

# Civil Division

*Located at the Camden County Sheriff's Office, Records Division.*

The Camden County Sheriff's Office Civil Division currently consists of one clerical employee and two full-time Deputy Sheriffs. This unit is responsible for attempting service of legal documents related to ongoing court cases here in Camden County as well as from across the nation. This legal documentation generally includes summons, complaints, garnishments, subpoenas, writs, and a wide variety of court related documents. While the Civil Division is primarily responsible for carrying out duties directed by the courts. Such as court ordered stand by assistance to retrieve property and evictions, they also provide additional support to deputies taking calls for service when the need arises. The Civil Division also processes and conducts all Sheriff's Sales related to real estate levies and general executions to levy upon personal property.

One clerical employee assigned to the Civil Division receipt and track all incoming documentation. The Civil Clerk handles a variety of tasks related to data entry, financial tracking, and customer service. The Civil Clerk also processes all incoming garnishments received by the Sheriff's Office; including tracking notices of exemptions, releases, and objections filed relating to garnishments our agency has served.

## **Eviction Procedure Information**

### **What are my rights as a Landlord or a Tenant?**

(It should be noted that if you have questions with regards to Landlord/Tenant laws, you should contact your attorney for specific information)

- **GENERAL OBLIGATIONS**

- Tenants should:

- Pay rent on time
- Use reasonable care and not damage property
- Properly dispose of trash
- Refrain from taking in additional occupants or subleasing without the Landlord's written permission

- Landlords should:

- Make property habitable before tenants move in
- Make and pay for repairs due to ordinary wear and tear
- Refrain from turning off a tenant's utilities
- Provide written notice to tenants when ownership of the property is transferred to a new Landlord/owner
- Not unlawfully discriminate

### **What is the procedure for an eviction?**

A Landlord may not evict a tenant without a court order. The Landlord may begin eviction proceedings if a tenant:

- Damages property
- Fails to pay rent

- Violates the terms of the lease
- Injures the lessor or another tenant
- Allows drug related criminal activity on the property
- Fails to vacate at the conclusion of the lease

The tenant should be served with, or the property posted with, a summons and petition notifying them that a lawsuit has been filed and will have the opportunity to be heard in court before any eviction. Upon the Landlord receiving a judgment for possession and filing for a Writ to Execute on the judgment for possession, the Camden County Sheriff's Office will schedule a date and time with the Plaintiff/Landlord within five business days to stand by while the Landlord evicts the Tenant and regains possession of the property. The Landlord has the responsibility of scheduling for a locksmith and staff required for moving of property if needed.

Missouri State Statutes reference Landlord/Tenant Law RSMo. Chapters 441, 534 and 535

## Ex Parte Orders of Protection

### How and where would I go to get a "Temporary/Emergency Order of Protection"?

Citizens who feel they need a "Temporary Order of Protection" (also called an "Ex Parte") can come to the Circuit Clerks' Office on the first floor of Camden County Judicial Building to complete the necessary paperwork. Per RSMo. 455.035, upon the filing of a petition and with good cause shown in the petition, the court may issue an Ex Parte Order of Protection. Most court hearings are held within 15 days after filing. (Dates, times and locations of events will help with your request)

### Frequently asked questions about Ex Partes

- Can I dismiss my Ex Parte if I change my mind?
  - Yes, a dismissal form from the Circuit Clerk's office will have to be completed and filed. Once filed the Judge will review for dismissal.
- Can I get an Officer/Deputy to go with me to get my belongings or property?
  - Law Enforcement stand-bys are not provided without a court order.
- If a Full Order is granted, will it be served to the respondent?
  - The court shall cause a copy of any Full Order of Protection to be served upon the respondent's last known address. Failure to find and serve the Full Order of Protection shall not affect the validity or enforcement of the order
- Can I dismiss my Full Order if I change my mind?
  - A Full Order of Protection can only be dismissed if the Petitioner petitions the court and a Judge grants the request
- Is there a cost associated with requesting a Temporary Order of Protection?
  - No - there is no charge assessed to either party

### The Ex Parte Process: Need to Know

Please note that filling out the forms for an Ex Parte Order of Protection does not mean that an order will automatically be granted. There are three possible outcomes after the Judge reviews your petition:

- The petition can be dismissed, which means that there is no Temporary Order of Protection and no hearing will be held
- The petition can be denied and set for hearing, which means that there will be a hearing to determine if a Full Order of Protection should be issued but there is no Temporary Order of Protection in place until the hearing date
- An Ex Parte Order of Protection can be issued and a hearing date set

## **What information do I need to bring with me when I file?**

- An address where the Respondent can be served
- Any applicable police report numbers
- Dates the incidents occurred
- Photos of injuries or damage to property

## **Is there any cost to file?**

There is no cost to file an Ex Parte Order of Protection. However, there may be additional expenses incurred if the court determines they are warranted.

## **Do I have to fill out my paperwork at the courthouse or can I take it home with me?**

You do not have to complete your paperwork at the courthouse. If you choose to take it home with you to work on, you must bring it back in order to file it.

## **If I need help completing my paperwork, who can help me?**

The Clerk's Office can only explain the paperwork to you - they cannot advise you. If you would like help with what to write, please contact an attorney. You may also contact the Victim's Center at [\(417\) 863-7273](tel:4178637273) for the limited assistance an advocate can provide.

## **If I am granted a Protection Order as an adult, will my order protect my children?**

No - an Adult Ex Parte protects only the Petitioner listed on the order. If you would like to obtain an Order of Protection for your child/children, you must complete a Child Ex Parte Order of Protection petition for a Judge to review.

