

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 87

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

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All Judges	Court Analysts
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OTHERS:

SUBJECT: Bank Sweeps by Government Entities

This policy is being issued under the authority granted to the administrative director by Administrative Rule 1(b) and Civil Rule 69(j).

If a municipal corporation or the state wants authorization to satisfy judgments in criminal, minor offense, and alcohol underage cases by conducting bank sweeps on multiple debtors using a single writ of execution, the government entity must enter into an agreement with the administrative director of the Alaska Court System. The terms of the agreement and procedures that must be followed are shown in Attachment A.

The following court-approved forms must be used for the writ and notice of levy:

- CIV-585 Writ of Execution
- CIV-556 Notice of Levy

Dated: April 10, 2015
Effective Date: April 15, 2015

/s/
Christine E. Johnson
Administrative Director

History of Bulletin: Original bulletin issued April 15, 2015.

ATTACHMENT A

**AGREEMENT AUTHORIZING (NAME OF GOVERNMENT)
TO CONDUCT BANK SWEEPS ON MULTIPLE DEBTORS
WITH A SINGLE WRIT OF EXECUTION
Original Effective Date: _____
Date Amended: _____**

Pursuant to Civil Rule 69(j), the (name of government) and the Alaska Court System (the court system) agree as follows:

When the (name of government) wants to do a bank sweep to collect debts owed to the (name of government) in criminal, minor offense, and alcohol underage cases, the (name of government) will e-mail the court clerk's office an Excel spreadsheet containing the information listed below. The spreadsheet must be e-mailed to the court at least five days before the (name of government) intends to serve the writ on the banks. The spreadsheet, when printed, must fit on letter-size paper.

1. Spreadsheet Contents:

- a. the case number
- b. full name of the debtor
- c. debtor's social security number
- d. debtor's date of birth
- e. amount owed; the amount owed can include:
 - fines
 - restitution (not including interest)¹
 - surcharges
 - court costs in minor offense default judgments
 - collection costs in minor offense cases
 - costs of appointed counsel
 - costs of imprisonment
 - service fees for any prior levy for which the court disbursed money to the (name of government).²

¹ If the (name of government) wants to collect interest on restitution judgments, the (name of government) will request a general writ (CIV-500) instead of using this bank sweep procedure.

² The court will release money to the (name of government) only after Civil Rule 69(g) requirements are met.

The "amount owed" cannot include the service fees for prior bank sweeps unless the prior levy seized money from the debtor's account and the debtor's packet was successfully served on the debtor or the court ordered the funds released to the creditor pursuant to Civil Rule 69(g)(5)(B).³

- f. the service fee for serving the current writ on the banks
- g. the service fee for serving the debtor packet for the current levy

The service fees must not exceed the amounts recoverable under Administrative Rule 11. If the (name of government) serves the judgment debtor packet by certified mail, the (name of government) can only recover the cost of the certified mail (postage, certified mail fee, restricted delivery fee, and return receipt requested fee).

- h. the total amount due.

2. Upon receipt of the spreadsheet, the court clerk's office will:

a. Save two versions of the spreadsheet:

- (1) the original spreadsheet as submitted by the (name of government) , and
- (2) a copy for the court clerk's office use which adds two columns:
 - (a) one for recording the amount received from the bank sweep, and
 - (b) one for recording whether the debtor packet was served (yes or no).

b. Prepare a writ of execution using form CIV-585.

c. Stamp the inked seal of the court on each page of the paper spreadsheet to verify for banks that the spreadsheet pages are coming from the court.

d. Attach the stamped copy of the spreadsheet to the original writ and provide the writ to the (name of government)'s process server.

e. File a copy of the writ with the relevant page of the spreadsheet in each criminal or alcohol underage case file. It is not necessary to attach a copy of the writ to minor offense citations as there are no files for minor offense cases.

f. Docket the writ in each case using a script created by the Information Services department.

3. The court clerk's office will not prepare a CIV-543 spreadsheet to record post-judgment transactions for the cases listed on the spreadsheet because the (name of government) agrees to not charge interest on the amounts due.

³ If money is returned to the debtor because of lack of service of the debtor packet, the cost of service of the writ of execution shall not be assessed against the debtor. Civil Rule 69(g)(5)(C).

