

# Get your stuff back

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Learn about the legal process to get property returned to you. If someone took your property, or you let them borrow it and they refuse to return it, you may have legal options to get the stuff back.

Read this if you live in Washington State, someone else has property that is yours, and you want to get it back. This may have happened because someone took something of yours without your permission or because you let someone borrow something, but they refused to return it.

**Examples:**

- Your landlord said you abandoned your apartment and won't give your stuff back. You are behind on rent, and your landlord decides takes your things to try to make you pay.
- You loaned your car to a friend but when you asked them to return the car, they wouldn't.
- You were living with a roommate but it wasn't going well. When you tried to move out, they wouldn't let you take your cat with you.

## What are the ways I could try to get my stuff back?

It depends on the situation.

- If someone stole your property, you should consider reporting it to the police.
- **Cars or other vehicles:** You may be trying to get back a car or other vehicle that was towed away. The car or vehicle may have important items in them that you want to get back. Read about [vehicle towings](#) to learn more.
- **After a lock out of a rental apartment or house:** You may be trying to get access to your belongings after your landlord locked you out without a court order. Read [about illegal lock outs](#) to learn more.
- **After an eviction:** If a judge gives a landlord an eviction order against you, the [sheriff's eviction notice](#) is supposed to tell you about how to ask your landlord to store your stuff if you can't move it in time. The landlord can charge you storage fees. If you don't ask your landlord in writing to store the stuff within 3 days after the sheriff's eviction notice, the landlord may put your stuff outside, usually between the sidewalk and the street.
- **Divorce:** If an ex-spouse took property that is yours, you could [get a court order](#) making them give the property back through a dissolution (divorce) case.
- **Break-up:** If the relationship was "marriage-like," a court can still divide the property through a different process, specifically for [un-married couples](#).
- **Replaceable Items:** You may not care about the item itself; you just want the value of the item back, so you can get a new one. You can [file a claim in Small Claims Court](#) to get the other person to give you money

for the item that they have.

- **After a Protection Order:** You may have been served a protection or restraining order that tells you not to return to an address or shared living space with the protected person. **You must follow what the order says.** If you don't, you may face criminal consequences. Carefully review your order to see what communications are allowed. The order might ban you from making any contact, including asking other people ("third parties") to reach out to the protected person to get your stuff back. If the order does not say how you may get your things back, you may need to file a motion asking the judge to clarify this part of the order, and you might need to go to a hearing on the motion. You may need an order signed by the judge before you can return to collect your things.

If none of the above apply, your only option may be to ask a court to give you a **Writ of Replevin**.

### **Writ of Replevin: a court order to get stuff back**

**Replevin** is a legal process used to return specific items to the rightful owner. A judge can decide who the rightful owner is, and then issue an order (sometimes called a **Writ of Replevin**) that allows the sheriff to go to the place where the items are and take the items. The replevin process is complicated. You should only use this process if it is the only option. For example, the replevin process might be worth it if you need to get back an item that cannot be replaced, like a pet, a family heirloom, or photographs.

A Writ of Replevin is sometimes called an **Order Awarding Possession**.

### **What kinds of property can I get back with a Writ of Replevin?**

All these must be true:

1. **It must be personal property** (movable objects), not **real property** (land or a house). Manufactured/Mobile homes, vehicles, and animals are all personal property.
2. **It must be identifiable.** You will need to know some specific details about the item to make sure the item returned is yours.
3. **You must own the items.** You must have bought the item or received it as a gift. It is better if you have documents that show the item is yours, like a receipt or photos with the item.
4. **You should know where the items are located.** If you get a Writ of Replevin, the next step is to give the order to the sheriff, who will try to go get the items. If you don't know where the items are located, the sheriff will not be able to go get them, but you may still have to pay the sheriff's fees.

You only have 3 years to use the replevin process to get your items back. The 3 years starts when the items are taken.

### Is there anything I should do before I try the replevin process?

If someone has your stuff, you should send them a demand letter asking them to return the property to you. Be specific about what things you want back, where, or how they should be returned, and when you want them back. Keep a copy of the letter you send. Sample letters are at the end. If you speak a language other than English, you should give the person who has your stuff a copy of the demand letter in English as well as in your language.

