# Civil Division

5 Major Components of Civil Division Responsibilities:(1) Service of court orders; summons; subpoenas; writs; evictions; repossessions; restraining orders; protective orders; making court-ordered collections of monies and properties per orders of execution for all courts in St. Joseph County Circuit, Superior and Probate Courts with a total of 16 judges/magistrates The Civil Division also serves papers for other county and municipal courts throughout the state of Indiana for individuals and businesses within St. Joseph County. This division also serves out-of-state court papers on individuals and businesses within St. Joseph County. (2) Conducts court-ordered sheriff sales or mortgage foreclosed real property and sales of personal property (3) Collects Indiana Department of Revenue overdue state taxes (individual, withholding, sales, corporate, etc.) (4) Processes all billings for the Department of Payment by the County Auditor's Office, obtains purchase orders for various divisions of the department (5) Processes all salary, overtime and holiday payroll for the department for payment by the County Auditor's Office; maintains all records of vacation, sick days and accumulated time for all department personnel Of the 5 Major Components 3 Are Mandated by Indiana State Statutes:(1) Service of court papers, making court-ordered collections, evictions, repossessions, etc. (2) Court-ordered sales of real and personal property (3) Collection of Indiana Department of Revenue tax warrants. Sheriff's Sale Court ordered sale of real estate (usually mortgage foreclosures) or other items.Court ordered sale of real estate is serviced by the Civil Division and sales of real estate are held periodically. The notice of the sales are published in The Tri-County News and The Mishawaka Enterprise for 3 weeks prior to the sale. Orders of sale are sometimes canceled by an order from Federal Bankruptcy Court. The Federal Court Orders can be filed/served on the Department anytime up to the sale itself. At present, the sales are held in the lobby of the City-County Building at 10:00 A.M. on Thursdays. Evictions The Department must have a Court Order to process an eviction. Once the Court Order is received by our department, a letter from our department is served along with the Court Order. The party is given 48 hours to leave the property (not counting the day of service, weekends or holidays).If the property has not been vacated at the end of the 48 hour notice, telephone the Civil Division, between 8:00 A.M. and 8:30 A.M. to make an appointment with an officer to process the eviction. Our department does not move personal property from the premises and does not gain entry to the premises. It is the landlord's responsibility to gain entry (usually by a Locksmith). The Landlord is responsible for any personal property of the evicted tenant(s) for at least 30 days. Our department does not pick locks, or physically break into the premises. Our department does not move any personal property or take possession of personal property of the evicted tenant(s) ( unless the Court Order specifically orders us to do so). Orders of Possession Final orders received to repossess items. The final orders are not served. The Plaintiff must call the Civil Division between 8:00 A.M. and 8:30 A.M. weekdays to make an appointment with an officer. The Plaintiff must make arrangements with a locksmith to gain entry to the premises and to retrieve such items listed in the final order. The Plaintiff must also make arrangements to move and transport the items from the premises. Civil ProcessOur department is required to deliver Court Papers at the address listed on the Court Paper. If a paper is left at an address different from what is on the Court Paper, please call 574-235-9651. An officer will pick up the paper and deliver it to the correct address. (Usually the next day following the call). SUMMONS: if copy service was made, and the party named on the Court Paper no longer resides at that address or is unknown to the residents, another copy of the paper will be mailed to the address. At that time the resident can place the information on the envelope (moved, no forwarding address, party unknown, deceased, etc.). When the Post Office returns the mailed copy to our department, we forward that copy along with the envelope with the information on it to the court. Tax WarrantsTax warrants are issued by The Indiana Department Of Revenue for taxes due (personal income tax, sales tax, withholding tax, etc.).The Indiana Department Of Revenue makes attempts to collect the taxes. If they are unsuccessful, they send the Tax Warrant to the Sheriff's Office for collection. The Tax Warrants are kept in the Sheriff's Office for 120 days and then have to be returned to the Indiana Department Of Revenue. The Civil Division attempts to collect the taxes due. For Specific information, please contact the Civil Division at 574-235-9651.For Sheriff sale listings please go to the home page and select Downloads.