

**United States District Court
District of South Dakota**

United States Courthouse
Office of the Clerk
400 South Phillips, Room 128
Sioux Falls, SD 57104

Joseph Haas
Clerk of Court

Telephone
(605) 330-6600

WRIT OF EXECUTION INSTRUCTIONS TO COUNSEL

A Writ of Execution may be issued 14 days after the entry of a judgment subject to Rule 62 of the Federal Rules of Civil Procedure and South Dakota Codified Laws § 15-18-8.1.

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, the procedures on and in aid of execution are in accordance with the state where the court is located. Please refer to South Dakota Codified Laws, Chapters 15-18 (Execution of Judgments) and 21-19 (Claim of Homestead and Personal Property Exemptions).

The United States Marshal Service is required to execute all writs issued under the authority of the United States. 28 U.S.C. § 566. It may exercise the same powers that a sheriff is authorized to exercise in executing the laws of the state. 28 U.S.C. § 564.

To request the issuance of a Writ of Execution, complete the **Affidavit and Request for Issuance of Writ of Execution** form modifying as appropriate, and electronically file it in CM/ECF using the **Affidavit and Request for Issuance of Writ of Execution** event located under Civil → Other Filings → Other Documents. Be sure to attach a proposed **Writ of Execution**.

LEVY INSTRUCTIONS TO COUNSEL

To perform a levy, counsel must provide the United States Marshal Service with: (1) the original and one copy of the Writ of Execution, (2) one copy of the Affidavit and Request for Issuance of Writ of Execution, and (3) a Notice of Levy that complies with SDCL 21-19-3. Counsel must also furnish a completed USM Form 285 for each party to be served. D.S.D. Civ. LR 83.6 B.

The United States Marshal Service may require a deposit to cover fees and expenses. 28 U.S.C. § 1921 (d). Counsel should contact the United States Marshal Service at (605) 330-4351 in Sioux Falls for further instructions.