

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1125

Amending Civil Rule 69
concerning summons requirement.

IT IS ORDERED:

1. Civil Rule 69(d) is amended to provide:

(d) **Execution After Five Years.** Whenever a period of five years shall elapse without an execution being issued on a judgment, no execution shall issue except on order of the court in the following manner:

(1) The judgment creditor shall file a motion supported by affidavit with the court where the judgment is entered for leave to issue an execution. The motion and affidavit shall state the names of the parties to the judgment, the date of its entry, the reasons for failure to obtain a [THE] writ for a period of [WITHIN] five years [AFTER THE ENTRY OF JUDGMENT] and the amount claimed to be due thereon or the particular property of which possession was adjudged to the judgment creditor remaining undelivered.

(2) Upon [AT ANY TIME AFTER] filing such motion and affidavit the judgment creditor shall [MAY] cause a summons to be served on the judgment debtor in accordance with the provisions of Rule 4. In the event the judgment debtor is deceased, the summons may be served upon his representative. The summons shall state the amount claimed or the property sought to be recovered under the judgment.

(3) The judgment debtor or, in the event of his death, his representative, may file and serve a verified answer to such motion within the time allowed to answer a complaint, alleging any defense to such motion which may exist. The judgment creditor may file and serve a verified reply to such answer. The judgment debtor waives all defenses and objections which he does not present by answer as herein provided.

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DATED: April 14, 1993

EFFECTIVE DATE: July 15, 1993

Chief Justice Moore

Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton