I.R.C.P. 81.j. Execution.

Idaho Rules of Civil Procedure Rule 81(j). Execution.

Execution upon a judgment entered in the small claims department shall be in the same manner as in the district court and shall be prepared by the claimant and issued by the clerk of the court upon request of the successful party; provided the clerk may assist in the preparation of the execution form when requested by the claimant. Execution upon a small claim judgment may not issue until any appeal has been rendered final or the 30-day statutory appeal period has expired without the filing of a notice of appeal; provided, if the small claim judgment was entered by reason of default of the defendant, execution may issue thereon immediately as there is no right to appeal. An execution may be served by the designated official anywhere in the state. Fees for the issuance, service and enforcement of the execution shall be paid by the party enforcing the judgment and taxed against the unsuccessful party in the same amount and in the same manner as execution issued out of the district court.

(Adopted April 11, 1979, effective May 1, 1979; amended March 30, 1984, effective July 1, 1984.)

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