

LANDLORD / TENANT WRIT OF ASSISTANCE

Per MCA 70-24-430, once the writ has been served and the tenant has been removed, the tenant has 48 hours to contact you to retrieve his/her personal property. Once the tenant is removed, you can change the locks.

If you are contacted within the 48 hours, then you need to make the property available to the tenant so he/she can remove their property. Normally, we would have the landlord unlock the door for a period of time, making certain the tenant does not spend the night. You will need to determine a reasonable amount of time a diligent person would need to remove the property.

If the tenant does not contact you within the 48 hours, then you can go in and pack up their belongings. An abandoned personal property letter needs to be sent to the tenant at their last known address via certified mail with a copy to the Sheriff's Office. You will want to do an inventory, i.e. 1 bag of misc clothing, box of kitchen utensils, etc. The personal property should be stored for 30 days.

If the tenant contacts you after the 48 hours, then they are responsible for your costs in packing up and storing their property prior to the property being returned to them.

If, after the 30 days you have not been contacted, then you can dispose of the property. If there is anything of value, you can arrange for a Sheriff's Sale with the proceeds being applied to back rent/damages. Any excess goes to the tenant. The property can be donated to Good Will or similar. Under no circumstances can the landlord keep any of the property.