### How do I get a Writ of Replevin?

The steps you must take to get a Writ of Replevin are different depending on the county, but there are 4 general stages:

1. **Filing:** You will have to give documents to the court that explain what was taken, by whom and when. You will need to show the court proof that these items belong to you. You will also have to tell the other person that you are starting a court case against them.
2. **Hearing:** There will be a hearing where the judge will decide if the judge has enough information to order that the items be given back to you, or if the judge needs more information. The judge can order that the items be temporarily returned, until a final decision is made later.
  - o **Post Bond:** If the judge decides there is enough information to believe the items should be returned to you, you may have to post a bond (pay the court money that you may get back later) to take the next step in the process.
3. **Decision:** The judge may make a decision at the first hearing, especially if the other person doesn't show up or give any more information. Sometimes, the judge needs both people to explain in more detail before a decision is made, so the court will set the case for trial. Either way, the case will end with a final order. This order could require that the items be returned to you, or the judge could decide that the items aren't actually yours and the other person can keep them.
4. **Execution:** If the judge decides that the item is yours, you will get an order that requires the items to be returned to you. You will need to take this order to the sheriff's office so they can get the item back for you. You will need to pay additional fees and another bond. (See below for information about your county, if available.)

### **How much does getting a Writ of Replevin cost?**

The court will probably ask you to pay a filing fee to get a Writ of Replevin. If you have a low income, you may be able to ask the court to waive the filing fee for the case, but there are additional fees and costs to actually get your stuff back. You may be able to get those fees and costs back if you win the case. You will still have to pay them up front and you might not get them back, even if you win. The judge may award you the fees and costs in the final order. If you are trying to get your stuff back from a landlord, you may have special rights. For example, you may not be required to post a bond, which should make it cheaper for you to get your stuff back.

In addition to fees for the court case, you will have to pay the sheriff a fee to go get the property, after you get an order from the court. We have included a list of links below where you may be able to find more information about costs in certain counties.

## **I had to spend extra money because they kept my stuff. Can I ask for that money too?**

You may have had to buy replacement items because someone has your stuff. You may be able to ask for **damages** (money that the other person must pay you) so you can get some money back in addition to getting the items back.

If the judge decides that the landlord took your stuff, you may have the right to damages of up to \$500 per day that you didn't have your stuff (but no more than \$5,000 total).

## **What happens after I get a Writ of Replevin?**

If the court decides that the items are yours, the court will sign an order that says that. You will then need to take that order to the sheriff. There will

usually be some other information you need to give the sheriff and you will need to pay additional fees and another bond. Someone from the sheriff's office may then go to the place where you think the items are and try to get the stuff back.

## **Where can I get more directions about what to do once I get a Writ of Replevin?**

Some counties have additional information available on a website. We have linked those websites below. If the county you need isn't listed, it is because the county didn't have any information when we wrote this.

- [Clark County \(https://clark.wa.gov/sheriff/sheriff-sales/executions\)](https://clark.wa.gov/sheriff/sheriff-sales/executions)
- [Douglas County \(https://douglascountywa.net/575/Writs\)](https://douglascountywa.net/575/Writs)
- [Jefferson County \(https://co.jefferson.wa.us/DocumentCenter/View/3116/REPLEVIN---Intake-Requirements\)](https://co.jefferson.wa.us/DocumentCenter/View/3116/REPLEVIN---Intake-Requirements)
- [King County \(https://cdn.kingcounty.gov/-/media/king-county/depts/sheriffs-office/documents/civil-unit/replevin\\_intake\\_2024.pdf?rev=50ae51c62abc4dd2bb4ef3ce9324f49f&hash=5766F4C\)](https://cdn.kingcounty.gov/-/media/king-county/depts/sheriffs-office/documents/civil-unit/replevin_intake_2024.pdf?rev=50ae51c62abc4dd2bb4ef3ce9324f49f&hash=5766F4C)
- [Pierce County \(https://piercecountywa.gov/DocumentCenter/View/30401/Order-Awarding-Possession-Replevin-Intake-Sheet\)](https://piercecountywa.gov/DocumentCenter/View/30401/Order-Awarding-Possession-Replevin-Intake-Sheet)
- [Skagit County \(https://www.skagitcounty.net/Departments/SheriffCivil/writAward.htm\)](https://www.skagitcounty.net/Departments/SheriffCivil/writAward.htm)
- [Snohomish County \(https://snohomishcountywa.gov/306/Service-of-Court-Documents\)](https://snohomishcountywa.gov/306/Service-of-Court-Documents)
- [Thurston County \(https://www.thurstoncountywa.gov/departments/county-clerk/writs-and-order-of-sale-issuance\)](https://www.thurstoncountywa.gov/departments/county-clerk/writs-and-order-of-sale-issuance)

- [Whatcom County \(https://www.whatcomcounty.us/205/Civil-Division \)](https://www.whatcomcounty.us/205/Civil-Division)
- [Yakima County \(https://www.yakimacounty.us/297/Property-Sales-Replevins\)](https://www.yakimacounty.us/297/Property-Sales-Replevins)

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