

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:13-cv-293
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
SPEARMINT II LIMITED	:	
PARTNERSHIP, <i>et al.</i> ,	:	
	:	
Defendant.	:	

**ORDER VACATING ENTRY OF DEFAULT (Doc. 22) AND ORDERING THAT
PLAINTIFF REISSUE SERVICE ON UNKNOWN TENANTS**

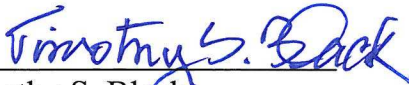
This case is before the Court on the Clerk's previous Entry of Default against Defendant Unknown Tenants of Units 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11 (hereinafter collectively referred to as "Unknown Tenants"). Plaintiff filed the Complaint in this case on August 30, 2013, and thereafter, issued service with regard to each of the Unknown Tenants at their respective unit numbers at the street address of 109 Birch Court, Union City, Ohio 45390, *e.g.* Unit 1, 109 Birch Court, Union City, Ohio 45390.

Summons was returned executed as to each of the Unknown Tenants, and none of the Unknown Tenants filed responsive pleadings. On October 4, 2013, Plaintiff applied for the entry of default (Doc. 20), which the Clerk entered on October 28, 2013 (Doc. 22). The Clerk attempted to serve the Entry of Default on each of the Unknown Tenant by first class mail. However, envelopes addressed to a number of the units were returned unexecuted, noting that the units were vacant. (Doc. 23).

On November 5, 2013, Plaintiff filed a Notice indicating that the addresses set forth in each summons for the Unknown Tenants were incorrect. (Doc. 24). It is not entirely clear to the Court that the original service was, therefore, perfected upon the appropriate Unknown Tenants. Accordingly, the Court **VACATES** the Clerk's Entry of Default as to the Unknown Tenants (Doc. 22) and **ORDERS** that Plaintiff reissue service of process on the Unknown Tenants.

IT IS SO ORDERED.

Date: 12/5/13



Timothy S. Black
United States District Judge