

RETRIEVAL OF PROPERTY

Can I request an order from the Court to retrieve my personal property?

Yes and No;

Yes, if there is a pending case in the Magistrate Court, you can request to retrieve personal items necessary to sustain everyday life. An order will reflect the location the items are to be retrieved from and those items that can be retrieved. The date and time will be coordinated with the law enforcement agency within that jurisdiction. That law enforcement agency will be present during the removal of the items listed only for purposes of keeping the peace. These items should be removed within thirty (30) minutes of the time of arrival. Any other items you may want to recover will be done so through other court actions which you may initiate. The procedures and documentation are available in the Magistrate Court.

No, if there is no pending case in the Magistrate Court, the Judge will not issue an order to retrieve property. Any personal property you deem ownership to, will be a matter for a pre warrant hearing application or civil case through the Magistrate Court, at your request. The determination of those items requested for retrieval will be decided upon at the proper hearing.

If I am a Defendant in a case pending in the Magistrate Court, can I retrieve my personal property?

Yes, if you are a Defendant, you can also request, under the same requirements as a victim, to retrieve personal property you deem ownership to. The procedures and documentation are available in the Magistrate Court.