

# Orders to Seize Property (Executions) Overview

## Court Officer Tips and Tips

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### **I. SEIZURE ORDERS (EXECUTIONS) GENERAL OVERVIEW**

#### **A. Service by Court Officers and Deputy Sheriffs**

A sheriff or other officer must serve process involving arrest or seizure of property:

An order of eviction or process requiring the seizure or attachment of property may only be served by (1) a sheriff or deputy sheriff, or a bailiff or court officer appointed by the court for that purpose, (2) an officer of the Department of State Police in an action in which the state is a party, or (3) a police officer of an incorporated city or village in an action in which the city or village is a party.

A writ of garnishment may be served by any person authorized by subrule (A). MCR 2.103(B). "Process in civil proceedings requiring the arrest of a person may be served only by a sheriff, deputy sheriff, or police officer, or by a court officer appointed by the court for that purpose." MCR 2.103(D), MCR 3.106; *see also* MCL 600.1801, .1811. A sheriff or court officer must also serve the following types of process:

- Civil arrest. MCR 2.103(D).
- Seizure to collect judgment. MCL 600.6001.
- Claims for delivery of personal property. MCR 3.105(E)(4)(c).
- Arrest by bench warrant for contempt of court. MCL 600.1711, .1735; *see* MCL 600.6075; MCR 3.606.
- Writ of possession or restitution in connection with action to quiet title. MCL 600.2932(3).
- Writ of attachment. MCR 3.103(E).

Generally, a sheriff or a court officer only has authority to serve civil process within the territorial boundaries of the governmental body of which he or she is employed or appointed. In making service beyond such boundaries, the officer acts only as a private person *Coleman v Bolton*, 24 Mich App 547, 180 NW2d 319 (1970).

If the county sheriff and coroners are parties, are interested, or are incapacitated to act, a circuit court judge may appoint a disinterested person to serve process or do any other act that the county sheriff is authorized to do in an action MCL 600.1811. A party may invoke this provision only when service by an officer is required, such as for process involving arrest, or when service by an officer is desired to toll the statute of limitations under MCL 600.5856(c); *Coleman (SUPRA)*.

## II. ATTACHMENT

### A. When Used

Attachment is the procedure by which the plaintiff seizes the defendant's property after suit is filed, but before the entry of a judgment against the defendant. It is utilized when the plaintiff cannot locate the defendant, but can locate the defendant's property. It is also utilized when the defendant is not subject to the state's jurisdiction but has property in the state. The plaintiff may seek a writ of attachment by filing an *ex parte* motion supported by an affidavit setting forth specific facts showing the following:

- at the time of the seizure of the affidavit, the defendant is indebted to the plaintiff in a stated amount on a contract in excess of all setoffs,
- the defendant is subject to the judicial jurisdiction of the state, and
- after diligent effort, the plaintiff can not serve the defendant with process. MCR 3.103.

If the plaintiff's complaint is based on a tort claim, the affidavit must describe the injury claimed and state that the affiant in good faith believes that the defendant is liable to the plaintiff in a stated amount.

### B. Venue

The county in which some of the property to be attached is situated is the proper county of venue for attachment. MCL 600.4021. The writ of attachment commands the court officer or deputy sheriff to seize the defendant's personal property, then real property in an amount sufficient to satisfy the plaintiff's demand and keep it in a secure place to satisfy any judgment that the plaintiff may obtain against the defendant. The court officer may only seize property that is not exempt from seizure. Exempt property is discussed in paragraph H in the next section. Real estate is attached by simply filing a certified copy of the writ of attachment and a description of the land affected with the register of deeds for the county in which the real estate is located. MCR 3.103(F)(1).

## III. ORDER OF SEIZURE

### A. Define

Order to Seize Property (f/k/a execution) is the process by which the judgment of the court is carried out. With respect to a money judgment, it is the process by which the property of the defendant is seized, sold, and the proceeds of the sale applied to the balance owed on the judgment and the cost of the sale. Any excess amount is returned to the defendant. Seizure is governed by Chapter 60 of the Revised Judicature Act, MCL 600.6001 et seq. Michigan is not an automatic judgment lien state. You must file with the Registrar of Deeds office a properly perfected judgment lien order to create a valid judgment lien in Michigan. In absence of a seizure order and levy, merely obtaining a judgment against the defendant does not automatically create a lien against his or her property. *Mt. Carmel Mercy Hospital v United States*, 702 F Supp 627 (1989). The 21-day stay applies to all post judgment collection proceedings including seizure.

The order to seize property is an order directing a court officer to seize and sell enough of the defendant's personal property as will be sufficient to satisfy the plaintiff's judgment and the court officer's fees. The writ instructs the court officer to seize the defendant's personal property before seizing the defendant's real property. MCL 600.6004.

## **B. When to Use**

If the plaintiff has not met with much success with garnishment, or knows the defendant has sufficient personal property, the plaintiff should shift his or her focus to the seizure of the defendant's personal and real property. If you have a good working relationship the court officer or deputy sheriff in the county where the defendant resides, I recommend using an order to seizure property as the first post-judgment remedy.

## **C. Against Real Property**

Seizures against realty shall command the officer to whom they are directed to make seizure against the realty of the judgment debtor only after seizure has been made against the personal property of the judgment debtor that is in the county, and such personal property is insufficient to meet the sum of money and costs for which judgment was rendered.

The order to seize property is filed with the court that entered the judgment. However, several seizure orders may be issued at the same time to officers of different counties for enforcement in each county. MCL 600.6005.

## **D. Choosing a Court Officer**

The key to successful seizure is finding a capable and willing court officer. Although the seizure/execution statutes suggest that any qualified court officer or deputy sheriff can serve a writ of seizure, most courts have appointed court officers to handle seizures. There are a limited number of court officers specializing in orders to seize property.

For a complete list contact the Michigan Court Officers, Deputy Sheriffs, and Process Servers Association at (800) 992-4845 or access their website at [www.mcodsa.com](http://www.mcodsa.com) and request a copy of the statewide directory of professional members. Many of MCODSA's members are certified court officers and have demonstrated their proficiency by passing a difficult exam relating to the laws and procedures relating to seizure orders.

## **E. Starting the Seizure Process**

Unlike garnishment, the plaintiff or the plaintiff's attorney is, for the most part, not as involved after the seizure order is delivered to the court officer. It is the court officer's responsibility to locate the defendant's property, seize it, and sell it at public sale. However, any detailed information that the plaintiff can give to the court officer will expedite the satisfaction of the judgment. Some court officers and deputy sheriffs require the plaintiff to provide them a list of the property they want seized. I disagree with this practice as I believe that it is the court officers responsibility to determine what assets the defendant owns.

