

Eviction Information

All requests for eviction require the following:

- An original writ of possession* plus three copies
- Signed original instructions ([SER-001](#) AND [SER-001A](#))**
- A completed [threat assessment form](#)
- Proper fees (see current year fee schedule)

**If the original writ is already on file or you are submitting an electronically issued writ, you must submit a writ declaration form along with the correct number of copies of the writ.*

***Per CCP 262, if you have been represented by an attorney during the eviction process, the attorney of record must sign the Sheriff's instructions. If you were not represented by an attorney, you as the plaintiff must sign the instructions. A plaintiff's agent or representative **may not** sign the Sheriff's instructions unless they are the attorney representing you as described above.*

The Sheriff's Eviction Process:

Upon the receipt of all complete and correct required documents and fees, the Notice to Vacate will be served and/or posted on the defendant at the property address in the order in which it was received. The agent provided on the instructions will be called with the date and time of the eviction (restoration). **We do not provide eviction information via incoming telephone calls to our office.** The agent/representative must meet the deputy at the property address at the given date and time of the restoration with either a locksmith or a key to gain entrance to the property. If the deputy cannot gain entrance to the premises, the restoration will not be completed. Please arrive at least 10 minutes early and give the deputies at least 15 minutes after the scheduled time to arrive before calling the office for status. All efforts will be made to contact the agent/representative at the number provided if the deputy is going to be more than 20 minutes late.

The Sheriff will not cancel any eviction without written and signed instructions from the same party that signed the original instructions. The cancellation may be submitted in person at our office, mailed or faxed to (661) 635-1320. If the cancellation is faxed, you must follow-up with the original cancellation. **WE DO NOT ACCEPT VERBAL OR TELEPHONE CANCELLATIONS.** The Sheriff is entitled to his fee for service whether or not the service is successful (GC 26738); therefore, no refund of eviction fees will be issued without a minimum two-hour notice of cancellation before the eviction date and time.

If the eviction is not completed or the agent is a no-show and you want the eviction completed at a later date, you will have to submit new fees, instructions and all other required documents including the writ declaration form.

If we receive or are notified by a third party of a claim of right to possession, bankruptcy, stay, or any other judicial reason for stopping an eviction, we will notify you immediately. The eviction will be removed from the schedule and will be placed on hold until disposition or further order is received. There is no cancellation fee for an eviction postponed by the court.

Tenants/Defendants:

If you have received a Notice to Vacate from the Sheriff's Office, the Sheriff cannot delay, cancel or otherwise change the date or time of your eviction, nor can we provide any information via telephone or email. Please direct your questions to your landlord/creditor, seek legal assistance or refer to the resources listed below.

Landlords/Plaintiffs:

The Sheriff cannot evict a tenant until you have been granted a judgment and a writ of possession has been issued by the Superior Court of proper jurisdiction. If you are unfamiliar with the eviction process, you may wish to seek the services of an eviction service, an attorney or other available legal resources as the Sheriff is not permitted to give legal advice.

Some resources available include:

<http://www.courts.ca.gov/selfhelp-housing.htm>

California Department of Consumer Affairs (800) 952-5210.

<http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>

KERN COUNTY

California Rural Legal Assistance
Delano Regional Office
629 Main Street
Delano, CA 93215
(661) 725-4350
www.crla.org

Greater Bakersfield Legal Assistance Center
615 California Avenue
Bakersfield, CA
(661) 325-5943
www.gbla.org