

Civil Process Group
Quarterly Meeting 02-28-08
Oneida County Sheriff's Department

1. Review of minutes/agenda
2. Discussion of the Conference in October 15 & 16 at Chula Vista in Wisconsin Dells.
 - a.) Change of date and location, and make-up of the conference.
 - b.) Switching up the days for the break-out sessions along with having an agenda for them
 - c.) Adding a legal update by Perlman relative to Civil Process laws.
 - d.) Minimal change in cost.
 - e.) CD's of the power point presentation for everyone to take with them.
3. Discussion on Judgments and Sheriff Sales. Judgment involving property from several counties needs to be docketed in county where property is located. (WI SS 806.14)
4. Is posting on a website considered a legal posting? No
5. Notary fees - who charges, who doesn't - \$.50 fee allowable by WI SS 137.01(9)(a) county not able to change
6. Items left after Sheriff Sale – Successful bidder responsible for Writ of Assistance Have tow company remove abandoned vehicles with county choosing tow company (counties may have an abandoned vehicle ordinance).
7. Writ of Replevin – no need to physically serve owner – post notice on door and reflect what was done on Affidavit of Service.
8. Writ of Replevin – vehicle in the garage – need a search warrant, behind the garage – take it. Any property left in vehicle – plaintiff's responsibility.
9. Serving residents of the jail – WI SS 302.025 refers to prisons, not county jails. Jail Administrator, receptionist cannot be substitute served. Jail policies limit who may have access to inmates. (Security issues)
10. When Plaintiff's or Plaintiff's attorneys are requesting info from defendant(s) such as John or Jane Doe – unknown spouse – may charge for John or Jane Doe attempt.
11. Affidavit of Non-Military Service – Petitioner/Plaintiff responsible for filling out form – not the Sheriff. See wicourts.gov for forms and instructions for completing forms. Petitioner/Plaintiff cannot get judgment against active military.
12. Cannot use DOT records to find out personally identifiable info on people. If info is obtained from DOT records, citations and accident reports need to be redacted.
13. Sheriff Sales – NOT foreclosure sales (real estate does not need to be viewable)
 - a.) Personal property must be viewable at sale
 - b.) Should be held in perspective county
 - c.) No need to be transport property to sale location – depending on property being sold, i.e. best place to sell cattle is at a cattle auction
 - d.) Can use auctioneer
 - e.) Can charge time and material
 - f.) Advertise in paper
 - g.) What's in the best interest of the Plaintiff?

14. Judgments are good for 5 years
15. Executions are good for 60 days – if payment is not completed, new paper needed
16. Plaintiff obtains search warrant for executions
 - a.) Need identification number for the property to be taken
 - b.) Gated/fenced property/driveway - need search warrant
 - c.) Search warrants and their affidavits have no time frame, unlike criminal search warrants (**Working with Dave Perlman to clarify this**)
17. Execution – need to collect amount on execution
18. Bonds
 - a.) No bond needed if placing a levy on property
 - b.) Bond amount **not** on the amount owed – based on value of property taken
19. Civilian Repo
 - a.) Leased vehicles not covered
 - b.) Law enforcement “stand by” only – not assist
 - c.) Cannot enter curtalege
 - d.) License plates must be removed from vehicle
20. Auto repo clause may be coming to vehicle loans
21. Prejudgment Replevins
22. Till taps
 - a.) Ask first – then seize money in till
 - b.) Can look in drawers, safes, etc. – no search warrant needed
 - c.) Give receipt
 - d.) Calculate interest on balance due – not beginning balance
23. Sheriff Sales
 - a.) You have an opening bid – not minimum bid
 - b.) Sheriff or designee cannot bid – any other employees may
 - c.) Some discussion on Federal Sheriff Sales
24. TRO’s – unable to serve (WI ss 813.12 (2) and (4))
 - a.) May publish if unable to serve after due diligence in attempts
 - b.) File an affidavit stating unsuccessful attempts or avoiding service
 - c.) May receive an Order Extending Time for Hearing
25. Real Property executions may redeem up to one year after sale (WI ss 815)
26. Records Retention Resolution – 7 years (worksheet)