

1 IN THE SENATE

BY SENATOR MOODY

2

SENATE BILL NO. 66

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act pertaining to the enforcement of  
7 judgments; providing that a marshal, Terri-  
8 torial police officer or other person  
9 designated by the court may serve a writ  
10 of execution; amending Sections 55-9-73 and  
11 55-9-74, ACLA 1949."

12 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13 Section 1. Section 55-9-73, ACLA 1949, is hereby amended  
14 to read as follows:

15 Sec. 55-9-73. BY WHOM EXECUTION ISSUED; CONTENTS OF  
16 WRIT. The writ of execution shall be issued by the clerk  
17 and directed to the marshal, or Territorial police officer,  
18 or other person designated by the court. It shall contain  
19 the name of the court, the names of the parties to the action,  
20 and the title thereof. It shall substantially describe the  
21 judgment; and if it be for money, shall state the amount  
22 actually due thereon and shall require the marshal, Terri-  
23 torial police officer, or other person designated by the  
24 court, substantially as follows:

25 First. If it be against the property of the judgment  
26 debtor and the judgment directs particular property to be  
27 sold, it shall require the marshal, Territorial police  
28 officer, or other person designated by the court, to sell  
29 such particular property and apply the proceeds as directed

1 by the judgment; otherwise it shall require the marshal,  
2 Territorial police officer, or other person designated by  
3 the court, to satisfy the judgment, with interest, out of  
4 the personal property of such debtor; and if sufficient per-  
5 sonal property can not be found, then out of the real  
6 property belonging to him on the day when the judgment was  
7 docketed in the recording district or at any time thereafter;

8 Second. If it be issued after the death of the judg-  
9 ment debtor and be against real or personal property, it  
10 shall require the marshal, Territorial police officer, or  
11 other person designated by the court, to satisfy the judg-  
12 ment, with interest, out of any property belonging to the  
13 deceased debtor in the hands of the debtor's personal  
14 representatives, heirs, devisees, legatees, tenants of real  
15 property, or trustees as such;

16 Third. If it be against the person of the judgment  
17 debtor, it shall require the marshal, Territorial police  
18 officer, or other person designated by the court, to arrest  
19 such debtor and commit him to jail until he shall pay the  
20 judgment, with interest, or be discharged according to law;

21 Fourth. If it be for the delivery of the possession of  
22 real or personal property, it shall require the marshal,  
23 Territorial police officer, or other person designated by  
24 the court, to deliver the possession of the same, particularly  
25 describing it, to the party entitled thereto, and may at  
26 the same time require the marshal, Territorial police officer,  
27 or other person designated by the court, to satisfy any  
28 costs, charges, damages, or rents, and profits recovered by  
29 the same judgment out of the personal property of the party

1 against whom it was rendered, and the value of the property  
2 for which the judgment was recovered to be specified thereof,  
3 if a delivery thereof can not be had; and if sufficient  
4 personal property can not be found, then out of the real  
5 property as provided in the first subdivision of this sec-  
6 tion, and in that respect it is to be deemed an execution  
7 against property.

8 Sec. 2. Section 55-9-74, ACLA 1949, is hereby amended to  
9 read as follows:

10 Sec. 55-9-74. INDORSEMENT AND RETURN OF EXECUTION.  
11 The marshal, Territorial police officer, or other person  
12 designated by the court, shall indorse upon the writ of  
13 execution the time when he received the same; and such  
14 execution shall be returnable, within sixty days after its  
15 receipt by the marshal, Territorial police officer, or other  
16 person designated by the court, to the clerk's office from  
17 whence it issued.

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