

**EXECUTING ON THE
PERMANENT FUND DIVIDEND**

CREDITOR INSTRUCTIONS

JULY 2001

ALASKA COURT SYSTEM

© Copyright 1992, 1993, 1995, 1997, 1999 and 2001
Alaska Court System

All rights reserved. Permission to reproduce the contents of this booklet, but not for profit, is hereby granted to governmental and non-profit educational institutions. However, reproduction of any part of this booklet for commercial purposes without the express written permission of the Alaska Court System is strictly prohibited.

EXECUTION PROCEDURE

The procedure described in this booklet can only be used to seize the debtor's permanent fund dividend (PFD), not to seize other property of the debtor. For information about seizing other property, you should read Execution Procedure: Judgment Creditor Booklet (CIV-550), available from the court.

Priority of Claims Against A Debtor's PFD

The Alaska Statutes give certain claims against the PFD priority over other claims. AS 43.23.065(b). For example, claims for child support, restitution in criminal cases, delinquent student loans, and criminal fines have priority (in that order) over other claims.

Claims based on a judgment in a civil or small claims case are processed after any higher priority claims have been satisfied. If more than one claim with the same priority is received, they are processed on a first come first served basis.

When Can A Writ Be Served?

A writ of execution to seize a PFD cannot be served on the Department of Revenue before **April 1** of the dividend year. Writs received before April 1 will be applied to the prior year's dividend. The Department recommends that writs of execution be received by the Department no later than **September 15** to ensure that there will be time to match them against all PFD applications before distribution of dividends begins.

If you want to execute on the debtor's permanent fund dividend, do the following:

STEP 1: OBTAIN IDENTIFYING INFORMATION ABOUT DEBTOR

Before the Department of Revenue can take money from a person's PFD, the Department must be able to positively identify the debtor. The Department's regulations require a three-point match between the Department's records and information you provide about the debtor. You must provide one of the following combinations of identifying information:

1. exact last name, exact first name and date of birth; or
2. exact last name, exact first name and social security number; or
3. exact last name, date of birth and social security number.

(The Department's regulation is 15 AAC 23.213(d).)

STEP 2: CHOOSE TYPE OF SERVICE

You can use certified mail or a process server to serve a writ of execution on the PFD. Certified mail is less expensive, but you cannot be sure of the date it will be delivered to the PFD Division. If it is important to you that your writ be delivered to the PFD Division at the earliest possible time (April 1) in order to get priority over other possible claims, you will probably want to use a process server. (Be sure to ask the process server if your writ will be served on April 1.)

Tell the clerk what type of service you plan to use so the clerk can give you the correct forms to fill out.

STEP 2a: CERTIFIED MAIL

If you want the writ served by certified mail, do the following:

1. Complete the Forms

Please type or print clearly when filling out the following two forms. USE BLACK INK. Press hard so your printing shows through on all copies of the forms.

CIV-501 Information for Issuance of Writ of Execution

Fill out entire form. Be sure to include in the cost section the cost of serving this writ: the court's certified mail fee (\$4.00) plus postage (\$3.94).

CIV-502 Writ of Execution and Notice of Levy

You will need a separate writ for each debtor. Fill out the following sections of the form:

- a. Location of court.
- b. Information in Box 1 and Box 2. (Note: You must provide either the debtor's date of birth or social security number. It is best to provide both.)
- c. Check box for type of debt. In most cases, you will check the "Other" box.

Do NOT fill in the date, clerk's signature or "Statement of Amount Due" at the bottom.

2. Prepare a business-size white envelope for certified mail for each writ as follows:

a. Address the envelope to:

DEPARTMENT OF REVENUE
PFD DIVISION ACCOUNTING AND COLLECTIONS UNIT
PO BOX 110463
JUNEAU AK 99811-0463

b. Put your return address in the upper left corner.

c. Fill out a Receipt For Certified Mail. See example on page 7. Attach the sticker portion next to your return address at the top of the envelope. Keep the portion you filled out for your records.

d. Beneath the certified mail sticker on the envelope, write "Return Receipt Requested."

e. Fill out a green postal receipt card:

Front:

- Fill in your name and address so the card will be returned to you.
- Write the case number in the lower left corner.

