IRFLP 820 Execution - In General

Idaho Rules of Family Law Procedure 820. Execution – In General.

Process to enforce an appealable final judgment or partial judgment certified as final under Rule 804 [1] 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 804 [1]. 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 901 [2]. The procedure on execution, 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. In aid of the judgment or execution, the judgment creditor or successor in interest when that interest appears of record, may examine any person, including the judgment debtor, in the manner provided by the practice of this state.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

Source URL: http://www.isc.idaho.gov/irflp820

Links:
[1] http://www.isc.idaho.gov/irflp804
[2] http://www.isc.idaho.gov/irflp901