

1912.

APPROVAL, BONDS OF MAPLE HEIGHTS CITY SCHOOL DISTRICT,
CUYAHOGA COUNTY, OHIO—\$2,500.00.

COLUMBUS, OHIO, November 23, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1913.

SHERIFF — MANDATORY DUTY TO SERVE WRIT OF POSSESSION
WITHIN TIME PROVIDED BY LAW—DUTY TO DELIVER POS-
SESSION TO PURCHASER AT JUDICIAL SALE AND REMOVE
OCCUPANTS.

SYLLABUS:

It is the mandatory duty of the sheriff to serve the writ of possession provided for by section 11654, General Code, within the time required by law. Where the occupants refuse to leave the premises, it is the duty of the sheriff to remove them and their personal property from the premises and to deliver possession to the persons entitled to possession.

COLUMBUS, OHIO, November 24, 1933.

HON. HOWARD A. TRAU, *Prosecuting Attorney, Bellefontaine, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“May I have your formal opinion construing part 3 of the General Code Section 11654, wherein provision is made for the delivery of possession of property, including real property sold under order of sale.

The writ must contain a specific description of the property and a command to the sheriff to deliver it to the person entitled thereto.

The question is, where property has been sold at judicial sale and the sale properly confirmed by the Court, and an execution issued out of the Court of Common Pleas to the sheriff ordering delivery of the possession of the real property, whether or not the sheriff shall deliver the writ to the occupants of the property, said occupants being defendants in the original action wherein the judicial sale was had, or whether it is mandatory for the sheriff to forcibly eject the occupants from the premises and remove from the premises the chattel property of the occupants, in order that the purchaser at the judicial sale may have possession thereof.”

Sections 11653 and 11654, General Code, read as follows:

Sec. 11653.

“An execution is a process of the court, issued by the clerk, and directed to the sheriff of the county. Executions may be issued to the sheriffs of different counties at the same time.”