

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SE PROPERTY HOLDINGS, LLC.,)	
)	
Plaintiff,)	
)	
v.)	MISC. ACTION NO. 14-0008-KD-M
)	
UNIFIED RECOVERY GROUP, LLC,)	
<i>et al,</i>)	
)	
Defendants.)	

ORDER

This action is before the Court on the Motion for Writ of Execution (doc. 84) and Amended Motion for Writ of Execution (doc. 140-3) filed by Plaintiff SE Property Holdings, LLC (SEPH). SEPH moves pursuant to Rule 69(a) of the Federal Rules of Civil Procedure for a writ of execution to execute on the judgment entered by the United States District Court for the Middle District of Louisiana in favor of SEPH and against the defendants. SEPH seeks to execute on the judgment and have certain real property seized and sold to satisfy the judgment. SEPH also seek an order appointing the United States Marshal to execute the Writ of Execution and seize and sell the real property. SEPH states that on its information, defendant Green and Sons II, LLC is the sole owner of the real property. In support, Seph has provided the Court with a copy of the Warranty Deed and a Title Report (docs. 140-1, 140-2).

Upon review and consideration, the Amended Motion (doc. 140-3)¹ is GRANTED and it is ORDERED as follows:

1. These proceedings are governed by F.R.C.P. 69(a)(1), which incorporates state law, embodied in Rule 69 of the Alabama Rules of Civil Procedure, and Ala. Code §6-9-1, *et seq.*;
2. Pursuant to these procedures, the Clerk shall issue the Writ of Execution to the U.S. Marshal for the Southern District of Alabama, which Writ shall be in the form of the proposed Writ

¹ The original Motion (doc. 84) is now MOOT.

attached to the original Motion (See Doc 84-2);

3. The U.S. Marshal shall serve the judgment debtor with a copy of the Writ of Execution, Notice to Defendant of Issuance of Writ of Execution (see doc. 140-5), and the Notice of Right to Claim Exemption from Execution at the time of levy upon the judgment debtor's real property. "Service shall be effected by personal delivery to the judgment debtor, if the judgment debtor is present [] at the time the notice of the levy is delivered . . . ; otherwise service shall be effected by first class mail sent to the judgment debtor's last know address shown on the Writ of Execution or by posting on the door of the debtor's last known residence address." Ala. R. Civ. P. 69(c). The last known address for Green & Sons II, LLC is c/o registered agent David M.C. Green, 21602 Doc McDuffie Road, Foley, AL 36535;

5. The U.S. Marshal shall give Notice of the sale pursuant to the Writ of Execution, in the form of the proposed notice attached to the Motion (doc. 140-4), by personal notice to the debtor Green & Sons II, LLC, or posting said notice at its last known residence address. *See* Ala. Code § 6-9-82.

5. The Writ of Execution shall include the real property described in the Motion.

6. The U.S. Marshal shall include in the sale its costs, fees, and expenses incurred in the process of levy and execution, which may be included in any credit bid by SE Property Holdings, LLC.

7. The U.S. Marshal shall schedule the sale under the Writ of Execution on any Monday, at the Courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, pursuant to Ala. Code §6-9-86, during the legal hours of sale.

8. The U.S. Marshal shall publish notice of the sale pursuant to the Writ of Execution in the Mobile Press Register, once a week for three (3) successive weeks, pursuant to Ala. Code §6-9-87. Pursuant to Ala. Code §6-9-82, the U.S. Marshal shall also post written notice of the sale pursuant to the Writ of Execution at the Courthouse door of Baldwin County, Alabama at least thirty (30) days prior to the sale.

9. The U.S. Marshal shall conduct the sale upon the designated date, and upon compliance by the purchaser with the terms of the sale, and payment of the fees, costs and expense of the sale,

shall execute a deed for the real estate sold and deliver the same to the purchaser within five (5) days of the date of the sale.

10. SE Property Holdings, LLC shall be entitled to a credit bid at any sale up to the amount of its judgment, together with all interest, costs, fees, and expenses of sale.

11. The U.S. Marshal shall execute the Writ of Execution with diligence, and shall perform the mandate herein and make return of his acts to the Clerk as soon as practicable, and not later than ninety (90) days from the date of execution.

DONE and ORDERED this 8th day of December 2014.

s / Kristi K DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE