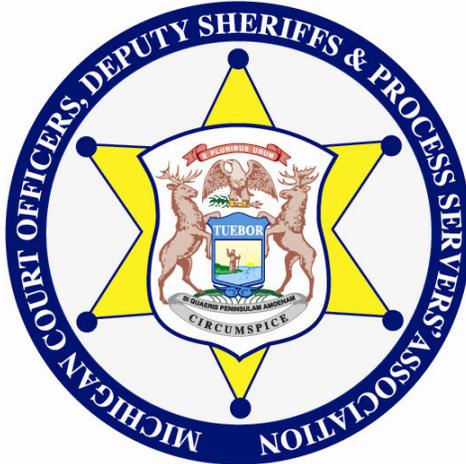


**Law Enforcement Guide  
to  
Civil Process  
and  
Judgment Enforcement**



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This resource guide is produced and distributed by the Michigan Court Officers, Deputy Sheriffs and Process Servers' Association.

The MCODSA was established in 1979 to ensure that Court Officers, Civil Deputies and Process Servers are trained and educated in the most current statutes, court rules and procedures by providing training seminars and educational classes relative to Civil Process and Judgment Enforcement throughout Michigan.

In 2001 the MCODSA instituted a certification program that has been adopted in several Michigan courts.

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## **MCODSA Certification Program**

The MCODSA currently offers three levels of certification; Certified Process Server, (**CPS**) Certified Eviction Specialist, (**CES**) and Certified Court Officer, (**CCO**).

To obtain certification the candidate must pass a stringent examination of the statutes, court rules and civil process procedures relative to that level of certification. To maintain certification one must obtain a minimum of 8 hours per year of continuing education in the field of civil process as approved by MCODSA.

The Certified Process Server designation (**CPS**) indicates the recipient has passed the written examination relative to the statutes, court rules and procedures necessary to serve general civil process.

The Certified Eviction Specialist designation (**CES**) indicates the recipient has passed the written examination relative to the statutes, court rules and procedures necessary to serve general civil process and enforce Orders of Eviction.

The Certified Court Officer designation (**CCO**) indicates the recipient has passed the written examination relative to the statutes, court rules and procedures necessary to serve general civil process and enforce Orders of Eviction and Requests and Order to Seize Property.

Several Michigan courts require their Court Officers and Process Servers to secure and maintain MCODSA certification to retain their appointments and continue serving process issued to them from that court.



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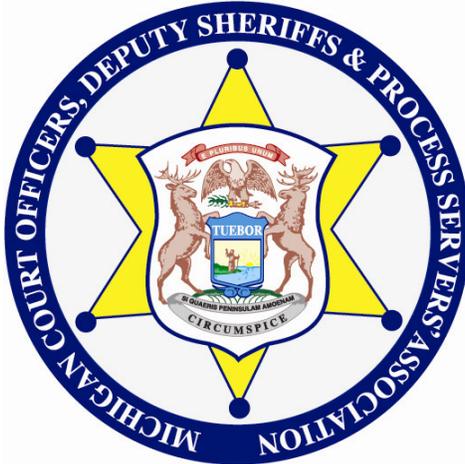
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## Civil Process Overview

Service of Process is the foundation of Due Process, the purpose of which is to provide all parties notice and the right to be heard.

Process in civil cases may be served by any legally competent adult who is not a party or an officer of a corporate party to the case except that an Application and Order of Eviction or any process requiring the seizure or attachment of property or the arrest of a person may only be served by a sheriff or deputy sheriff, or a bailiff or court officer **appointed by the court for that purpose. MCR 3.106**



## Process Servers

**Q:** Can a Process Server enter onto private property to serve an official court document?

**A: Yes**

When an individual is attempting service of a court document, that person is acting on behalf of and with the authority of the court.

**Q:** Can a Process Server “tape or firmly affix” an official court document to the door of either a residence or business?

**A: Yes**

If so ordered by the court, or; without a court order in the case of a Landlord/Tenant Summons, Notice of Abandonment or Application and Order of Eviction. **MCR 2.103**



**Q:** Can a Process Server serve a Personal Protection Order?

**A: Yes**

Any legally competent adult other than the Petitioner is allowed to serve them.

