

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**

) **CASE NO:**
)
) **JUDGE:**
)
vs.)
) **ORDER OF POSSESSION**
)
)
)

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:

1. 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
4. 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 expenses. 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

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "[Instructions for Service of Process by U.S. Marshal](#)"

PLAINTIFF	COURT CASE NUMBER
DEFENDANT	TYPE OF PROCESS

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW <hr style="border-top: 1px dashed black;"/> <div style="border: 1px solid black; height: 80px; width: 100%;"></div> <hr style="border-top: 1px dashed black;"/>	Number of process to be served with this Form 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
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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 only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	_____	No. _____	No. _____	_____	_____

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy		

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
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

PRIOR EDITIONS MAY BE USED