

# I lost my eviction case. Now what happens?

**Scroll down for more information . . .**

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Immediately

If you lose your eviction case, the judge is required by law to immediately order a judgment of eviction that says the right to possession of the rental property is now returned to your landlord. The judge must also immediately write a document called a “writ of restitution” that tells the county sheriff to physically remove you and all of your stuff from the rental property. The landlord him or herself cannot physically move you out of the property, nor can they change the locks or practice any other forms of “self-help eviction.” Instead, the landlord has thirty days to bring the writ of restitution, or eviction order, to the sheriff. The sheriff then has the authority to physically move you and any other evicted tenants out within 10 business days of receiving the order. So, if you don’t move out on your own after losing an eviction case, it could be anywhere from one to forty days before the sheriff comes to remove you from the rental property.

**Note:** Depending on the circumstances of your case, you may have the right to appeal the court's decision. An appeal must be filed no later than **15 days** after the decision from the judge. It is important to note that filing an appeal will not automatically stay the eviction, unless the notice of appeal is served and filed on the landlord with an “undertaking.” Appeal procedures vary by jurisdiction, so it's important to consult with an attorney as soon as possible if you wish to appeal the judge’s decision.

Soon after/Your stuff

There are rules that a landlord must follow regarding any things you leave behind in the rental property. If you haven't moved out by the time the sheriff comes, that could include literally everything you own.

First, there are special rules for prescription medication and medical equipment. The landlord must hold on to such medical items for at least seven days, though after that they are free to get rid of them. If you ask for the return of the medical items at any time before the landlord gets rid of them, they must return them to you.

For everything else you own, it depends on the lease. If the landlord has put something in the lease saying that they won't move and store any stuff you leave behind, they can do what they want with your things, including throwing things out and keeping items for themselves. If the lease doesn't say anything about things you leave behind, then the landlord must store your stuff. But they don't have to store it forever, and they can charge you for the cost of storage. If the landlord decides to stop storing your stuff, they must send a notice to your last known address letting you know that you have 30 days to get your things or the landlord will be getting rid of them. The landlord doesn't have to return your items until you pay the costs for removal and storage.

#### Within a month or two/Rent and Damages Hearing

Most eviction lawsuits actually have two court hearings. The first hearing, called the "first cause of action," or the "eviction hearing", is just to determine who should have possession of the rental property: you or the landlord. That is the portion of the case we discussed under the heading "Immediately". The second court hearing, sometimes called the "second and third causes of action," or the "damages hearing", is to determine whether any rent or other money is owed. The second hearing could be several weeks to months after your eviction hearing. For instance, in Marathon County, the trial on damages happens about 30 days after the eviction hearing date.

You will be notified about the damages hearing date by mail, so make sure the court and your landlord are updated with your new address as soon as you have one. This is an important court date to attend, even though you were evicted, because you may be able to lower the amount you owe the landlord or even convince the court that the landlord owes you some money as well.

## Long-term

A court-ordered eviction, also known as an eviction record, can have long-term effects on your ability to rent. [CCAP](#) is a website that gives everyone access to Wisconsin court records. There are laws that state how long a court record must be made available to the public. If you are evicted, that eviction court record will be available on CCAP for ten years, and it will be available for 20 years in a paper file with the court. It may make it harder to get rental housing, as many landlords do background checks that include eviction records.

Losing an eviction case can lead to financial hardship, displacement, and uncertainty about where to live next. It's crucial to explore your options for assistance, such as emergency housing programs, legal aid services, or community resources that may offer support during this challenging time.

Contact [211 Wisconsin](#) to find specific help in your area of Wisconsin. This is a statewide nonprofit that has 8 office locations spread out in the state.

Dial 2-1-1. Press 6 for homeless services.

\*\*If you are unable to get a response from 2-1-1 or receive a message that the service is not available from your location, you may go to:

<https://www.211.org/about-us/your-local-211> and enter your zip code to find the number for your local office.

You can also text your ZIP code to 898211.

### [Procedure Eviction Housing](#)

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