The court officer has between 20 and 90 days to return the writ of seizure, MCL 600.6002. The filing fee is \$15. MCL 600.2529(h).

## **F. Priority**

If there is more than one order to seize property against the same defendant, the order first delivered to the court officer or deputy for seizure shall have preference unless there has been a levy and sale before a levy under the first writ of seizure, MCL 600.6007.

## **G. Bond (security) for the Court Officer**

If the court officer or deputy sheriff has reason to doubt that the defendant owns the property that is to be seized, the court officer or deputy sheriff may require the plaintiff to provide a bond as security to indemnify the court officer for taking such property. However, the plaintiff may recover the cost of providing such bond from the defendant, MCL 600.6009. Most court officers require 1 ½ times the judgment amount as the bond amount.

## **H. Property Exempt from Seizure**

Unless specifically exempt (see below), all of the defendant's personal property is subject to seizure. If the defendant is a corporation, all corporate property is subject to seizure. There are no corporate exemptions, MCL 600.6017. The legislature has enacted provisions allowing a defendant to exempt certain property from seizure. The basis for the exemptions is the public policy that the defendant should not be literally picked to the bone by the plaintiff or plaintiffs to whom the defendant owes money. The following property of the defendant and his or her dependents is exempt from seizure pursuant to MCL 600.6023, which provides in relevant part:

1. All family pictures, all arms and accouterments required by law to be kept by any person, all wearing apparel of every person or family, and provisions and fuel for comfortable subsistence for each householder and his or her family for 6 months.
2. All household goods, furniture, utensils, books, and appliances, not exceeding in value \$1,000.
3. A seat, pew, or slip occupied by the judgment debtor or the judgment debtor's family in any house or place of public worship, and all cemeteries, tombs, and rights of burial while in use as repositories of the dead of the judgment debtor's family or kept for burial of the judgment debtor.
4. To each householder, 10 sheep, 2 cows, 5 swine, 100 hens, 5 roosters, and a sufficient quantity of hay and grain, growing or otherwise, for properly keeping such animals and poultry for 6 months.
5. The tools, implements, materials, stock, apparatus, team, vehicle, motor vehicle, horses, harness, or other things to enable a person to carry on the profession, trade, occupation, or business in which the person is principally engaged, not exceeding \$1,000.00.
6. Any money or other benefits paid, provided, or allowed to be paid, provided, or allowed, by any stock or mutual life or health insurance company, on account of the disability due to injury or sickness of any insured person, whether the debt or liability

of such insured person or beneficiary was incurred before or after the accrual of the benefits under the insurance policy or contract, except that the exemption does not apply to actions to recover for necessities contracted for after the accrual of benefits.

7. The shares held by any member, being a householder, of any association incorporated under the provisions of the savings and loan act of 1980, Act No. 307 of the Public Acts of 1980, being sections 491.102 to 491.1202 of the Michigan Compiled Laws, to the amount of \$1,000.00 in such shares, at par value, except that this exemption does not apply to any person who has a homestead exempted under the general laws of this state.
8. A homestead of not exceeding 40 acres of land and the dwelling house and appurtenances on that homestead, and not included in any recorded plat, city, or village, or, instead, and at the option of the owner, a quantity of land not exceeding in amount one lot, being within a recorded town plat, city, or village, and the dwelling house and appurtenances on that land, owned and occupied by any resident of this state, not exceeding in value \$3,500. This exemption extends to any person owning and occupying any house on land not his or her own and which the person claims as a homestead. However, this exemption does not apply to any mortgage on the homestead, lawfully obtained, except that the mortgage is not valid without the signature of a married judgment debtor's spouse unless either of the following occurs:
  - The mortgage is given to secure the payment of the purchase money or a portion of the purchase money.
  - The mortgage is recorded in the office of the register of deeds of the county in which the property is located, for a period of 25 years following the recording of the mortgage.
9. An equity of redemption as described in section 6060.
10. The homestead of a family after the death of the owner of the homestead from the payment of his or her debts in all cases during the minority of his or her children.
11. Any individual retirement account or individual retirement annuity as defined in section 408 of the internal revenue code and the payments or distributions from such an account or annuity. This exemption applies to the operation of the federal bankruptcy code as permitted by section 522(b)(2) of title 11 of the United States code, 11 USC 522. This exemption does not apply to any amounts contributed to an individual retirement account or individual retirement annuity of the contribution occurs within 120 days before the debtor files for bankruptcy. This exemption does not apply to an individual retirement account or individual retirement annuity to the extent that any of the following occur:
  - The individual retirement account or individual retirement annuity is subject to an order of a court pursuant to a judgment of divorce or separate maintenance.
  - The individual retirement account or individual retirement annuity is subject to an order of a court concerning child support.

- Contributions to the individual retirement account or premiums on the individual retirement annuity, including the earnings or benefits from those contributions or premiums exceed, in the tax year made or paid, the deductible amount allowed under section 408 of the internal revenue code. This limitation on contributions shall not apply to a rollover of a pension, profit-sharing, stock bonus plan or other plan that is qualified under section 401 of the internal revenue code, or an annuity contract under section 403(b) of the internal revenue code.
12. The right or interest of a person in a pension, profit sharing, stock bonus, or other plan that is qualified under section 401 of the internal revenue code, or an annuity contract under section 403(b) of the internal revenue code, which plan or annuity is subject to the employee retirement income security act of 1974, Public Law 93-406, 88 Stat 829. This exemption applies to the operation of the federal bankruptcy code, as permitted by section 522(b)(2) of title 11 of the United States code, 11 USC 522. This exemption does not apply to any amount contributed to a 403(b) annuity if the contribution occurs within 120 days before the debtor files for bankruptcy. This exemption does not apply to the right or interest of a person in a pension, profit-sharing, stock bonus, or other qualified plan or a 403(b) annuity to the extent that the right or interest in the plan or annuity is subject to any of the following:
- An order of a court pursuant to a judgment of divorce or separate maintenance.
  - An order of a court concerning child support.
13. The exemptions provided in this section shall not extend to any lien thereon excluded from exemption by law.
14. The exemptions concerning real estate do not apply to a seizure brought to satisfy a judgment rendered in an action to recover the purchase money for the same property, MCL 600.6024. However, in such case, the plaintiff is required to record a notice of such action with the register of deeds in the county in which the property is located upon filing such an action. This statute is probably very rarely invoked because most purchase money loans are secured by a mortgage on the property.

