



QUEEN ANNE'S COUNTY OFFICE OF THE SHERIFF STANDARD OPERATING PROCEDURE

SOP 26-05 - Eviction Process

Reviewed/Approved By: Cheyenne Baer, Eric Wilson, and Pat Thompson Esq.

Effective Date: July 31, 2026

Applicable CALEA Standards:

PURPOSE:

This policy establishes the standards and principles governing the eviction process. It ensures that all eviction actions are handled lawfully, consistently, fairly, and with clear documentation. The goal is to protect the rights of both the property owner/landlord and the tenant while maintaining compliance with applicable federal, state, and local landlord-tenant laws.

POLICY:

Eviction is a legal remedy that is only pursued as a last resort. Queen Anne's County Office of the Sheriff does not play an active role in the issuance of a Warrant of Restitution. This warrant is issued by the courts and then forwarded to the Queen Anne's County Office of the Sheriff for execution.

DEFINITIONS

Ejectment – A common law term for an action to gain the recovery of the possession of land, and for damages for the unlawful detention of its possession. For the purposes of this SOP, the words *eviction* and *ejectment* will be one and the same.

Eviction – An actual removal of the tenant out of all or some part of the leased or rented premises and involving a physical ouster or dispossession from the very thing granted.

Landlord – The owner of property that is leased or rented to another.

Tenant – A person who occupies land or property rented from a landlord.

Writ of Possession – A writ of possession stems from the common law and is similar to a warrant of restitution in substance. The writ is usually issued by the Circuit Court and pertains to a foreclosure or some civil litigation pending in Circuit Court.

Warrant of Restitution – A warrant of restitution issued by the District Court directing the Sheriff or his deputy to restore to the plaintiff real property held by the tenant. This warrant is usually issued after the plaintiff has gained judgement against the tenant for non-payment of rent or for some other breach of lease agreement.

PROCEDURE

A. Pre-Eviction

If a tenant does not pay rent when it is due, the landlord may petition the court to regain possession of the premises. The following are the steps in the process.

1. The landlord must notify the tenant in writing, detailing the total amount due.
2. The landlord shall afford the tenant 10 days to pay or vacate the premises.
3. The landlord files a complaint at District Court for Summary Ejectment.
4. A deputy shall serve the Summary Ejectment complaint on the tenant or shall post it on the door to the premises for a set paper service fee.
5. A District Court hearing is scheduled for the tenant and landlord in approximately 2 weeks (5 to 15 days).
6. If the judge rules in favor of the landlord the tenant has 4 days to vacate the property or appeal the decision.
7. District Court has a 10-day hold on a judgement in favor of the landlord.
8. A copy of the judgement is mailed to the tenant by the District Court.
9. Once a Warrant of Restitution is received from the courts, it will be checked for correctness and ensured that a \$60.00 cashier's check or money order is attached.
10. The Warrant of Restitution is logged and assigned a number. This number is on the Civil Serve Request cover sheet.
11. Warrant of Restitution ordered by the judge expires in 60 days if not served.
12. The landlord must post a copy of the Warrant of Restitution on the door of the premises.
13. A deputy shall affix a yellow sticker notice on the door advising a Warrant of Restitution has been awarded to the landlord by a judge.
14. Eviction shall be scheduled by a deputy after 6 days has passed from the yellow sticker notification.

B. Weather Conditions

1. The Administrative judge of the District Court may stay the execution of any eviction of residential property in the event of extreme weather conditions.

2. If the predicted high temperature is 32 degrees or lower or an excessive heat warning issued by the National Weather Service, evictions for that day will be postponed.
3. If it is raining or snowing at the scheduled time of an eviction, the eviction will not proceed. However, if precipitation starts after an eviction has started, the eviction can continue until completion.