## **How long will it take for the Judge to review my petition?**

Petitions are usually reviewed the same day, but it is easier to ensure that you will receive an answer the same day if you come in early. The Circuit Clerk's Office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday. When you turn in your completed forms, you will be asked to call back at a given time to check on the status of your paperwork. It is your responsibility to return to the Clerk's Office to retrieve your copies.

## **Where do I go if I need to file after the Clerk's Office is closed?**

The Camden County Sheriff's Office Communication Center, located in the Camden County Sheriff's Office, will have Ex Parte paperwork for Petitioners needing to file in emergency situations after the Circuit Clerk's Office is closed. Again, please note that the staff in both of these locations will not be able to assist you with what to write if you need help completing the paperwork. After you have completed the forms, your petition will be faxed to a Duty Judge. It is your responsibility to call the Circuit Clerk's Office of Camden County Sheriff's Office if you have been granted an Ex Parte Order of Protection. If you have been given a court date, you will receive a copy of your paperwork.

## **What happens if I receive a court date?**

- The Respondent will be served with the paperwork you filed and will have an opportunity to come to the court date. If any incidents with the Respondent occur between receiving your paperwork and your scheduled court date, call the Sheriff's Office to file a report to document the violation
- As the Petitioner, you will need to appear for the court date listed on your paperwork or your case will automatically be dismissed
- If the Respondent is not served before the court date and you appear, it is possible the case will be continued to another day so proper service on the Respondent can be obtained

- Come to the courthouse early on your hearing day and prepare to wait your turn. Protection Order hearings are only held once per week or every other week which means there could be a large number of cases heard before yours is called

### **If I am granted a Full Order of Protection, how long is it in effect?**

A Full Order of Protection is put in place for one year unless otherwise specified by the court.

### **How do I schedule a "stand by" for law enforcement to assist me with retrieving my personal property?**

The Camden County Sheriff's Office will only schedule stand by assistance to retrieve personal property if there is a court order to do so. This may be addressed on the Full Order of Protection document or in a docket entry provided by the courts. There are limitations even with a court order and some situations may require you to pursue your claim to property through the Civil Courts at a later time.

## **How do I check on the status of my civil process request?**

### **Civil Office**

- Camden County Sheriff's Office Civil Division phone numbers:

(573) 346-2243 x1266 or [m.shook@camdenso-mo.us](mailto:m.shook@camdenso-mo.us) (Meredith Shook, Civil Clerk) or (573) 346-2243 x1238 or [t.bailey@camdenso-mo.us](mailto:t.bailey@camdenso-mo.us) (Tonia Bailey, Supervisor)

You should have your case number, the name of the Defendant and the location where service is to be attempted.

On occasion, filings can be located with your case number only.

### **Case Net**

[Case.net \(mo.gov\)](http://Case.net.mo.gov)

- Search Case.Net using "Case Number Search"
  - Click on "Case Number Search" and select "26th Judicial Circuit (Camden County)" from the drop-down menu
  - Enter case number in provided space
  - Click "Find"
  - Double click on highlighted case number
  - Click on "Docket Entries"
- Search Case.Net using "Litigant Name Search"
  - Click on "Litigant Name Search" and select "26th Judicial Circuit (Camden County)" from the drop-down menu
  - Enter last name and first name in provided spaces
  - Click "Find"
  - Search for needed case and click on case number
  - Click on "Docket Entries"

## **What are civil process fees for the Camden County Sheriff's Office to attempt service?**

### **Fees:**

- All service fees will be a flat fee of \$36.00 per service address. Any additional document(s) at same address will be an additional \$30.00 each
- All service fees must be sent with the document(s) to be served
- A self-addressed, stamped envelope included with service documents and fees to mail back the return of service
- The Service fees must be in the form of a personal check, cashier's check, money order, a check from the Circuit Clerk's Office or law firm. We will accept cash in the exact amount. We also will accept a credit card or debit card. Please note: if you are paying by credit card or debit card there is a third party convenience fee collected by our credit card vendor in the amounts of \$0.00-\$50.00=\$2.00 or \$50.01-&Up=4.0% added on the amount due. The Camden County Sheriff's Office does not receive any of these fees. The person using the card must be the owner of the credit card or debit card

### **Prepayment is REQUIRED**

Note: a \$500.00 refundable deposit is required to accompany all general executions levying upon a vehicle/item that requires towing and storage. This is to cover towing and storage expenses that must be paid.

#### **Payment:**

- Payment for civil process fees can be paid by exact cash, check, money order, credit card or debit card. Checks or Money Orders shall be made payable to CAMDEN COUNTY SHERIFF'S OFFICE
- Please include your court case number on your payment

\*Government entities exempt pursuant to RSMo 57.280\*

## **What documents do the Camden County Sheriff's Office Civil Division need to establish service?**

A court generated document with an assigned case number and a signature from the Clerk's Office or Judge from the county of origin.

An example exception is an "Intent to file a Mechanic's Lien" where the Civil Division will assign a tracking number.

#### **Documents to be served (Summons and petition/complaint or subpoena):**

- Affidavit of service
- Self-addressed stamped envelope for return of affidavit of service. If this not provided, affidavit of service will be returned to the issuing court
- Prepaid service fees
- Proper contact information for Plaintiff/Attorney and Defendant. This includes a proper address for the party being served, an address and phone number for the party requesting service.