## **IV. SALE AFTER SEIZURE**

### **A. Court Officer's Fees**

After the property is appraised and the defendant claims his or her exemptions, the property is sold, MCL 600.6025 et seq.

The court officer or deputy sheriff is entitled to the following fees for levying against the defendant's property, MCL 600.2559(1)(j):

- \$34.00 plus round trip mileage
- Transportation costs to move seized property
- Storage costs to safeguard the seized property
- 7 percent of the first \$5,000 in receipts or total settlement amount
- 3 percent of any receipts or total settlement amount in excess of \$5,000

It is important for the plaintiff to remember the court officers' fees when settling with the defendant after the court officer has physically or constructively seized any defendant's property. The plaintiff should be sure to insist on the defendant paying the court officer's fees and costs. Otherwise, the plaintiff will be liable for all court officer's fees and costs.

## **B. Personal Property**

Sale of personal property can be made upon giving at least 10 days notice in three public places in the city or township where such sale is to be had and specifying the time and place where the sale is to be had, MCL 600.6031. The property must be present at the sale and must be sold in lots that will bring the highest price, MCL 600.6032.

The court officer, not a deputy, may go anywhere in the State to seize the defendant's personal property except a dwelling house. *Silverman v Stein*, 242 Mich 64; 217 NW 785 (1928). A detached garage or out building is not part of a dwelling house.

The seizure sale passes only whatever title the defendant had in the property at the time of the levy. *Powell v Whirlpool Employees Federal Credit Union*, 42 Mich App 228; 201 NW2d 683 (1972). If the property is secured, the court officer must pay the secured creditor before any payment can be made to the plaintiff. The plaintiff should make sure that the secured creditor has properly perfected his or her lien, MCL 440.9101 et seq.

**Corporate Stock:** Certificates of stock in a corporation must be seized or the transfer of such stock enjoined in order for the levy to be valid, MCL 600.6037. The officer of a corporation who is in charge of keeping a record of the shares or stockholders when presented with the seizure must give the court officer a certificate of the number of shares held by the defendant presented with the seizure. It is very important for the plaintiff to act quickly to prevent the defendant from selling his or her stock. MCL 600.6037(5) provides:

Any court, from which any attachment or seizure is issued, shall have full power and authority upon motion, and without notice, to make an order restraining the transfer of any such shares of stock, and upon the service of a certified copy of such order, the same shall be fully effectual.

The plaintiff may have to obtain a court order requiring the defendant to surrender his or her shares of stock, MCL 600.6104.

## **C. Real estate**

The court officer or deputy sheriff must file a notice of the levy of real estate with the register of deeds of the county where the real estate is situated, MCL 600.6051. Notice of the sale must be placed in three public places in the city or township where the sale is to be made and where the real estate is located at least six weeks prior to the sale, MCL 600.6052. The sale must be made in the county at its circuit court in which the real estate is located, MCL 600.6053.

After the sale, the defendant has one year to redeem the real estate, MCL 600.6062. In order to redeem, the defendant must pay the purchaser the sum of money bid on the sale plus the interest rate on the judgment (MCL 600.6013). After the defendant's one-year redemption period expires, other creditors of the defendant, including the plaintiff who caused the sale of the property, have three months to redeem the property by paying the sum of money bid at the sale plus the interest rate on the judgment, MCL 600.6063.

## V. ADDITIONAL REMEDIES

### A. Debtor's Prison

Although many plaintiffs would disagree with its wisdom, the Legislature has abolished the debtor's prison. However, the defendant may be thrown in jail if the plaintiff can show that the defendant is intentionally concealing assets to defraud the plaintiff. MCL 600.6075 provides:

Except as otherwise provided by law, no person is liable to arrest or imprisonment on any civil process unless:

- In a proceeding for contempt of court; or
- On an action to recover a fine or penalty; or
- After a judgment against such person, the judgment creditor provides satisfactory evidence showing one or more of the following circumstances:
  - The judgment debtor has property which he fraudulently conceals or which he unjustly refuses to apply to the judgment against him, and such judgment belongs to such judgment creditor; or
  - The judgment debtor is about to remove his property out of the jurisdiction of the court in which suit was brought, with the intent to defraud his creditor; or
  - The judgment debtor has, or is about to dispose of some or all of his property with intent to defraud his creditor.

### B. Criminal Transfer and Catch All Statutes

A defendant who transfers his or her property with the intent to defraud the plaintiff or other creditors is guilty of a misdemeanor, MCL 600.6085. However, with the exception of a contempt proceeding, the defendant may not be arrested until the plaintiff has been unable to satisfy the judgment through seizure, MCL 600.6076.

Michigan has a series of statutes that can be described as a "catch all" with respect to enforcement of judgments, MCL 600.6101 et seq... MCL 600.6104 provides:

- After judgment for money has been rendered in an action in any court of this state, the judge may, on motion in that action or in a subsequent proceeding:
- Compel a discovery of any property or things in action belonging to a judgment debtor, and of any property, money, or things in action due to him, or held in trust for him;
- Prevent the transfer of any property, money, or things in action, or the payment or delivery thereof to the judgment debtor;
- Order the satisfaction of the judgment out of property, money, or other things in action, liquidated or unliquidated, not exempt from seizure;
- Appoint a receiver of any property the judgment debtor has or may thereafter acquire; and
- Make any order as within his/her discretion seems appropriate in regard to carrying out the full intent and purpose of these provisions to subject any nonexempt assets of any judgment debtor to the satisfaction of any judgment against the debtor;

The court may permit the proceedings under this chapter to be taken although seizure order may not issue and other proceedings may not be taken for the enforcement of the judgment. It is not necessary that seizure be returned unsatisfied before proceedings under this chapter are commenced.

## **VI. SELF-HELP REPOSSESSION**

The only Michigan statute that governs the procedure that a creditor must follow to repossess property in the hands of a debtor who has defaulted on an obligation that is secured by such property is found in Article 9 of the Michigan Commercial Code. MCL 440.9101 et seq.; MCL 440.9503 provides:

Unless otherwise agreed, a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under section 9504.

It is important for the creditor to have a competent repossession person. A debtor who is injured by repossession personnel can successfully recover from the creditor if the debtor can show that the creditor had reason to know that the creditor's repossession personnel were incompetent.