C. Search and Security

1. The eviction of a dwelling or business is potentially dangerous and must be executed with a minimum of two (2) deputies.
2. Prior to the eviction the deputy will use resources available to run history check on known persons who reside or frequent the place where the eviction will occur, noting open warrants and caution codes which indicate violent tendencies.
3. If a tenant is barricading themselves inside and the Deputy believes they may be armed, do not enter and notify Operations Command or Supervisory Staff.
4. On the day of the eviction, a deputy will meet the landlord or their representative at the property to be vacated. If the landlord is unable to attend, they must inform the Office of the Sheriff at least 24 hours prior to the eviction, providing the name of the person who will be representing them.
5. Upon the landlord unlocking the premises, the deputies shall enter the premises after announcing clearly that an eviction is taking place with body worn camera(s) on and recording.
6. The property owner and his moving crew will remain outside until the search is completed.
7. The premises shall be checked by deputies for the following:
 - i. People
 - ii. Animals
 - iii. Firearms and ammunition
 - iv. Medicines
 - v. Illegal substances
 - vi. Currency.
8. Any person located inside is to be advised to quickly gather items such as phone, wallet, medications, and car keys and will be escorted out of the premise.
9. QAC Animal Control shall be contacted to take custody of any abandoned animal.
10. If the tenant is not present during the eviction, all seized items will be taken to the Office of the Sheriff and placed in the Property Room, following existing policy regarding handling of recovered property. The landlord should be informed of this procedure so they can notify the evicted tenant, upon their return, about the location of their belongings. Expired prescription medications are to be disposed of by the deputy, according to existing policy.

D. Eviction

1. Evictions shall not take place on a weekend or holiday.
2. Eviction warrants or writs will only be executed by sworn deputies.
3. After the search has been completed and the premise is secure, deputies will proceed to evict the defendants and all their property. Deputies may allow the defendant to remain on the premises to assist in the removal of their property as long as they do not interfere with the eviction process and do not pose a danger to anyone involved.
4. Deputies will contact the Operations Commander or Supervisory Staff for assistance in the following circumstances.
 - i. A tenant, a member of his family, agent, or a tenant claim or appears to be mentally or physically ill or disabled in any capacity, to the extent that the deputy feels arrangements need to be made for the person.
 - ii. Children are present on the premises, and their parents cannot be located.
5. The landlord must supply enough help to remove all abandoned property from the premises within a 2 to 3-hour period unless otherwise agreed upon by the deputy and there are extenuating circumstances.
6. If a person evicted is handicapped, the deputy shall refer them to the Queen Anne's County Department of Housing.
7. A tenant can stop the eviction process by paying the amount of the judgement unless the box is checked by the judge indicating "without right of redemption".
8. The deputy shall inform the landlord that abandoned property may be disposed of immediately and shall change the locks for the eviction to be considered officially executed.
9. If the tenants are present, they may take custody of any property that they can legally possess at the time of the eviction.
10. Everything inside the building will be removed whether it looks like trash or not.
11. Once everything is removed from the dwelling the deputy will make a final check of the entire dwelling to ensure that all goods have been removed.
12. The deputy will also check the land around the building and all outbuildings on the property. Goods and belongings found on the grounds or in these buildings must be removed. Any vehicle on the property belonging to the tenant must be removed.
13. Once the deputy has determined that everything has been removed, the Warrant of Restitution is checked "Evicted" dated and signed by both the deputy and landlord. One copy shall be given to the landlord, one copy affixed to the front door or given to the tenant, and one copy returned to the court.

14 The premise is considered “Evicted” and the Warrant of Restitution “Served” when all persons and property have been removed/vacated from the premises.

E. Returns

1. Record of Service – Deputies will complete the disposition section of the Record of Service.
2. Warrant of Restitution (District Court) – Deputies will check the appropriate box on the court copy of the warrant to include signature, date and time.
3. Writ (Circuit Court) – Deputies will complete the Sheriff’s Return on the court copy to include disposition, date, time and signature.

CONTACT INFORMATION



**Commander
Queen Anne’s County Office of the Sheriff**

8-11-2026

Date of Signature