

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 721

Amending Civil Rule 69
to allow multiple
writs of executions.

IT IS ORDERED:

Civil Rule 69(e) is renumbered 69(g) and the following new paragraphs are added to Civil Rule 69:

(g) Multiple Executions

(1) Only one original writ of execution and one original writ of execution for garnishment of earnings may be issued and outstanding at any one time except:

(a) An additional writ of execution may be issued while another is outstanding if either of the writs is to be served on the Department of Revenue to seize the debtor's Alaska Permanent Fund Dividend; or

(b) Additional writs may be issued if the creditor alleges facts by affidavit which show there is property which cannot be served by the process server holding an outstanding writ because the property is outside the community in which the process server is authorized to operate and that there is good cause to believe the debtor may remove or dispose of the property unless immediate action is taken.

(2) A process server to whom a writ of execution is issued may make copies of the writ as necessary. However, no writ or copies may be transferred to another process server except within the same firm. If the creditor discovers property which could be seized under the writ in another community in which the original process server does not serve, the outstanding writ must be returned to the court so that the clerk of court can cancel the first writ and issue a new writ to a process server serving the other community.

(g) Return of Writ of Execution

§ A process server who receives money as a result of a levy must deliver the money and a return of service to the court on the next day of business after receipt. The process server must file the original writ unless the money received by the server will satisfy only part of the judgment and the server expects to seize more money or property with the writ. In this situation, the process server may make a partial return by delivery to the court of all money received, a return of service and a copy of the writ. The original writ must be returned to the court when the process server no longer expects to seize more money or property with the writ.

DATED: July 10, 1986

EFFECTIVE DATE: December 15, 1986


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore