

"The officer to whom an execution is directed shall return such writ to the court to which it is returnable within sixty days from its date."

In my Opinion No. 1038, rendered July 17, 1933, I considered section 11712, General Code, together with sections 11653 and 11654, General Code. The syllabus of that opinion reads as follows:

"1. A writ of restitution for the possession of real estate sold at execution sale is an execution within the meaning of Sections 11653 and 11654 of the General Code.

2. When a writ of restitution has been issued to the sheriff for the restitution of possession of real estate sold in execution sale, there is no statute requiring the sheriff to return such writ prior to sixty days after its date."

Without further extending this discussion, it is my opinion, in specific answer to your question, that 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.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1914.

APPROVAL, BONDS OF WEST PARK VILLAGE SCHOOL DISTRICT,
CUYAHOGA COUNTY, OHIO—\$6,000.00.

COLUMBUS, OHIO, November 24, 1933.

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

1915.

APPROVAL, BONDS OF VILLAGE OF GATES MILLS, CUYAHOGA
COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, November 24, 1933.

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