**MCR 2.103**

**Q:** Can a Process Server attempt service several times at an address even though the occupants deny the defendant(s) lives there?

**A: Yes**

Process Servers often times have reason to believe the denial of residency is untrue, and are required to make diligent efforts and attempts to satisfy specific court rules and requirements of Judges.

**MCR 2.103**



**Q:** Can a Process Server serve late at night, early in the morning or on Sunday?

**A: Yes**

There are no restrictions on serving process relative to time of day or day of week. **MCR 2.103**

**Q:** Can a Process Server serve process originating from another state or country on an individual in Michigan?

**A: Yes**

The originating jurisdiction has no bearing on the serving of a person in the state of Michigan.



**Q:** Can a Process Server serve on holidays?

**A: Yes**

There are no restrictions on serving process relative to any holiday. **MCL 435.101**

**Q:** Can a dog owner be held liable if a Process Server, Court Officer or Deputy Sheriff is bitten while in the lawful performance of their duty?

**A: Yes**

If a dog bites a person, without provocation while on either public or private property, the dog owner is liable for any damages suffered. **MCL 287.351**



## Judicial Order Enforcement

### Court Officers and Deputy Sheriffs Only

#### Evictions

**Q:** Can a Court Officer or Deputy Sheriff enforce an Application and Order of Eviction without providing prior notice to the Defendant/Occupants?

**A: Yes**

An Application and Order of Eviction is enforceable immediately upon entry and endorsement of the Judge.



**Q:** Can a Court Officer or Deputy Sheriff demand the removal of all personal property and effects from the premises described in the Application and Order of Eviction?

**A: Yes**

All personal property and effects must be removed from the premises and placed at the curbside, or other publicly accessible place, should the curbside be inaccessible or otherwise inappropriate. **MCL 600.5744**



## **Request and Order to Seize Property, Claim and Delivery, Arrest Warrants**

**Q:** Can a Court Officer enforce judgments or make arrests outside of his district or circuit?

**A: Yes**

A Court Officers' authority is statewide when enforcing judgments such as Request and Orders to Seize Property, Claim and Deliveries and Arrest Warrants issued to them by their appointed court.  
**MCL 764.2**

**Q:** Can a Deputy Sheriff enforce judgments outside of their appointed county?

**A: No**

A Deputy Sheriffs' authority relative to judgment enforcement is restricted to within the county in which they are deputized.



**Q:** Can a Court Officer or Deputy Sheriff forcefully enter a garage, shed or pole building to search for and seize assets?

**A: Yes**

Buildings and other structures **NOT ATTACHED** to a residence may be forcefully entered to seize assets under a Request and Order to Seize Property and/or Claim and Delivery.

**Q:** Can a Court Officer or Deputy Sheriff forcefully enter a business to search for and seize assets?

**A: Yes**

A Business may be forcefully entered to seize assets under a Request and Order to Seize Property and/or Claim and Delivery.



**Q:** Can a Court Officer or Deputy Sheriff forcefully enter a residence to search for and seize assets?

**A: NO**

A Court Officer or Deputy Sheriff must enter a residence lawfully and peacefully to search for and seize assets. **MCL 600.5711**

**Q:** Can a Court Officer or Deputy Sheriff seize a vehicle with a lien?

**A: Yes**

It is the decision of the Court Officer or Deputy Sheriff as to whether a vehicle with a lien is to be seized.

**Q:** Can a Court Officer or Deputy Sheriff seize a vehicle that is jointly owned?

**A: Yes**

It is the decision of the Court Officer or Deputy Sheriff as to whether a jointly owned vehicle is to be Seized



**Q:** Can a Court Officer or Deputy Sheriff seize vehicles other than those listed on the Request and Order to Seize Property?

**A: Yes**

A Court Officer or Deputy Sheriff may seize **ANY** vehicle registered to the named Defendant.

**Note:** A Court Officer or Deputy Sheriff may seize any personal property of the named defendant(s), as determined by the officer, to satisfy the judgment.



## **Resisting and Obstructing**

A person shall not attempt to intimidate, hinder, or obstruct a public officer or public employee or a peace officer in the discharge of his or her official duties.

**MCL 750.478a**