

Retrieval/Disposal of Property

This document, created by End Domestic Abuse WI - Legal Department is intended for general informational purposes only and does not constitute legal advice.

Retrieval of Property (Unmarried)*

“How do I get my stuff back?”

Immediate Retrieval

As long as you have signed the lease, you have the right to enter and retrieve your property. Your landlord should let you in to retrieve your things.

It is recommended that you request a sheriff or police officer escort during this process.

If ownership of an item is disputed, the officer probably will not allow you to take it. Take photos of all items left behind to prove their condition and location.

On Lease/Title

Sheriff or Police Escort

If you have been granted a temporary restraining order, injunction, or other no-contact order,¹ you may request a sheriff or police officer accompany you when you retrieve your property, even if you are not on the lease.

You will be limited to taking only personal property over a short period of time.

Replevin

You can file in small claims court to reclaim property valued less than \$10,000 up to six years after you leave it behind.¹

You must show the court:²

- (a) That you are entitled to possession of the objects (e.g., receipts, notes from a giftgiver, etc)
- (b) That the property is wrongfully detained (kept without permission)
- (c) The value and location of the property

Not on Lease/Title

¹See Wis. Stat. § 813 for information regarding temporary restraining orders and injunctions. (<https://docs.legis.wisconsin.gov/statutes/statutes/813>)

²See Wis. Stat. § 799.01 for small claims procedure. (<http://docs.legis.wisconsin.gov/statutes/statutes/799/01>)

³See Wis. Stat. § 810 for the replevin statute and procedure. Wis. Stat. § 810.02 sets forth the requirements to be met for the court to grant replevin. (<http://docs.legis.wisconsin.gov/statutes/statutes/810/01>)

***Married couples recognized under Wisconsin law may utilize these remedies as applicable to their situations. However, other remedies exist for married individuals that may be more effective or expedient to resolve the situation.**

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Disposal of Property (Unmarried)*

"How do I get rid of this stuff?"

Immediate Disposal of Property

Dispose of the property left behind as you choose. The owner may take legal action for the value of the property if s/he has retained proof of ownership, such as receipts.

Certified Mail Notice

Send a letter via certified mail notifying the abuser of your intent to dispose of the property within a certain number of days unless it is retrieved. It is recommended to allow a minimum of thirty days before disposal.⁴

Sending this letter does not prevent further legal action by the abuser.

Avoiding Replevin

Hold the property for 6 years, until the statute of limitations for Replevin actions passes.
(See other side for Replevin details)

Greater Risk of Legal Action

Least Risk of Legal Action

Sheriff or Police Escort

If your abuser is subject to a restraining order that would otherwise prohibit contact and is coming to get property, contact law enforcement to supervise the exchange.
You may request law enforcement supervision without a restraining order. However, whether law enforcement responds to these requests is discretionary.

⁴The thirty day requirement is based on tenancy-at-will laws under Wis. Stat. 704.05(5)(bf), which applies if the abuser is not on the lease or does not own the residence. (<https://docs.legis.wisconsin.gov/statutes/statutes/704/05/5>)

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