

# Sonoma County Sheriff's Civil Bureau

Citizen's Advisory Committee Presentation

September 6, 2023



# Sheriff's Role

- The Sheriff is a county officer. He is obligated to obey orders of the courts of the state of California and to serve process and notices delivered to him for service
- The California law governing the duties of the Sheriff is as widely disseminated as the duties themselves are varied
- The Sheriff is generally required to serve all process and notices in the manner prescribed by law  
Govt Code 26608





# Levying Officer

- The Sheriff is the Levying officer (CCP 680.260)
- These two terms will be used interchangeably in the context of civil law

# Civil Bureau Overview

- The Civil Bureau serves process and executes levies. Pursuant to Government Code 26608, the Sheriff is required to serve and execute all process and notices in the manner prescribed by law. Process and notices are defined in Government code 26660 as: (a) "process" includes all writs, warrants, summons, and orders of courts of justice, or judicial officers, and (b) "Notice" includes all papers and orders required to be served in any proceedings before any court, board, or officer, or when required by law to be served independently of such proceeding.

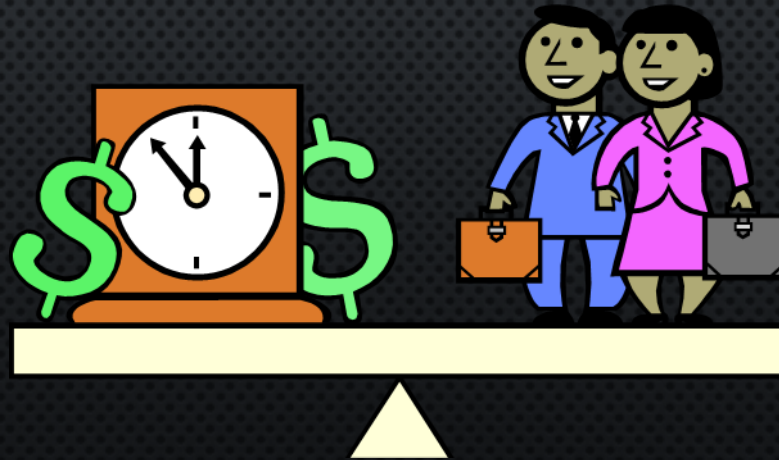
# Civil Bureau Overview - cont'd

- The Sonoma County Sheriff's Civil Bureau serves and enforces all Civil process and notices provided they are valid on their face, issued by a competent authority, and accompanied by adequate legal instructions and fees or deposits. The statutes that govern the service, execution and enforcement of Civil process and notices can be found in the Penal Code (PC), Family Code (FC), Code of Civil Procedure (CCP) and Government Code (GC).

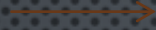


# Unlawful Detainer defined (Evictions)

- Keeping possession of real property without a right, such as:
  - After a lease has expired
  - After being served with a notice to quit (vacate, leave) for non-payment of rent or other breach of contract







# EVICTIION PROCESS

# Writ of Possession – Real Property

- A judgment for possession of real property may be enforced by a writ of possession of real property issued pursuant to CCP 712.010.
- Writ Issuance Requirements CCP 715.010, shall include:
  - Description of property
  - Statement that if not vacated within 5 days.....the levying officer will remove the occupants from the property
  - Statement that any personal property, except mobile home, remaining.....creditor can dispose or sell property after 15 days
  - Complaint filed date
  - Date on which court will hear objections to enforcement of judgment
  - Daily rental value, if applicable
  - If a Summons, Complaint, and Prejudgment claim of right to possession were served upon the occupants in accordance with Section 415.46, a statement that the writ applied to all tenants, subtenants, if any, named claimants, if any, and any other occupants of the residence.
  - At the time the writ of possession is served
- Sheriff must complete within 180 days from date writ issued





# Notice to Vacate Packet

- CCP 715.020 requires only a copy of the writ to be served/posted...with the occupant personally or
- *In the occupant's absence, with a person of suitable age...*
- Original Notice to Vacate, Copy of Writ, and Claim of Right to Possession, if applicable
- If posted, Notice to Vacate is mailed

May be served or posted, if posted  
a copy must be mailed

Five days minimum prior to eviction

Additional Notice

Mailed to tenants

Includes date and time  
they must have vacated

Posting  
Notice to  
Vacate



# Notice of Restoration

Serve Restoration Notice  
and Writ

- Explain tenants rights, if present
- Tenant could be arrested if they return



Locksmith on-site to  
gain entry, if needed



Deputies remove  
all occupants



Possession of  
property  
returned to  
landlord/agent



Sheriff's duty is  
complete



What Happens if....



# Penal Code Section 166

*(a) except as provided subdivisions (b),(c), and (d), every person guilty of any contempt of court, of any of the following kinds, is guilty of a misdemeanor:*

*(4) Willful disobedience of the terms as written of any process or court or out of state court order, lawfully issued by any court, including orders pending trial*

*(5) Resistance willfully offered by any person to the lawful order or process of any court ”*

# Penal Code Section 419

- *“Every person who has been removed from any lands by process of law, or who was removed from any lands by pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor”*



# Penal Code Section 602.5

*“Every person other than a public officer or employee acting within the course and scope of his employment in performance of a duty imposed by law, who enters or remains in any non-commercial dwelling, house, apartment, or other such place without the consent of the owner, his agent, or the person in lawful possession thereof, is guilty of a misdemeanor”*

Sonoma  
County  
Evictions  
Performed

FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
500	353	201	221	457





## Contact Info

### *Civil Bureau*

*2796 Ventura Avenue*

*Santa Rosa, Ca 95403*

*707-565-2751*

**Email: [Sheriff-Civil@sonoma-county.org](mailto:Sheriff-Civil@sonoma-county.org)**

*Hours of operation:*

*8:00am – 5:00pm, Monday through Friday*

For instructions and fees visit:

**<https://www.sonomasheriff.org/about-civil-bureau>**