

IN THE SUPREME COURT OF THE STATE OF ALASKA  
ORDER NO. 1435

Amending Civil Rule 88(a) & 88(e)  
concerning setting the bond in  
applications for delivery of personal  
property.

IT IS ORDERED:

Paragraphs (a) and (e) of Civil Rule 88 are amended to read as follows:

**Rule 88. Procedure for Claiming Delivery of Personal  
Property.**

(a) **Prejudgment Delivery of Personal Property  
to Plaintiff; Availability.** When the plaintiff has  
commenced a civil action to recover possession of  
personal property, ~~and has provided a written undertaking  
with sufficient sureties as ordered by the court,~~ the plaintiff  
may make application to the court to have the property  
delivered to the plaintiff. The court may order the  
prejudgment seizure of the property in accordance with the  
provisions of this rule.

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(e) **Issuance of Order; Seizure.** If at the hearing  
the court finds that the plaintiff has met the burden of proof  
as set forth in paragraph (d) of this rule, the court shall  
issue an order prescribing the written undertaking, with  
sufficient sureties, to be provided by the plaintiff and  
directing a peace officer to seize and take into custody the  
property described in the affidavit upon the furnishing of the  
undertaking by the plaintiff.

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DATED: August 20, 2001  
EFFECTIVE DATE: October 15, 2001

/s/  
\_\_\_\_\_  
Chief Justice Fabe

/s/  
\_\_\_\_\_  
Justice Matthews

/s/  
\_\_\_\_\_  
Justice Eastaugh

/s/  
\_\_\_\_\_  
Justice Bryner

/s/  
\_\_\_\_\_  
Justice Carpeneti