## **VII. MOTOR VEHICLES JOINTLY HELD**

### **A. Issue**

There are varying opinions about levying motor vehicles titled in a husband's and wife's name with a judgment against only one of the spouses. I suggest you consider proceeding based upon the theories and arguments set forth below:

Many people believe that this property is not subject to seizure. My research does not disclose any particular case on point involving these specific facts, but I believe the argument that the property is exempt is incorrect and that accordingly, a court officer or deputy sheriff should be entitled, or I should say the judgment creditor should be entitled to, at a minimum, one-half of the interest of the vehicle or at least a trial on the issue as to the extent of the judgment debtor's interest in the subject vehicle.

### **B. Joint Tenancy**

An estate held by husband and wife is nothing more than a joint tenancy by husband and wife commonly known in Michigan as a tenancy by the entireties. The real question is not one of whether one can hold personal property jointly or as husband and wife, but whether or not if one holds such property in this form, is it exempt from seizure.

### **C. Tenants by the Entirety**

Exemptions from seizure are statutory and there is no recognized common law exemption to seizure. The first time that we see an exemption for property held by tenants by the entirety is under real estate that simply states that property held by husband and wife is not subject to satisfaction of a judgment incurred by only one of the joint owners. In other words, one has to have a judgment against both husband and wife in order to proceed to satisfy a judgment against that real estate.

### **D. Opinion**

I am unable to find in any statute a similar exemption in personal property of a motor vehicle. There are specific instances, however, where statutes recognize property held by husband and wife. Chapter 557 of the Michigan Compiled Laws discusses property of husband and wife. Specifically, MCL 557.151 recognizes a joint tenancy by husband and wife of certain personal property such as bonds, certificates of stock, mortgages, promissory notes, debentures or all other evidence of indebtedness. That Statute specifically says that property is subject to the same restrictions, consequences and conditions as are incident to the ownership of real estate held jointly by husband and wife.

It is interesting to note that the preamble to this statute states:

An act to provide for the joint ownership by husband and wife in joint tenancy of certain classes of personal property with rights of survivorship.

The Legislature's intent is to create a special class of personal property in which they recognized the joint tenancy by husband and wife which would thereby render the property exempt in the case where one has a judgment creditor of or only one of the joint owners. Again, there exists no similar statute for motor vehicles.

It is also interesting to note MCL 487.711 et seq. . . which is commonly referred to as the statutory joint account. In that statute, it specifically outlines the rights and responsibilities of each party to a statutory joint account which is typically a joint tenancy with rights of survivorship. Essentially, what the statute says is that to the extent that ownership can be shown, a creditor of only one of the joint tenants can prevail against the account to the extent of the judgment debtor's interest.

I have reviewed several cases; some of which are for and some of which are against the judgment creditor, but again, none of them deal with the specific issue at hand. Some of the cases deal with garnishments of joint bank accounts, and some of them deal with garnishments of proceeds from real property which invoke the real property rule of exemption.

In a bankruptcy case, under the statutory joint account which I cited above, the court essentially said while there is not a hard and fast rule that creditors are always entitled to one-half of a joint account, they are allowed to proceed to trial in order to investigate or determine what the interest of the judgment debtor is in order to reach that portion. It could be zero; it could be 100 percent. See *Lazoski* 531 N.W. 2d 799, 209 Mich. App. 623 (1995).

The remaining cases involved proceeds from real estate and, therefore, while they stand for the proposition that a judgment creditor could not reach the proceeds, I think it only reinforces the idea that it involves real estate and not personal property. *S & B Bank &*

*Trust v. Kensey* 145 Mich. App. 765 (1985); *Sanford v. Bertrau* 204 Mich. 244 (1918); and *Liberty v State Bank & Trust v. Grosslight* 757 Fed. 2d 773 (1995).

As I see the issue, the plaintiff should not be put on the defensive to prove that the court officer or deputy sheriff can levy upon this property, but the burden should be shifted to the defendant to show that this property is exempt. A defendant cannot waive the certificate of title claiming joint ownership and therefore, make it exempt. I would challenge the defendant to show a statute or a case which says in fact that this property is exempt from seizure. If not clearly under the statute as property being exempt, the presumption is that one can levy upon it regardless of how title is held. The argument really is that the personal property being held jointly with rights of survivorship merely effects a smooth title transition in the event of death of one of the owners. I think the strongest argument is that in view of the fact that the Legislature has expressed its intent in creating certain classes of personal property as being exempt as joint tenancies and a motor vehicle is not included in one of those classes; therefore, in my opinion it is not exempt from seizure.

## VIII. JURISDICTION OF A COURT OFFICER

### A. Legal Position

In *Landy v Landy*, 131 Mich App 519, 521 (1984), a circuit court was held to have committed error by refusing to recognize its jurisdiction to grant an seizure on the divorce judgment entered by that court, but expected to cause seizure on property owned by the judgment debtor in another county. While *Landy* did not address whether the seizure would be properly served by the sheriff or court officer of the county where the seizure issued or of the county where the seizure would be served, clearly the circuit court has the authority to issue an order to seize property that will have caused a seizure to occur in another county. Pursuant to the *Menken v 31st District Court*, 179 Mich App 379 (1989) case, it follows that the officer appointed by the court that issued the writ would then be the proper officer to enforce the writ by entering another county.

In *Menken (SUPRA)*, a plaintiff attorney who frequently filed writs of execution in the 31st District Court sought a declaratory ruling, requiring the court to return writs of execution to the plaintiff's attorney so they may have them served by a court officer of their choice. The plaintiff relied upon MCR 2.103(B)(1), providing that a writ requiring the seizure and attachment of property "may only be served by . . . a sheriff or deputy sheriff or a bailiff or court officer appointed by the court for that purpose" allows service by any officer of any Michigan court for the reason that, under Michigan's Constitution, there is but one "court of justice." *Menken*, 179 Mich App at 380-381. The Court of Appeals however, found that the constitution divides our "one court of justice" into various courts, one of which is the district court, which is further divided into judicial districts. "In each district, a presiding judge exercises full authority and control over all administrative matters. In each district, the judges appoint all court employees, who are employees of the district court." *Menken*, 179 Mich App at 381 (citations omitted). Affirming the trial court, the Court of Appeals found that the presiding district court judge has complete administrative authority and is in a unique position to evaluate the diligence, discretion and integrity of court officers serving writs issued by that court. As a result, a judge who did not appoint the court officer would not have these insights, could not exercise any supervision over the officer's actions and would not be in a position to right any wrongs that occurred. *Id.* Further relying upon the

Opinion of the Attorney General, 1979-80, No. 5615, p. 522, the Court of Appeals found that “a court officer’s authority extends only to matters that are directly related to the judicial district that appointed him.” *Menken*, 179 Mich App at 382. As a result, a writ of attachment of property may only be served by a “sheriff or deputy sheriff or a bailiff or court officer appointed for that purpose by the court that issued the writ.” *Menken*, 179 Mich App at 382-383 (emphasis in the original).

