



# LAWS OF ALASKA

1971

Source

Chapter No.

HB 172

99

## AN ACT

Relating to notice of execution of judgments.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 09.35.035(3) is amended to read:

(3) Notice of execution required by this section shall specify the property as to which execution is sought, and shall name the person who has possession of the property, and in addition shall include:

(A) a brief explanation, in lay terminology, of the availability of exemptions from execution which exist under state or federal law, in the form and content prescribed by the state supreme court;

(B) blank forms which shall be used by the judgment debtor for asserting claims for exemption, together with simplified instructions for their use, all in substantially the following form:

#### NOTICE

The ..... Court of the State of Alaska, ..... Judicial District, has issued a judgment that you must pay to ..... the sum of \$.... A writ of execution has been issued against you, a copy of which is attached to this form. This writ is an order of the court by which your property can be taken from you and sold to pay the judgment and any court costs which have been assessed against you.

The following property, believed to be yours, has been seized and is now being held by the court:

	Person in Possession	
Description	at Time of Levy	Date of Levy

Both federal and state law provide that certain types of property (up to specified dollar evaluations) and certain percentages and types of wages are exempt from execution. Details of legal exemptions to which you may be entitled are available to you at ..... [name and address of court issuing judgment], or you may contact any attorney of your choice, or other available legal service, for an explanation of your rights.

After having determined whether or not you are entitled to an exemption on the property described above, please complete and sign the following form and deliver or mail it to the court WITHIN 15 DAYS of the receipt of this notice: \*

TO BE COMPLETED BY DEBTOR:

I have investigated my rights as to exemption from execution on the property described above, now in possession of the court, and find that (1) I AM ..... (2) AM NOT ..... entitled to an exemption. (Complete the following ONLY if you have checked block #1, indicating that you claim an exemption.) Therefore, I claim an exemption up to the amount (or evaluation) of \$ ..... on property or money presently in custody of the court.

Signature of Debtor .....

\*IF YOU HAVE CLAIMED NO EXEMPTIONS, OR IF YOU FAIL TO RETURN THE ABOVE FORM TO THE COURT WITHIN 15 DAYS OF THE RECEIPT OF THIS NOTICE, THE PROPERTY DESCRIBED ABOVE WILL BE SOLD TO SATISFY THE JUDGMENT AGAINST YOU IN THIS CASE. Any money in possession of the court which was seized to satisfy this judgment will be turned over to the judgment creditor. If you claim an exemption, and that exemption is disputed by the judgment creditor, a hearing on your claim will be held within three days after the claim for exemption is filed or as soon thereafter as practicable.

Please retain one copy of this form for your records and submit the other to the court as requested above.

\* Sec. 2. AS 09.35.035 is amended by adding a new paragraph to read:

(7) The supreme court shall prescribe a pamphlet containing information, in lay terminology, as to the various exemptions which exist under state and federal law. This pamphlet shall be kept at the offices of all district and superior court clerks for use by judgment debtors wishing to determine possible exemptions to which they may be entitled in regard to property or money seized in satisfaction of a judgment. The pamphlet shall also be kept available for public distribution.