I.R.C.P. 69. Execution - In General.

Idaho Rules of Civil Procedure Rule 69. Execution - In General.

(a) Process to enforce an appealable final judgment or partial judgment certified as final under Rule 54(b) for the payment of money, or a court order for the payment of money, shall be a writ of execution, unless the court directs otherwise; but no writ of execution may issue on a partial judgment which is not certified as final under Rule 54(b). Provided, a writ of execution shall not issue for an amount other than the face amount of the judgment, and costs and attorney fees approved by the court, without an affidavit of the party or the party's attorney verifying the computation of the amount due under the judgment. The clerk may rely upon such an affidavit in issuing a writ of execution. After service of the writ of execution, the sheriff shall make a return to the clerk of the court and indicate thereon the amount of the service fees and whether all of such fees were collected by the sheriff upon the service of the writ of execution. Any balance of the service fees of the writ of execution not collected by the sheriff shall be added to the judgment by the clerk as provided in Rule 54(d).

(b) The procedure on execution, in proceedings supplementary to and in aid of judgment, and in proceedings supplementary to and in aid of judgment, and in proceedings on and in aid of execution shall be in accordance with the statutes of the state of Idaho and as provided in these rules.

(c) Obtaining Discovery: Inaidofthejudgmentorexecution, the judgment creditor or successor in interest when that interest appears of record, may obtain discovery from any person, including the judgment debtor, as provided in these rules and may examine any person, including the judgment debtor, in the manner provided by the practice of this state.

(Amended January 8, 1976, effective March 1, 1976; am. July 2, 1976, effective October 1, 1976; amended March 23, 1983, effective July 1, 1983; amended June 15, 1987, June 17, 1987, effective July 1, 1987; amended April 29, 2013, effective July 1, 2013.)

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