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|---|--|-----------------|
| STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT | MOTION FOR POSSESSION PENDING JUDGMENT Claim and Delivery | CASE NO. |
|---|--|-----------------|

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

v

Defendant's name(s), address(es), and telephone no(s).

Plaintiff's attorney, bar no., address, and telephone no.

MOTION

1. The plaintiff is lawfully entitled to possession of the following described property:

2. The property may be damaged, destroyed, concealed, disposed of, or used so as to substantially impair its value before final judgment, unless the property is taken into custody by court order, because: (State the facts.)

3. The plaintiff moves for possession of the described property pending final judgment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

_____ Date

_____ Plaintiff/Attorney

RESTRAINING ORDER AND ORDER TO APPEAR

TO THE DEFENDANT(S): **IT IS ORDERED:**

1. You shall refrain from damaging, destroying, concealing, disposing of or using so as to substantially impair its value, the property described above, until further order of the court.

2. You shall appear in court at the above address at _____ Location

for a hearing on the motion on _____ at _____ to answer the motion.
Date Time

If you do not appear at the hearing, the property may be taken from you.

_____ Date

_____ Judge Bar no.

MOTION FOR POSSESSION

PROOF OF SERVICE

Case No. _____

TO PROCESS SERVER: You are to serve this motion, restraining order and order to appear not later than 7 days before the scheduled hearing date. You must make and file your return with the court clerk immediately.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- I served personally a copy of the restraining order and order to appear,
- I served by registered or certified mail (copy of return receipt attached) a copy of the restraining order and order to appear,

together with _____, on the defendant(s):
Attachment

| | | |
|------------------|-----------------------------|-----------------|
| Defendant's name | Complete address of service | Day, date, time |
| Defendant's name | Complete address of service | Day, date, time |
| Defendant's name | Complete address of service | Day, date, time |

I have personally attempted to serve the restraining order and order to appear, together with _____
Attachment

_____ on _____
Name

at _____ and have been unable to complete service because
Address

the address was incorrect at the time of filing.

I declare that the statements above are true to the best of my information, knowledge, and belief.

| | | | |
|-------------|----------------|-------------|-----------|
| Service fee | Miles traveled | Mileage fee | Total fee |
| \$ | | \$ | \$ |

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the restraining order and order to appear, together with _____
Attachment

_____ on _____
Day, date, time

_____ on behalf of _____
Signature