

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF _____

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil No.
v.)	
)	
_____ , et al.)	
)	
Defendants.)	

UNITED STATES' MOTION FOR ORDER TO VACATE

The plaintiff, the United States of America, by its undersigned counsel, requests an order of this Court that the defendant, _____, and all other parties acting in concert with, or on his behalf, or residing thereon, vacate and depart from the real property at _____ (the _____ property) on or before 12:00 o'clock noon on _____, and in support of this motion, the United States states as follows:

1. The United States' Complaint in this action sought to reduce federal tax liabilities of _____ to a money judgment, to foreclose the associated federal tax liens against the _____ property, and to have that property sold for application of an appropriate portion of the net sale proceeds to the federal tax liabilities of _____.

2. By Order dated _____ this Court entered a money judgment in favor of the United States and against _____ for unpaid taxes for _____ in the total amount of \$ _____ plus interest and other additions from the dates of assessment. By that same order, this Court also granted the United States' request for foreclosure

of its tax liens on the _____ property. By a separate contemporaneous motion the United States seeks the appointment of a Receiver to take custody of, and to arrange for the sale of the _____ property.

4. The defendant continues to occupy the _____ property. His continuing occupancy is likely to substantially impede the Receiver's efforts to market and arrange for the sale of the _____ property. This Court, under the authority of 26 U.S.C. § 7402 (a), has the power to enter such orders "as may be necessary or appropriate for the enforcement of the internal revenue laws." In order for the Receiver's marketing and arrangements for the sale of the _____ property to proceed, this Court should order the defendant, _____ and all other persons acting with, or on his behalf, or residing thereon, to vacate and depart from the _____ property on or before 12:00 o'clock noon on _____. Further, this Court should authorize and direct the United States Marshal to enforce that Order at any time he deems appropriate after 12:00 o'clock noon on _____ by evicting any unauthorized persons from all locations on the _____ property, including but not limited to the structures, vehicles, and grounds, and by using force as necessary to accomplish that mission. In addition, this Court should state in its order that any failure to vacate and depart from the _____ property, or any attempt to reenter onto the property, could subject that person to being found in contempt of this Court, and that such contempt could be punishable by a fine, incarceration, or both. Finally, that order should direct the U. S. Marshals Service to provide notice of the order to _____ by hand delivery or by leaving it in a prominent location at the building at the _____ property.

WHEREFORE, the plaintiff, the United States of America, requests that this Court enter an Order to Vacate, in the form associated with this motion.

(Attorney Name)
United States Attorney

By:

(Attorney Name)
Trial Attorney, Tax Division
U.S. Department of Justice
(Address)