Instructions for Filing a Motion for Order of Possession May 22, 2007

- 1. If you are new to the case, file the proper Notice of Appearance.
- 2. Read General Order 2006-16, Section IV.
- 3. File your motion with a proposed order (sample included) and a completed USM 285 (sample included).

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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vs.

JUDGE: ORDER OF POSSESSION

CASE NO:

On [DATE], this court entered an Order of Confirmation of Sale for property located at [ADDRESS], Parcel Number [#]. Upon motion of [PARTY NAME], for a Writ of Possession and for good cause shown, it is ordered that the U.S. Marshal shall remove the Defendants, or any other occupants, from said property and deliver possession of the property to [PARTY NAME]. The U.S. Marshal is authorized to use reasonable force to enter said property and occupants who resist are subject to arrest and detention.

It is further ordered that the U.S. Marshal shall:

- Determine a final date (lock-out) when the premises must be vacated. The date shall be no later than 14 days after service of this order;
- 2. Serve this order upon the occupant of said property in person or by leaving a copy of the order in a conspicuous place upon the property if the occupant cannot be found. The order shall be accompanied by the U.S. Marshal's notice of the lock out date;

- 3. Determine if the property is vacant after the scheduled lockout date. If not, the U.S. Marshal shall arrange with the movant to remove any and all belongings still remaining in the premises and rekey the property. Movant shall supply movers and locksmiths to secure the property, and shall be responsible for storing the occupants' belongings in a secure location for not less than 30 days; and
- Return service of process to the Court after completion of the execution of this Order.

The U.S. Marshal may tax costs for executing this order including \$45 per hour per Deputy U.S. Marshal, travel and other related expanses. The U.S. Marshal may require a deposit to cover the fees and expenses [28 USC §§1921 (d) and 1921 (a)(1)].

JUDGE United States District Court

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice

United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

Signature of Attorney other Originator requesting service on behalf of: DEFENDANT TELEPHONE NUMBER DATE DEFENDANT DEFENDANT DEFENDANT SPACE BELOW FOR USE OF U.S. MARSHAL ONLY DO NOT WRITE BELOW THIS LINE I acknowledge receipt for the total number of process indicated. (Sign of M) for USM 285 if more No. Date Date Date Date Date Date Date Date Dat							COURT CASE NUMBER TYPE OF PROCESS		
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- 2. USMS RECORD
- 3. NOTICE OF SERVICE
- 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal. 5. ACKNOWLEDGMENT OF RECEIPT