



WAYNE COUNTY SHERIFF'S COURT DIVISION PROCEDURE
REGARDING
REQUEST AND ORDER TO SEIZE PROPERTY

IN ORDER TO AVOID NEEDLESS DELAYS, PLEASE FOLLOW THE FOLLOWING DIRECTIONS TO HAVE THE COURT DIVISION PROCESS YOUR *REQUEST AND ORDER TO SEIZE PROPERTY (R & O)*:

- You must enclose the statutory fees in accordance with MCLA 600.2559. Please call for fees at (313) 224-5614.
- In addition to the fees for the Sheriff 's services, you will need to provide a separate check for the *Wayne County Register of Deeds* to cover the cost of recording a Levy, Release of Levy, or other applicable document. You will be told the amount when you call for fees.
- The Defendant's address must be located within Wayne County, Michigan.
- Your *Request and Order to Seize Property (R & O)* must have either the embossed or gold seal of the Circuit Court or District Court that issued it. In Wayne County, you can obtain a seal from the Courtroom (without charge) or the County Clerk (call for fee).

YOUR R & O MUST BE ACCOMPANIED BY A COVER LETTER. PLEASE MAKE SURE THAT YOUR LETTER INCLUDES THE FOLLOWING:

- You must specify whether the *R & O* is to be served on the defendant OR executed which means either personal property is seized and sold OR a Levy is placed on real property.

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- Pursuant to MCLA 600.6004, the Sheriff must seize and sell personal property before real property. In order to have the Sheriff place a levy on real property, you must state that you have searched and been unable to locate any personal property that might satisfy even a portion of the judgment.
- When requesting a seizure of real or personal property, you must acknowledge the statutory fees of 7% on the first \$5000.00 collected and 3 % on any amount over \$5,000.00, regardless of whether your client obtains partial or full satisfaction. MCLA 600.2559(1)(j)&(k).
- When requesting that a Levy be placed on real property, thereby seizing the property, you must provide the entire legal property description in the body of your letter.
- You must provide us with a specific description (including serial numbers, VIN numbers, et al (of the personal property that you want seized and sold to satisfy the judgment. If the description is not clear enough, we will return the papers for more specifically. NOTE: If you are uncertain as to whether the personal property is owned free and clear (as opposed to leased, rented, et al); we have the right to request sufficient security to indemnify the Sheriff. MCLA 600.6009.

For specific questions, please call James E. Spivey, Deputy Chief, Sheriff's Court Division. You may reach him @ 313-224-5614.



FORCE LANGUAGE

LANGUAGE FOR COMMAND TO SHERIFF TO EVICT ON EITHER WRIT OF POSSESSION, WRIT OF ASSISTANCE OR WRIT OF RESTITUTION OR REQUEST AND ORDER TO SEIZE PROPERTY:

THEREFORE, we command you, the Sheriff of Wayne County, and without delay to deliver _____

possession of the premises so recovered with the appurtenances and, if necessary, to use FORCE as required; and if the premises are not voluntarily opened to use a locksmith for said purpose and to forcibly and bodily remove the person or persons occupying said premises and to hire people to remove any personal property therein and to certify to this Honorable Court in what manner you shall have executed this Writ.