

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 3:09cv47/MCR/EMT

ARTHUR DUCREE; CURTIS DUCREE;
KEVIN DUCREE

and

such unknown trespassers
residing at 21 West Loretta Street
Pensacola, Florida

Defendants.

ORDER OF EJECTMENT

THIS CAUSE came on to be heard on plaintiff's motion for ejectment.

IT appears to the Court that:

(a) All defendants who are parties to this action have been duly served with legal process and the Court has jurisdiction over the parties and the subject matter.

(b) A default has properly been entered by the Clerk of the Court against each defendant for failure to plead or otherwise defend as required by the Federal Rules of Civil Procedure.

(c) The United States has submitted to the Court its proof, including a copy of a properly filed warranty deed and title insurance establishing that on March 25, 2008, it obtained fee simple title to the property located at 21 West Loretta Street, Pensacola, Florida and more properly described as follows:

Tract 409

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County Florida, more particularly described as follows:

Commencing at a point which is the intersection of the Western right-of-way line of Palafox Highway (U.S. Highway No. 29/State Road 95) and the Southern right-of-way line of West Loretta Street and at a corner of a tract of land now or formerly owned by B&M Starter and Alternator Service, Inc.;

Thence Southwesterly along the southern right-of-way line of said West Loretta Street which is along the boundary of said B&M Starter and Alternator Service Tract and;

Thence continue same course a distance of 150 feet;

Thence Southernly at right angles a distance of 100 feet;

Thence Westerly at right angles a distance of 150 feet;

Thence Northerly at right angles a distance of 100 feet to the Point of Beginning.

Being the same property as described in that certain warranty deed dated March 25, 2008 as recorded in Book 6308 at page 731 in the public records of Escambia County, Florida.

(d) The United States has demonstrated that it has not leased or otherwise agreed to allow the defendants to use said property.

(e) The proof having been submitted and examined, and the pleadings, together with the record as a whole, having been considered, the Court finds that the United States is the owner, in fee of the subject property and the defendant have no right in said property or possession of said property.

(f) d). All reasonable attempts to peacefully recover possession of the subject real property by the United States of America have been made and have been unsuccessful.

IT IS THEREFORE, ORDERED AND ADJUDGED:

(1) The default entered by the Clerk of this Court against defendants ARTHUR DUCREE; CURTIS DUCREE; KEVIN DUCREE and such unknown trespassers residing at 21 West Loretta Street, Pensacola, Florida and the same is hereby ratified and confirmed and that the plaintiff United States of America has a valid superior interest in and right to immediate possession of said property.

(2) Defendants ARTHUR DUCREE; CURTIS DUCREE; KEVIN DUCREE and such unknown trespassers residing at 21 West Loretta Street, Pensacola, Florida are ordered and directed to leave said property immediately.

(3) The United States Marshal, or someone acting at his direction, shall enter the subject real property and post a copy of this writ on front door of the premises located on the subject real property at 21 West Loretta Street, Pensacola, Florida.

(4) If the possession of the real property has not been surrendered to the United States or its authorized representative, within seventy-two (72) hours of the posting, the United States Marshal, or those acting at his direction, shall entered the subject real property and evict all those in possession, assist in the removal of all personal property that may be found to be present, and turn over the possession of the subject real property to the United States or its authorized representative, and

(5) The United States Marshal, or someone acting at his direction is authorized to arrest any person opposing the peaceful delivery of possession to the United States or its authorized representative. Any resistance to the execution of this writ, other than through petition to this Court for a stay of execution for lawful cause, or any unauthorized return to the property after the ejection has been accomplished, may result in the arrest of the resister(s) and appearance before this Court to show cause why the resister(s) should not be held in contempt of this Court.

(6) The Court reserves jurisdiction to make a further order as is necessary to carry out this order.

DONE and ORDERED this 9th day of April, 2009.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE