

FORM SUMMARY

Name of Form:	Writ of Replevin
Form Number:	SC-514
Statutory Reference:	§§810.03, 810.14, Wisconsin Statutes.
Purpose of Form:	An order to the sheriff to seize moveable property that a court has determined is being wrongly held and return that property to the rightful owner.
Who Completes It:	Clerk of court
Distribution of Form:	Original to court, authenticated copy to sheriff, copies to plaintiff and defendant
Accompanying Forms:	Generally none, unless the description of the property is so extensive as to require additional pages
New Form/Modification:	Modification; last update 05/00.
Modifications:	Added lines in caption section.
Comments:	Section 815.05, Wisconsin Statutes provides that executions can only be issued out of the county where the: <ul style="list-style-type: none">* judgment was originally granted.* a certified copy of the judgment has been filed; or,* a transcript of the municipal judge's judgment has been filed.

RMC believes a "certified copy of the judgment" is NOT a "transcript of judgment." The clerk of court in the county where a "transcript of judgment" was filed does not have the jurisdiction to issue such an execution (See *Wilson v. Craite*, 60 Wis. 2d 350, 210 N.W.2d 700 (19)).

If a judgment is granted in one county and a transcript of that judgment has been filed in a different county where a debtor's property is located, the creditor must obtain an execution for that property *from the county where the original judgment was filed*. When this occurs, the clerk of court may use this form but in the direction to the Sheriff, the name of the county to which the execution is issued should be entered. The CCAP version of this form will automatically insert the county name of the county where the judgment was originally granted. In such a case, the clerk

should manually cross out the local county name and insert the name of the county to which the execution is issued. RMC debated removing the automatic insertion of the local county name, but doing so would have required the clerk in every single case to handprint the name of the county in the blank. RMC believed it was less burdensome to the clerks to have the local county name automatically be inserted and manually removed where executions are issued to a different county than to require the manual insertion in all cases. If this proves not to be the case, RMC should be notified.

Section 815.05, Wisconsin Statutes, does make reference to executions being issued in copies where a "certified copy of the judgment" is filed. If a creditor wishes to file a "certified copy of the judgment" in the new county, the creditor may do so. The clerk in the new county would be required to create a case file, charging the standard case filing fee, plus the docket fee. If the creditor goes through this process, the clerk of the new county CAN issue an execution.

The following is retained from the prior form summary:

The bottom of the form includes additional information about the parties and attorneys that may assist the sheriff in executing the writ. It also provides a space for the sheriff to report back to the court on the results of the writ.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.