

Policy & Procedures of Eviction, Franklin County GA

- Magistrate Court prepares and delivers the writ of possession to the Plaintiff (NOT THE SHERIFF'S OFFICE).
- A \$25 service fee per writ must be paid to the Sheriff's Office for execution of the writ of possession before Sheriff's Office personnel will schedule the writ.
- Evictions are generally scheduled between 8:00 a.m. and 5:00 p.m. Monday through Friday and executed between 9:00 a.m. and 1:00 p.m. Monday through Friday by the Sheriff's Office. The plaintiff or plaintiff's agent must have in his possession the Writ of Possession at the time of eviction.
- The plaintiff or the plaintiff's agent must be present at all times during the eviction proceedings. The plaintiff will provide the name and telephone number of the person who is to be present at the time of execution of the eviction.
- The plaintiff or the plaintiff's agent must schedule a large enough labor crew to complete the eviction in two hours or less. A general rule of thumb is two workers per bedroom for a home. Some situations may require larger crews. Industrial evictions usually require larger crews.
- If there is an insufficient crew size when the deputy arrives, the eviction will be canceled and rescheduled by the Sheriff's Office. Rescheduling an eviction due to an insufficient crew size will result in another \$25 service fee.
- It is the responsibility of the plaintiff or the plaintiff's agent to provide the eviction crew. If the eviction crew is not at the address within 15 minutes of the scheduled time for the eviction, then the deputy will cancel the eviction and return the writ of possession to the court. There are no refunds of the \$25 service fee for cancellations.
- Evictions are not done in inclement weather. The Sheriff's Office will contact the plaintiff or plaintiff's agent if the eviction is to be canceled. Rescheduling can be handled at the time of the cancellation notice. Rescheduling an eviction due to inclement weather will not result in another \$25 service fee.
- If the plaintiff or the plaintiff's agent wants to cancel the scheduled eviction for any reason, then the Sheriff's Office must be contacted immediately. There are no refunds of the service fee for a canceled eviction; however, there will not be an additional service fee for rescheduling evictions if 24-hour advance notice is given from the time the eviction was originally scheduled.
- Evicted property must be moved to locations set forth by OCGA.A 44-7-55 (c) (see below). The plaintiff or the plaintiff's agent is responsible for arranging and compensating wrecker services for vehicles that are towed. Vehicles cannot be left on the roadway.

OCGA 44-7-55 (c)

"Any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property or on other property as may be designated by the landlord and as may be approved by the executing officer; provided, however, that the landlord shall not be a bailee of such personal property and shall owe no duty to the tenant regarding such personal property. After execution of the writ, such property shall be regarded as abandoned."

This amendment allows the landlord or manager the option to put the tenant's property either on some portion of the landlord's property as may be designated by the landlord with the approval of the sheriff's deputy as the executing officer, on other property as may be designated by the landlord with the approval of the sheriff's deputy as the executing officer, or by continuing the practice of placing the property on the right of way as may be designated by the landlord with the approval of the sheriff's deputy as the executing officer.

The tenant's property must be set out on the ground or in some immobilized, fixed structure. In the event the landlord prefers to transport and store the property at an ulterior site (must be within Franklin County) located away from the immediate premises, the landlord must name and show some proof to the sheriff's deputy their right of access to such location. In every event, the sheriff's deputy will document the location of the tenant's property on the writ of possession after execution.