

TIME REQUIREMENTS FOR KEY ACTIONS

Below are the time limits based on applicable statutes.		
Paper	Statute	Timing
Eviction Summons	799.05(3)(b) 799.16(3)	Return date shall be not less than five working days nor more than thirty days from the issue date. The paper must be served not less than five working days prior to the return date. **If unable to serve as above, after due diligence. The paper can be posted on the premises at least seven days prior to the court date, with a copy mailed to the plaintiffs last known address at least five days prior to the court date. This may require you to obtain a new court date.
Notice of Mortgage Foreclosure	815.31	Sale shall be advertised by posting at least three weeks prior to the date of sale.
Notice of Sale of Personal Property	815.29	Sale shall be advertised by posting at least 20 days before the date of sale.
Garnishment Summons	812.07 812.35(2)(3)(4)	A garnishment summons and complaint shall be served on the "Garnishee defendant" in conformity with the standard procedure for a small claims action or a large claims action-whichever is applicable. Notice of such service or a copy of the garnishee summons and complaint, together with the summons in the principal action, shall be served on the "principal defendant: no later than ten business days after service on the "garnishee defendant."
Large Claims Action	801.02(1) 801.11(1)	Paper must be served within ninety days of filing with the clerk of courts.
Replevin Summons	799.05 801.02	Replevin as a small claims action – The paper must be served eight business days before the return date. The return date for the summons served must be not less than eight business days from the issue date nor more than thirty days from the issue date. Replevin in a large claims action – Paper must be served within ninety days of filing.
Restraining Orders Injunctions	813.12	Unless otherwise specified they can be served right up to the time of the hearing. Note: If the restraining order states 48 hours (or 24, 72...etc), check with your courts to see if holidays and weekends are excluded from the time limit.
Small Claims Action	799.05(3)	General – a small claims action must be served at least eight working days before the date the party must appear. The date of appearance shall be not less than eight working days from the issue date and no more than thirty days from the issue date. Small Claims – Eviction...see Evictions above.
Writs of Assistance	815.62 815.11	Writ may be obtained anytime after the Confirmation of Sale hearing and is valid for 60 days after issuance. NOTE: 846.35(3) Execution of writ of assistance or restitution. No writ of assistance or writ of restitution for the removal of a tenant whose tenancy is terminated as a result of a foreclosure judgment and sale may be executed before the end of the 2nd month beginning after the month in which the sale of the property is confirmed, unless the tenant has waived in writing the right under <u>sub. (2) (a) 1.</u> to retain possession of the rental unit.
Writ of Restitution	799.45	No writ shall be executed if received by the Sheriff more than thirty days after issuance by the courts. The Sheriff must execute the Writ and return it to the court within 10 days. NOTE: 846.35(3) Execution of writ of assistance or restitution. No writ of assistance or writ of restitution for the removal of a tenant whose tenancy is terminated as a result of a foreclosure judgment and sale may be executed before the end of the 2nd month beginning after the month in which the sale of the property is confirmed, unless the tenant has waived in writing the right under <u>sub. (2) (a) 1.</u> to retain possession of the rental unit.

Subpoena	885.03 885.06	Unless otherwise specified, they may be served up to the time of the hearing.
Order to Appear before Court Commissioner		Unless otherwise specified, this must be served forty eight hours prior to the hearing.
Motion and Order for Hearing on Contempt		Must be served eight working days prior to the court date. <i>five (5)</i>
Writ of Attachment	811	811.08 Officer's return. The officer executing the writ shall return thereon all of the officer's proceedings and within 10 days from receipt of the bond shall file the writ, affidavit and bond with the clerk of the court.
Terminating Tenancy, 5, 14 or 28 day notices	704.21	No time limit, only a notice.
Action in Enforce Judgment of Child Support	767.813(3)	Serve within time limits listed on the documents.
Notice of Appointment of Guardian	54.38(2) 55.09	Must be served ten days prior to hearing
Notices - Probate related	Chapter 859, 865, 879	Check the actual paper as most of them will have specific time limits on them based on personal service or mailing.
Search Warrant (Criminal)	968.15(1) 968.17	Must be executed within five days of the date of issue, this includes holidays and weekends. The search warrant must be returned to the clerk of courts within 48 hours of execution. 48 hours does not include holidays and weekends.
Search Warrant (Civil)	810.09	No specific time limit within the statutes and no requirement for a return to the clerk of court for Civil search warrants. These should be served within a reasonable time after issuance pursuant to the replevin or execution against property.
Criminal Complaint and Summons	968.04(4) 968.05(2)	Service on persons shall be made pursuant to the actual summons issued by the District Attorney or Courts. Service in a Corporations or LLC shall be made not less than 10 business days prior to the court date.
Order to Show Cause	Chapter 767 & 801.15(4)	Personal service no less than 5 working days prior to court date.
Summons and Petition (Family)	Chapter 767 & 801.15(4)	Personal service no less than 5 working days prior to court date.
Order to Appear (Family)	Chapter 767	Personal service at least 24 hours prior to the time of hearing if the person is found in the county where the hearing is being held. Personal service at least 72 hours prior to the hearing if the person is found in Wisconsin but not in the county where the hearing is being held.
Notice of Motion (Family)	Chapter 767 & 801.15(4)	Personal service no less than 5 working days prior to court date.
Termination of Parental Rights	48.42(4)(a)	Personal Service no less than 7 working days prior to court date.
Summons – Divorce Proceeding	801.095	Personal Service with 20 days to provide a response to the courts.
Writ of Execution – Execution against property	Chapter 815	Valid for sixty days from date of issuance. The judgment is valid for 5 years (some are more) and the writ may be reissued as many times as necessary during the five years.