

Introduced: 2/11/71
Referred: Judiciary

1 IN THE HOUSE

BY HARRIS

2 HOUSE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to notice of execution of judgments."

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

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

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

13 (A) a brief [AN] explanation, in lay terminology, of
14 the availability of [VARIOUS] exemptions from execution which
15 exist under state or federal law, in the form and content pres-
16 cribed by the state supreme court;

17 (B) blank forms which shall be used by the judgment
18 debtor for asserting claims for exemption, together with simplified
19 instructions for their use, all in substantially the following
20 form: [PRESCRIBED BY THE STATE SUPREME COURT.]

21 NOTICE

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

1 seized and is now being held by the court:

2 Person in Possession

3 Description at Time of Levy Date of Levy

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

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

16 TO BE COMPLETED BY DEBTOR:

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

24 Signature of Debtor.....

25 * IF YOU HAVE CLAIMED NO EXEMPTIONS, OR IF YOU FAIL TO RETURN THE
26 ABOVE FORM TO THE COURT WITHIN 15 DAYS OF THE RECEIPT OF THIS NOTICE,
27 THE PROPERTY DESCRIBED ABOVE WILL BE SOLD TO SATISFY THE JUDGMENT
28 AGAINST YOU IN THIS CASE. Any money in possession of the court
29 which was seized to satisfy this judgment will be turned over to the

1 judgment creditor. If you claim an exemption, and that exemption
2 is disputed by the judgment creditor, a hearing on your claim
3 will be held within three days after the claim for exemption is
4 filed or as soon thereafter as practicable.

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

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

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