## **B. Common Questions**

What is the authority of a sheriff, deputy sheriff and court officer to serve an order to seize property or to arrest on a bench warrant? Except where stated otherwise below, the questions listed are not directly answered by Michigan authority.

1. Can a court officer appointed out of the 46<sup>th</sup> District Court in Southfield serve a seizure order issued by the 46<sup>th</sup> District Court on a defendant residing in Ingham County?

**Answer:** Yes. Pursuant to MCL 600.6001, when a judgment is rendered “in any court, seizure to collect the same may be issued to the sheriff, bailiff or other proper officer of any county, district, court district or municipality of this state.” Pursuant to the authority cited below, it is reasonably clear that a court officer is the “proper officer of any county” to receive seizures issued by the district court that appointed him, and proceed to serve those seizures in any other Michigan county where the judgment debtor holds property.

2. Can a court officer appointed out of the 12<sup>th</sup> District Court in Jackson serve a seizure order issued by the 46<sup>th</sup> District Court in Southfield on a defendant residing in Ingham County?

**Answer:** No, pursuant to *Menken (SUPRA)*. Additionally, this result conforms with the common practice of seeking from the court issuing an order to seize property an order permitting service of the seizure order by a court officer other than the officer appointed by that court, where the judgment creditor desires to employ the services of an alternative court officer. Logically, then, the entry of such an order “appoints” the alternative court officer and brings the officer within the control of the court. Further, pursuant to MCL 600.6001, such an order would at a minimum imply that the court rendering judgment has expressly issued the seizure order to the out-of-county court officer.

3. Can a Jackson County deputy sheriff serve a seizure order issued by the 46<sup>th</sup> District Court in Southfield on a defendant who resides in Jackson County?

**Answer:** Pursuant to *Menken*, not without risk. Additionally, the statutory scheme, set forth at MCL 600.581-582 (quoted below) implies that the sheriff and his deputies serve the county in which they are appointed and are officers of the courts in that county for the purpose of executing lawful orders and process issued by the courts of their county. However, MCL 51.221 provides that a “sheriff, undersheriff, or deputy sheriff of the county in this state may serve or execute civil or criminal process issued

by a court of this state, and have and exercise all of the powers and duties of constables.” The two statutes seem to be in conflict with each other. The common practice among courts is to send process outside of their jurisdiction to the sheriff of the county where the defendant resides for service.

4. Can a Wane County deputy sheriff serve a seizure order issued out of the 46th District Court in Southfield on a defendant in Oakland County?

**Answer:** No. In addition to the problems raised by *Menken* and MCL 600.581-582, the deputy sheriff has left the county that appointed him.

“At common law, a sheriff has no jurisdiction beyond the borders of his county, the rule being that the acts of an officer outside of his county or bailiwick are unofficial and necessarily void unless expressly or impliedly authorized by some statute. A sheriff is in no better or different position than a private citizen when he makes arrests beyond the limits of his county.” *Kapson v Kubath*, 165 F Supp 542, 546 (W.D. Mich 1958). “A sheriff or constable who seizes property outside of the territory over which his or her authority is spent is to be regarded as though he or she were a stranger having no writ, and liable in trespass to the owner.” CJS, Sheriff and Constables §147.

*Kapson* relied upon the “well-established rule” that the “power and authority of a county sheriff are limited to the confines of his county and that when he exceeds that jurisdiction he is acting as a private citizen,” to find that the defendant, sheriff of Berrien County, could be held liable for damage to premises resulting from a gambling raid and search conducted over the border and in the State of Indiana.

5. Can a special deputy sheriff (not a peace officer) arrest a defendant on a bench warrant or a warrant for child support?

**Answer:** Yes, if this is an “act” within the terms of the special deputy’s appointment. A sheriff may, in writing, appoint persons to do particular acts falling within the function of the sheriff, MCL 51.70. While a general deputy has, by virtue of his or her appointment, the authority to execute all ordinary duties of the sheriff, a special deputy may be deputized by the sheriff to exercise a special function of the sheriff. CJS, Sheriffs and Constable, §45. The authorization of the special deputy must be in writing made by the sheriff. Id.

Pursuant to MCL 600.581: “The sheriff of the county, or his deputy, shall attend the circuit court, probate court, and district court sessions when requested by these courts. . .” In the section that follows, MCL 600.582, the sheriff and his deputies “are officers of the court for the purpose of executing the process of the court; [and] may execute all lawful orders and process of the court in any county of the state.”

## **IX. MISCELLANOUS SEIZURE STATUTES**

### **A. Court Officer must file a Bond**

All court officers and official process servers of the district court must file with the chief judge a bond approved by the chief judge. The court officer bond must be in the penal sum of \$50,000.00 conditioned that the officer will perform the duties as a court officer and account for and pay over all money which may be received by the officer to the person or persons lawfully entitled. The bond for a official bonded process servers is \$10,000.00 as of May 1, 2002. MCR 8.204

### **B. How to Count the Days in the Michigan Statutes**

In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday or legal holiday, the period or day is extended to include the next day which is not a Saturday, Sunday or legal holiday, MCL 8.6:

### **C. Service of Process on Public Holidays**

The fact that process was served on a holiday shall not prevent or invalidate the entry, issuance, service, or seizure of a writ, summons, or confession of judgment, or other legal process... MCL 435.101.

### **D. A Female may not be arrested on Civil Process**

No female shall be imprisoned on any process in any civil action, MCL 600.1821.

### **E. Civil Process may now be Served on Sunday**

Until November 10, 2005, civil process could not be served or executed on Sunday; but upon sufficient cause being shown by affidavit to the satisfaction of a judge of any circuit, that judge could make any restraining order or authorize the issuance of and service or seizure of any writ on Sunday, as on other days, MCL 600.1831.

The revised statute now reads: Civil process shall not be served or executed on a person attending a worship meeting of a religious organization that has tax exempt status under section 501(c)(3) of the internal revenue code, 26 USC 501, on property where the organization normally conducts its worship, or going to or coming from such a meeting within 500 feet of that property. A judge may order service or execution of process notwithstanding this subsection if, to the judge's satisfaction, sufficient cause is shown by affidavit. The revised statute applies seven days-a-week.

### **F. Excessive Fees are Prohibited**

No deputy sheriff or court officer, or other person shall receive any greater fee for his or her service than allowed by statute, MCL 600.2513. Overcharging is a misdemeanor and they shall be liable to the party aggrieved for treble damages sustained, MCL 600.2519.

