



# LAWS OF ALASKA

1970

**Source**

**Chapter No.**

HB 363 am S

175

## AN ACT

Relating to the execution of judgments.

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

\* Section 1. AS 09.35 is amended by adding a new section to read:

Sec. 09.35.035. DEFAULT JUDGMENT OR NONAPPEARANCE OF ATTORNEY FOR JUDGMENT DEBTOR. When a judgment has been obtained by default, or no attorney has appeared on behalf of the judgment debtor in the action in which the judgment was rendered, no execution upon the judgment debtor's property may be obtained except in accordance with the following procedures:

(1) Real property or personal property not capable of physical seizure by a peace officer may not be sold or otherwise disposed of until 15 days after service of notice of execution upon the judgment debtor and proof of service of the notice has been filed with the court, or until ordered by the court if the judgment debtor files a claim for exemption of the property before its sale or disposition.

(2) Personal property capable of physical seizure, including money, evidence of indebtedness, or other documents, shall be retained by the peace officer or paid into the court to be held in escrow until 15 days after service of notice of execution upon the judgment debtor and proof of service of the notice has been filed with the court, or until such further disposition as the court orders if the judgment debtor files a claim for exemption of the property before its sale or other disposition.

(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) an explanation, in lay terminology, of the various 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 the form prescribed by the state supreme court.

(4) When a claim for exemption from execution is filed by a judgment debtor, a hearing on the claim shall be held within three days or as soon as practicable. When distance or other factors make a prompt hearing impracticable, the court shall make such arrangements for disposition of the matter as are just under the circumstances.

(5) If the judgment creditor cannot, after due diligence, locate the judgment debtor, he may file an affidavit of that fact with the court, and upon application, the court may authorize him to serve the notice required under this section by mailing said notice by certified mail to the last known address of the judgment debtor.

(6) Each court which issues writs of execution shall, by order, designate a trustee or other individual as the officer for administration of this section. This individual shall receive funds paid into the court, and is the appropriate person for service of claims for exemption by the judgment debtor and for performance of other duties that the court may direct.