4. The process server will serve the following on the banks specified by the (name of government):
 - a. A certified copy of the writ of execution and a copy of the spreadsheet.⁴ The process server will also give any bank, upon request, an electronic copy of the spreadsheet.
 - b. A supply of blank CIV-556 Notice of Levy forms that specify the property being levied upon.
5. The banks will do the following within 24 hours:⁵
 - a. Process the writ.
 - b. For any debtors for whom the bank is holding funds, complete the Response to Levy section on the CIV-556 Notice of Levy form.
 - c. Give the process server a completed CIV-556 Notice of Levy and an individual check made payable to the clerk of court for each debtor from whom funds were seized.
6. The process server will:
 - a. Notify the (name of government) Collection's Office that funds have been seized by either faxing or e-mailing a scanned copy of the completed CIV-556 Notice of Levy.
 - b. Deliver to the court the checks issued by the banks and the associated completed returns of service.
 - c. Deliver to the (name of government) the individual return of service for each case for which funds were seized.
7. After the process server files the checks and returns of service, the court clerk's office will:
 - a. Receipt funds into court registry.
 - b. Docket the returns of service in CourtView using the "WEPMT3AN" docket code.
8. The (name of government) will file the original Creditor's Affidavit (CIV-505) with the court. The creditor's affidavit must be filed with the court before, at the time of, or within three days after the levy.⁶

⁴ Civil Rule 89(f)(3) and AS 09.35.110.

⁵ AS 09.40.060.

⁶ AS 09.38.080(b).

9. The (name of government) will serve the judgment debtor's packet on each debtor from whom money was seized. The debtor packet must be served before, at the time of, or within three days after property is seized.⁷
10. As provided in Civil Rule 69(g)(5), within 30 days after the court receives money seized by the writ of execution, the (name of government) will file:
 - a. proof of service of judgment debtor packet, or
 - b. if the (name of government) is unable to serve the judgment debtor packet, the (name of government) may file:
 - (1) a request for release of funds and an affidavit of diligent inquiry under Civil Rule 69(g)(5)(B), or
 - (2) a motion for extension of time to serve judgment debtor packet.
11. If the (name of government) files proof of service of the judgment debtor packet under 10.a above, the court clerk's office will enter the SJDP docket code in CourtView. The docket entry creates a tickler to let the court clerk's office know when the time limit for filing a claim of exemption expires.
 - a. If a claim of exemption is filed, the court clerk's office will send the (name of government) Collections Officer⁸ a copy of the claim of exemption and a CIV-516 Response to Claim of Exemption form. The (name of government) has 13 days to file a response to the claim of exemption. After the time for filing a response has passed, the judge will decide whether a hearing is necessary on the claim of exemption. If a hearing is scheduled, the (name of government) will be notified. The court will notify the (name of government) of the judge's decision on the claim of exemption. If the judge orders release of the funds to the (name of government), the court clerk's office will disburse the funds to the (name of government) after the 14-day holding period for checks.
 - b. If no claim of exemptions is filed and the time limit for filing has passed, the court clerk's office will disburse the funds to the (name of government) after the 14-day holding period for checks.
12. If the (name of government) files a request under 10.b above, the judge's assistant will distribute the judge's order to the person at the (name of government) who signed the request and to the debtor at debtor's last known address.
13. After all the banks have responded to the writ, the (name of government)'s process server will return the original writ with the original attached spreadsheet to the court.

⁷ AS 09.38.080(c), Civil Rule 69(g).

⁸ Civil Rule 69(k) allows municipal corporations to be represented in proceedings to execute on judgments in criminal, minor offense, and alcohol underage cases by any officer or employee authorized in writing to represent it, AS 22.20.040 notwithstanding.

records regarding writs of execution, payments, credits, and refunds and to provide this information to the court system upon request.

ALASKA COURT SYSTEM

(name of government)

Christine Johnson
Administrative Director

(name of official)
(title of official)

Date: _____

Date: _____

Attachments:

- CIV-585 Writ of Execution
- CIV-556 Notice of Levy
- CIV-516 Response to Claim of Exemption

Distribution:

- Original to Administrative Director
- Duplicate Original to _____
- Copy to: Susan Miller, Special Projects
- Alyce Roberts, Special Projects
- Brenda Axtell, Case Management System Manager
- Narissa King, Programmer/Analyst
- _____, Clerk of Court