### **G. Fees for the Service of Civil Process**

The following schedule applies as fees for process served out of the circuit court, the probate court, the district court, or any municipal court by any person authorized by the Supreme Court rule to serve process, MCL 600.2559:

- summons and complaint in a civil action, along with supporting documents, for each defendant, \$20.00 plus mileage.
- affidavit of account and statement, for each defendant, \$20.00 plus mileage.
- summons and affidavit in garnishment, for each garnishee and defendant, \$17.00 plus mileage.
- seizure and delivery of goods in a case of claim and delivery, \$34.00 plus mileage, plus the actual and reasonable expense of taking, keeping, and delivering the goods.
- order to show cause, \$20.00 plus mileage.
- subpoena on discovery, \$20.00 plus mileage.
- writ, affidavit, and bond in a case of attachment, \$20.00 plus mileage.
- seizure of property in a case of attachment, \$34.00 plus mileage, plus the actual and reasonable expense for taking and keeping the property.
- levy under a writ of seizure, \$34.00 plus mileage, plus the actual and reasonable expense for taking, keeping, and sale, plus, if the judgment is satisfied prior to sale, 7 percent of the first \$5,000.00 in receipts and 3 percent of receipts exceeding the first \$5,000.00.
- sale on levy in a case of seizure, 7 percent of the first \$5,000.00 in receipts and 3 percent of any receipts exceeding the first \$5,000.00.
- for each notice of sale on levy in the case of an seizure or mechanics lien posted in a public place in the city or township, \$20.00 plus mileage.
- writ for the restitution of premises, \$34.00 plus mileage, plus the actual and reasonable expense for moving property out of the premises.
- subpoena directed to a witness, including a judgment debtor, \$20.00 plus mileage.
- civil bench warrant, \$34.00 plus mileage, plus a reasonable fee per hour for the amount of time involved in executing the warrant.

Upon submitting a sworn affidavit, a person who serves process out of the circuit court, the probate court, the district court, or any municipal court is entitled to receive a \$10.00 fee for each process that has an incorrect address plus mileage. This fee is in addition to any fee to which the person is entitled under subsection (J).

Any person who serves process out of the circuit court, the probate court, the district court, or any municipal court and who demands or receives any greater fees or compensation for performing any of the services mentioned in this section than as allowed by this section, shall, in addition to all other liabilities now provided by law, be liable to the party injured, for paying the illegal fees, in 3 times the amount so demanded, received, or paid, together with all costs of the action.

#### **H. Refusal of Deputy Sheriff or Court Officer to Serve Process**

Any sheriff or other officer who, after the proper fees have been tendered, neglects or refuses any of the services required by law shall be liable to the party injured for all damages which the party sustains by reason of that neglect or refusal, MCL 600.2559.

### **I. Court Officer must Endorse Receipt of Seizure**

Upon receipt of any seizure order the sheriff or other officer receiving the order shall indorse thereon the year, month, day, and hour of receipt and that time shall be the date of the seizure, MCL 600.6002.

### **J. Seizure against Real Estate can only be done after Personal Property**

Seizures against realty may only be done after seizure has been made against the personal property of the judgment debtor and such personal property is insufficient to meet the sum of money and costs for which judgment was rendered, MCL 600.6004.

### **K. Seizure may enter even if Installment Payment Order in Effect**

Nothing shall be construed to prohibit and shall not prohibit a plaintiff from taking any legal means for the collection of a judgment excepting the garnishment of money due or to become due the defendant for the personal work and labor of the said defendant, MCL 600.6245.

## **X. MISCELLANEOUS INFORMATION**

1. Liquor Licenses are subject to seizure, 40 A.L.R. 4th 927 (1986)
2. If a court officer is lawfully invited into the defendant's dwelling, he or she may search room to room for assets to satisfy the seizure order. Once he or she are lawfully in the home, they may use reasonable force, if necessary, to accomplish this. *Vanden Bogert v. May* 55 NW2d 115; 334 Mich 606 (1952) and *Silverman v. Stein*, 242 Mich 64 (1928) and *Reams v. DUBY* 244 NW2d 440; 69 Mich App. 265 (1976).
3. A court officer may break and enter any building on the defendant's premises that is not attached to the dwelling for the purpose of executing the seizure. *Silverman v. Stein* 217 NW 785; 242 Mich 64 (1928). As an example, they may break and enter into a detached garage.
4. If goods that were available for levy are lost because the court officer fails to levy the seizure, the officer is liable to the judgment creditor for damages. *Beard v Clippert* 63 Mich 716, 30 NW 323 (1886).
5. Seizures are good way to collect divorce judgments or child support. A divorce judgment containing a money judgment need not state specifically that money judgment may be enforced by a order to seize property since the right to execute is implicit in any judgment for money. *Landy v. Landy* (1984) 345 N.W.2d 720, 131 Mich.App. 519.

## **XI. WHAT AND HOW SEIZURE FEES ARE CALCULATED**

This is a summary of my opinion, as a court officer, regarding the various costs incurred in the service of a order to seize property and to whom they should be charged.

**A. What are the Fees?** Pursuant to MCL 600.2559(1)(j), when a court officer or deputy sheriff serves process under a writ of seizure, the officer is to be paid a flat fee of \$34 “plus mileage, plus the actual and reasonable expense for taking, keeping and sale, plus, if the judgment is satisfied prior to sale, 7% of the first \$5,000.00 in receipt and 3% of receipts exceeding the first \$5,000.00.” Additionally, “The fees allowed for the service of an execution . . . shall be collected in the same manner as the sum directed to be levied or collected under the order for the seizure of property.” MCL 600.2559(5). Accordingly, any amount that may be recovered by the court officer pursuant to MCL 600.2559(1)(j) may be collected by the officer through the proceeds of the seizure order. Additionally, these “statutory fees” may be added to the judgment. MCL 600.6041, and In re Fees of Court Officer (Harbour Towne Marina Assoc. v Geile), 222 Mich App 234, 246 (1997).

**B. Court of Appeals.** As our Court of Appeals recognized, the statutory fee schedule set forth at MCL 600.2559 relies heavily upon the imposition of flat fees that “might not fully anticipate the time devoted by a court officer” to include fees that might be added to judgment. In re Fees of Court Officer, 222 Mich App at 246. Such expenses would typically fall within the provision allowing the court officer to charge and collect “reasonable expenses for taking, keeping and sale” of the property. MCL 600.2559(1)(j).

