirements apply: the landlord must provide notice to the tenant of the scheduled eviction date in two separate ways:

1. Mail the notice to the tenant by first class mail with a certificate of mailing at least 14 days in advance of the eviction date; and
2. Post the notice on the premises at least 7 days in advance of the eviction date.



Step Three Continue...





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# Step Three:

Continue...

**'LANDLORD:** The best place to post the notice is the front door of the rental unit.

It must be posted so that the tenant can easily find it. You should keep a copy of the notice, the original certificate of mailing, and an original signed affidavit from the person who posted the premises. This evidence must be presented to the Sheriff at the eviction, and may be presented to the Judge if the landlord's compliance with the notice requirements is challenged.



Step Three Continue...





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Continue...

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Step Three Continue...





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# Step Three:

Continue...

## What the Notice Must Say:

The notice must tell the tenant certain important information: the District Court case number, the scheduled date of eviction, state that the eviction will occur on that date unless the tenant moves out or pays the amount ordered by the court to redeem, prominently warn the tenant that any property left will be considered abandoned and may be disposed of, and that this is the final notice of eviction. The attached "Notice to Tenant of Eviction Date" is an example of a form a landlord may use to provide the required information.



Step Three Continue...





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# Step Three:

Continue...

## How to Count Days:

Count the day of mailing or posting as Day 1. Day 14 must be the day before the scheduled date of eviction. Count holidays and weekends. These notice provisions do not apply to evictions for tenant holding over, breach of lease, nuisance, or wrongful detainer.



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# Step Four:

**What the tenant must do before the eviction date:**

Before the eviction date, the tenant must make arrangements to either:

1. Pay to redeem ("pay and stay"). Unless the Judge checked the box on the Warrant of Restitution that says "Without Right of Redemption," the tenant has the right to pay the amount ordered by the Judge to the landlord in cash, certified check, or money order prior to the beginning of the actual eviction. Paying the redemption amount will cancel the eviction.

OR



Step Four Continue...





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# Step Four:

Continue...

2.. Move out. The only way for tenants to protect their belongings is to move them out before the eviction date, return the keys and tell the landlord they have vacated the unit.

Note: Use Certificate of Mailing (right) NOT Certified Mail (left).



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# Step Five:

## At The Eviction

When the Sheriff arrives to do the actual eviction:

1. The landlord or an agent must be present to change the locks on the property and take back possession. The Sheriff's former policy of a minimum number of landlord workers is no longer in effect.
2. If the tenant is present and has the right to redeem and tenders the redemption amount stated in the warrant of restitution, the Sheriff will require the landlord to accept the payment and the eviction will be cancelled.



Step Five Continue...





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# Step Five:

Continue...

## At The Eviction

3. Notice challenges and postponements. The Sheriff will ask the landlord if the landlord provided the required notices. If the landlord provides a copy of the notice, certificate of mailing, and signed affidavit by the person who posted the property, there is a presumption that the notice was actually received by the tenant. If the tenant is present, the tenant may challenge whether the notices were properly sent. If the tenant challenges the notices or if the Sheriff has doubt that the notices were properly given, the Sheriff will refer the issue to the Judge for decision.



Step Five Continue...





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# Step Five:

Continue...

## At The Eviction

If the Judge determines that the landlord did not comply with the notice requirements, the Judge will vacate the warrant of restitution, and the landlord must apply for a new warrant with the court and provide new notices to the tenant if the landlord wants to proceed with an eviction. If the notice challenge is determined in the landlord's favor, the Sheriff will execute the eviction immediately.



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# Step Six:

Continue...

## Disposal of property after the eviction

When the Sheriff returns possession of the property to the landlord and the landlord changes the locks, any of the tenant's personal property left in or around the rental unit is considered abandoned. The tenant has no right to the property. The landlord's only obligation for abandoned property is to properly dispose of it.



Step Six Continue...





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# Step Six:

Continue...

## Disposal of property after the eviction

The landlord is strictly prohibited from putting the abandoned property in the street, the sidewalk, alleys, or on any public property. Anyone who illegally dumps abandoned property from an eviction is guilty of a misdemeanor and subject to a penalty of up to \$1,000 for each day of unlawful dumping.



Step Six Continue...





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# Step Six:

Continue...

## Disposal of property after the eviction

The landlord may dispose of the abandoned property by: (1) transporting it to a licensed landfill or solid waste facility, (2) donating it to charity, or (3) some other lawful means. A landlord may be entitled to a discount on fees charged at City owned or operated landfill or solid waste facilities. This prohibition of disposal on public property applies to all evictions from leased property.



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# Step Seven:

## Reporting illegal activities

Call 311 to report illegal dumping, including landlords who do not properly dispose of eviction chattel. Any attempt by the tenant to re-enter the unit after an eviction should be reported to police by calling 911 as a criminal matter.



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