

Warrant / Writ of Possession

McCracken County Sheriff's Office Procedure

Disclaimer: The information provided on this webpage does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available on this site are for general informational purposes only. If you have questions about the eviction process, forcible detainers, or warrant / writs of possession, you should contact a private attorney.

Warrant / Writs of Possession Overview

Once the Warrant /Writ of Possession is delivered to the Sheriff's Office, the Landlord and the Sheriff's Office will agree on a date/time to have the Tenant's property put outside of the building (the "set out"). The date should fall within the timeline on the court's order. Every effort will be made to notify the Tenant (a/k/a the "defendant") of the date and time of the set out. The Tenant will be advised that the few remaining days prior to the set out will be their last opportunity to move their property the way they want it moved. At the designated time, the Landlord's moving crew and Deputies will meet to evict the Tenant. The Tenant will NOT be permitted to stay on the property during the set out and will be instructed to leave. Should they refuse, they may be subject to arrest for Criminal Trespassing. If there is any back rent due, the landlord should seek relief through the Civil Court process.

The Set Out Process:

The Landlord MUST have at least three (3) able bodied people for an set out from an apartment and five (5) able bodied people for a set out from a house (more are encouraged for each, if possible).

Sheriff Deputies are NOT permitted to and will NOT move any items. They are there to make sure that the peace is kept and that it is a fair transaction for all parties involved.

Start time for the set out will be no later than 09:00. Once moving begins, it will not cease until the set out is complete, unless extreme circumstances exist—if that is the case, the Sheriff's Office will seek permission from the Judge presiding over the case to extend the set out.

The Tenant's property will be placed in front of the residence/structure approximately one (1) foot from the curb/curtilage and not blocking any sidewalks, drives, or roadways. Every effort shall be made by the moving crew to NOT break or damage any of the Tenant's property during this process.

A Deputy will complete a walk-through of the residence/structure to ensure all property has been removed. If there are any detached structures on the property that contain any of the Tenant's property, it shall be set to the curtilage as well. If there are any abandoned vehicles on the

property, they will be removed by a wrecker service of the Landlord's choosing at the registered vehicle owner's expense on the set out date.

The Landlord must leave the Tenant's property by the curb for forty-eight (48) hours from midnight after the set-out. After forty-eight hours, the property is considered abandoned, and the Landlord has the right to remove the Tenant's property by donating it to charities, giving it away or disposing of it. Security of the Tenant's property is not the responsibility of the Landlord nor the Sheriff's Office once it has been set out—the Tenant should take this into consideration and make preparations for its security if they wish.

After the set out process is complete, the Landlord should change the locks on all of the doors and ensure all of the windows are secure.

Landlords should NOT change the locks or enter the property prior to the Sheriff's Office arrival. This is for YOUR safety, and it may be illegal to do so.