**C. The Fee Question.** The following is organized in response to the following specific issues:

1. Is a court officer/deputy sheriff entitled to receive, through the proceeds of a seizure order, the costs of taking physical or constructive possession of property, to include the cost of towing or storing, locksmith costs incurred to constructively seize or immobilize property, and reasonable hourly fees charged by the officer or his agent for their time spent moving the property? I believe the answer is yes.

“[T]he court officer’s involvement does not come without costs; after all the statutory [\$30] service fee hardly covers an officer’s time on a typical levy. There are many expenses involved, such as renting a truck and laborers which a litigant would be expected to bear.” In re Fees of Court Officer, 222 Mich App at 256. Cost incurred to move, tow, secure or store seized property are clearly recoverable by the court officer and appear well within the statute’s provision that the court officer recover his “actual and reasonable expense for taking [and] keeping” the property.

2. May a court officer recover, through the proceeds of seizure order, the cost of a Secretary of State report or other informational services, obtained at nominal expense, to verify the identification of an individual or corporate judgment debtor or to confirm, prior to seizure, the ownership or value of identified property? Again, I believe the answer is yes.

“It should come as no surprise that judgment creditors may devote substantial resources to determining a debtor’s assets available for collection and that professionals are often hired to conduct those investigations. The law does not prohibit such arrangements, nor does it seek to limit the fees charged for such services as between the investigator and the hiring party or attorney.” In re Fees of Court Officer, 222 Mich App at 240. In light of these arrangements, our Court of Appeals anticipated that two compensation schemes may run parallel to each other, causing the court officer to be paid nominal statutory fees through the proceeds of his collection efforts

and be paid “higher investigative fees” directly by the judgment creditor. *Id.* In its effort to distinguish the fees recoverable through these two sources of payment, the Court’s analysis focused upon the fees that were *not* recoverable under statute, and found that “investigative costs involving property never found or seized” or investigative costs that “led to the property’s discovery” could be collected by the court officer from the judgment creditor but were not costs chargeable to judgment. *Id.* at 254. By logical extension of this analysis, nominal “investigative” costs incurred for the purpose of ensuring that “found” assets are properly subject to seizure (i.e., to verify ownership or ascertain the realizable value of the property) would be “statutory fees” recoverable through the proceeds of the resulting seizure or collection. This conclusion is also consistent with MCL 600.2559, which provides that whenever there is “any reasonable doubt as to the ownership of a judgment debtor of any personal property” the court officer may require sufficient security to indemnify him for taking that property, and the judgment creditor “shall recover of the [judgment debtor], together with the cost of the seizure levy, the reasonable costs of indemnity so deposited.”

## **XII. MENKEN VS. 31ST DISTRICT COURT**

**Steven A. MENKEN, Plaintiff-Appellant,**

**v.**

**31ST DISTRICT COURT, Defendant-Appellee.**

**Docket No. 107923.**

**179 Mich.App. 379, 445 N.W.2d 527**

Court of Appeals of Michigan.

Decided Aug. 9, 1989.

Released for Publication Sept. 22, 1989.

Attorney brought action seeking declaratory relief, alleging that he frequently filed writs of seizure in 31st District Court, and alleging that he had requested that such writs be returned to him for service by court officer of his choice, but that court had refused all such requests for reason that only court officer appointed by 31st District Court or deputy sheriff could serve writ of seizure issued by that court. The Wayne Circuit Court, James J. Rashid, J., denied relief, and attorney appealed. The Court of Appeals held that writ of restitution requiring seizure or attachment of property could only be served by sheriff or deputy sheriff, or bailiff or court officer appointed for that purpose by court that issued the writ.

Affirmed.

1. Declaratory relief is available to party when necessary to guide that party's future conduct in order to preserve his legal rights.
2. Court of Appeals' review of declaratory relief is de novo on the record.
3. Writ of restitution requiring seizure or attachment of property could only be served by sheriff or deputy sheriff, or bailiff or court officer appointed for that purpose by court that issued the writ. MCR 2.103(B)(1).

4. Court officer's authority extends only to matters that are directly related to judicial district that appointed officer.

[179 MICHAPP 379] Steven A. Menken, Birmingham, in pro. per.

Litch, Gordon & Czeckowski, P.C. by John M. Litch, Center Line, for defendant-appellee.

Before WAHLS, P.J., and DOCTOROFF and BRENNAN, JJ.

[179 MICHAPP 380] PER CURIAM.

In this action for declaratory relief, plaintiff appeals as of right from the trial court's order denying such relief. We affirm.

Plaintiff alleged in his complaint that he is an attorney who frequently files writs of seizure in the 31st District Court. Plaintiff alleged he has requested that such writs be returned to him for service by a court officer of his choice, but the court has refused all such requests for the reason that only a court officer appointed by the 31st District Court or a deputy sheriff could serve a writ of seizure issued by that court. Plaintiff requested that the circuit court declare the rights of the parties with respect to MCR 2.103(B)(1), which governs the service of writs of restitution requiring the seizure or attachment of property. The trial court concluded that such writs issued by 31st District Court could only be served by court officers appointed by the presiding judge of that court.

Declaratory relief is available to a party when necessary to guide the party's future conduct in order to preserve his legal rights. Our review is de novo on the record. *Odette v. Liquor Control Comm.*, 171 Mich.App. 137, 140-141, 429 N.W.2d 814 (1988).

MCR 2.103(B)(1) provides:

A writ of restitution or process requiring the seizure or attachment of property may only be served by

(1) a sheriff or deputy sheriff, or a bailiff or court officer appointed by the court for that purpose,....

Plaintiff argues that the words of the court rule permitting service by "a court officer appointed by the court for that purpose" allows service by an [179 MICHAPP 381] officer of any Michigan court, and does not limit service to an officer of the court that issued the writ. Plaintiff argues that such a construction is warranted because there is but "one court of justice" in Michigan. Const.1963, art. 6, Sec. 1.

However, the constitution divides Michigan's "one court of justice" into various courts. One of those is the district court, which is divided into judicial districts. M.C.L. Sec. 600.8101 et seq.; M.S.A. Sec. 27A.8101 et seq. In each district, a presiding judge exercises full authority and control over all administrative matters. M.C.L. Sec. 600.8221; M.S.A. Sec. 27A.8221; *Judges of the 74th Judicial Dist. v. Bay Co.*, 385 Mich. 710, 723, 190 N.W.2d 219 (1971). In each district, the judges appoint all court employees, who are employees of the district court. M.C.L. Sec. 600.8271; M.S.A. Sec. 27A.8271.

In its well-reasoned opinion, the trial court stated:

A presiding district court judge has complete administrative authority as to the functioning of the court within his judicial district. Along with this authority comes the right to appoint all of the court's employees and court officers, and the responsibility to supervise their actions. As such, the presiding judge is in a position to personally evaluate the diligence, discretion and integrity of the court officers serving writs of attachment issued by his court. Accordingly, the appointing judge retains a measure of supervision over the service of process and maintains his ability to insure the sound administration of justice within his judicial district.

A judge who did not appoint a court officer could not exercise any supervision over that officer's actions and would therefore not be in a position to right any wrongs that occurred. A factor of utmost importance is the legal responsibility of the court officer to the court issuing process. See, *Coleman v [179 MICHAPP 382] Bolton*, 24 Mich App 547[, 180 N.W.2d 319] (1970). Granting the relief requested by the Plaintiff would constitute significant interference with the presiding judge's right to control the administration of his court.

Furthermore, we find the following statement of the attorney general regarding the service of civil process to be instructive:

A district court officer is a person appointed by the judges of a district court to serve civil process in the district court district. RJA 8321, 1961 PA 236, MCLA 600.8321, provides in part as follows:

"(1) Civil process in the district court shall be served by ... a court officer appointed by the judges of the court for such purpose,....

"(2) Under the rules of the supreme court, any other person may serve any process or order of the district court which does not require the seizure, attachment or garnishment of property or the arrest of a person...."

In addition, the Supreme Court has adopted DCR 103, which governs the service of process in the district courts. In particular, DCR 103.3 provides:

"... no person other than a sheriff, deputy sheriff, court officer appointed by a district judge for such purpose, ... shall serve any process or order of the district court which requires the seizure, attachment, or garnishment of property or the arrest of a person." [OAG, 1979-1980, No. 5615, p 522 (December 26, 1979).]

We believe that a court officer's authority extends only to matters that are directly related to the judicial district that appointed him. Under MCR 2.103(B)(1), a writ of restitution requiring the seizure or attachment of property may only be served by a sheriff or deputy sheriff, or a bailiff or court officer appointed for that purpose by the [179 MICHAPP 383] court that issued the writ. Thus, a writ of restitution issued by the 31st District Court can only be served by a court officer appointed for that purpose by the presiding judge of the 31st District Court.

Affirmed.

### **XIII. INVESTIGATIVE TOOLS**

1. AutoTrak (great database)- <http://atxp.dbt-online.com>
2. Accurint – [www.accurint.com](http://www.accurint.com)
3. Interactive Data – [www.idinfo.info](http://www.idinfo.info)
4. Search America - [www.searchamerica.com](http://www.searchamerica.com)
5. Flat Rate Info - [www.flatrateinfo.com](http://www.flatrateinfo.com)
6. Merlin Information - [www.merlindata.com](http://www.merlindata.com)
7. Commercial Truck Information - [www.safersys.org](http://www.safersys.org)
8. Correct Postal Address - [www.cedar.buffalo.edu/adserv.html](http://www.cedar.buffalo.edu/adserv.html)
9. New & Used Car Prices - [www.nada.com](http://www.nada.com)
10. Prison Inmate Records - [www.state.mi.us/mdoc/asp/otis2.html](http://www.state.mi.us/mdoc/asp/otis2.html)
11. Occupational Licensing Info - [www.cis.state.mi.us/bcs\\_free/default.asp](http://www.cis.state.mi.us/bcs_free/default.asp)
12. Michigan Corporation Lookup - [www.dleg.state.mi.us/bcs\\_corp/sr\\_corp.asp](http://www.dleg.state.mi.us/bcs_corp/sr_corp.asp)
13. Band Routing Number Lookup - [www.fedwiredirectory.frb.org/search.cfm](http://www.fedwiredirectory.frb.org/search.cfm)
14. Court Officers, Deputy Sheriffs, Process Servers Association - [www.mcodsa.com](http://www.mcodsa.com)
15. Black Book Online - [www.crimetime.com/online.htm](http://www.crimetime.com/online.htm)
16. Credit Commander – [www.creditcommander.com](http://www.creditcommander.com)
17. Eaton County Property Records - [www.eatoncounty.org/tax/PublicParcelselect.aspx](http://www.eatoncounty.org/tax/PublicParcelselect.aspx)
18. Fone Finder – [www.fonefinder.net](http://www.fonefinder.net)
19. Lexis Collection Solutions - [www.lexisnexis.com/collectionssolutions](http://www.lexisnexis.com/collectionssolutions)
20. Non Published Phone Numbers – [www.nonpub.com](http://www.nonpub.com)
21. Open Online Information – [www.openonline.com](http://www.openonline.com)
22. Michigan UCC Online Records – [www.michigan.gov](http://www.michigan.gov) Then select Online Services
23. National Directory Information Service – [www.ndis.us](http://www.ndis.us)
24. Dataland Information Service – [www.dataland.com](http://www.dataland.com)
25. Universal Communications – [www.uccweb.com](http://www.uccweb.com)
26. Phone Bust Service – [www.phonebust.com](http://www.phonebust.com)
27. Tracers Information Service - [www.tracersinfo.com](http://www.tracersinfo.com)
28. Bankruptcy Voice Case Information - East 877-422-3066 - West 616-456-2075
29. To Order Michigan SOS Information via phone - 517-322-1624
30. US Postal Zip Code Lookup - 800-725-2161
31. AT&T Toll Free Vanity Criss Cross  
[http://businesssales.att.com/products\\_services/tollfreeproduct\\_cataloglookup.jhtml](http://businesssales.att.com/products_services/tollfreeproduct_cataloglookup.jhtml)

- 32. Us Info Search - <http://usinfosearch.com>
- 33. Intellicorp - <http://www.intellicorp.net>
- 34. Locate Plus - [www.locateplus.com](http://www.locateplus.com)
- 35. Michigan Sex Offender - [www.mipsor.state.mi.us](http://www.mipsor.state.mi.us)
- 36. Michigan Internet Criminal History Access Tool – [www.michigan.gov](http://www.michigan.gov)
- 37. Servicemember Civil relief Act - <https://www.dmdc.osd.mil/scra/owa/home>
- 38. Address by White & Yellow pages - [www.addresses.com](http://www.addresses.com)
- 39. Reverse Lookup - [www.freeality.com/finde.htm](http://www.freeality.com/finde.htm)

**Jeff Kirkpatrick, CCO – Email: [jeff@codsa.com](mailto:jeff@codsa.com) - Phone 517-788-8898**

Department of Defense Manpower Data Center

MAY-14-2006 20:47:18



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
KIRKPATRICK			Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Robert J. Brandewie, Director