Back:

- In the "Article Addressed To" box, fill in the address of the PFD Division as noted in paragraph 2.a above.
- In the "Article Number" box, write the certified mail number.
- In the "Service Type" box, check "Certified."

Do NOT attach the green card to the envelope.

f. Put \$3.94 postage on the envelope.

See pages 7-8 for sample envelope and certified mail forms.

3. Take the forms, envelope and green postal receipt card to the clerk. You must pay a \$4 fee to the clerk for service by certified mail.

The clerk will complete the writ of execution and mail it to the Department of Revenue. The green postal receipt card will be returned to you. Be sure to keep the card as proof that the Department of Revenue received the writ.

STEP 2b: SERVICE BY PROCESS SERVER

If you want the writ served by a process server, do the following:

1. Complete Forms

Please type or print clearly when filling out the following two forms. USE BLACK INK. Press hard so your printing shows through on all copies of the forms.

CIV-501 - Information for Issuance of Writ of Execution

Fill out the entire form.

CIV-500 - Writ of Execution

Fill out the entire form except the date, clerk's signature and "Statement of Amount Due" at the bottom.

2. Choose a process server. The court clerk has a list of all the process servers in the state. You may choose any of them. However, the PFD Division has informed the Court System that it will only accept writs served at a PFD office or another office specifically authorized to receive writs for the division. The PFD Division only has full-time offices in Anchorage, Fairbanks and Juneau. If you select a process server who charges more than \$10 to travel to a PFD office, you will not be able to recover the additional travel costs from the debtor. See paragraph 3 below.

If the process server is not in your community, you must give the court an envelope addressed to the process server with sufficient postage so the clerk can mail the writ and service instructions to the process server.

3. Contact the process server to determine the service fee. Pay the fee directly to the process server unless the process server is not in your community. In that case, make your check payable to the process server but give it to the clerk to mail with the writ. Fees are set by the individual process server. However, the maximum amount you may recover as costs from the debtor is \$45 (\$35 for service plus \$10 for travel). Administrative Rule 11.
4. Fill out Service Instructions (use either the court form CIV-560 or the process server's form) explaining where the papers should be served. You must include in the service instructions the identifying information about the debtor described in Step 1. See page 9 for sample filled-out form.
5. Return the forms to the clerk. The clerk will complete the writ and deliver it to the process server. You will be notified by the process server when the writ has been served.

STEP 3: PROOF OF SERVICE

1. Certified Mail

If the writ is served by certified mail, the green postal receipt card will be returned to you. Be sure to keep the card as proof that the writ was served.

If the envelope is returned to you (for example, because of insufficient postage or an error in the address), you must take it to the clerk with a new envelope so the clerk can reissue the writ.

2. Process Server

If the writ is served by a process server, the process server should notify you when it is served. You should contact the process server directly if you have any questions.

STEP 4: NOTICE TO DEBTOR AND COLLECTION OF MONEY

You will not know whether money is seized on the execution until the PFD checks are issued, which usually happens in October. It may, however, be several months after October before it is known whether funds were seized.

1. If Funds Are Seized

The Department of Revenue will send the seized funds to the court. The Department will also send the debtor notice of the seizure. The debtor has 30 days in which to file an objection with the court if a mistake has been made. The court will notify you if a hearing is scheduled on the debtor's objection.

If no objection is filed or if the court finds no mistake has been made, the court will send you a check for the amount received from the Department of Revenue.

2. If No Funds Are Seized

The Department will notify the court of any of the following:

- The identifying information you provided about the debtor did not match any applicant for this year's dividend.
- There is no money available from the debtor's PFD (for example, because the debtor's PFD has already been seized to pay another debt).

- The debtor's application is under review. It may take several months or years before the review process is over. The writ will be held by the Department until the review is final. At that time, the Department will respond to the writ.

If the writ was served by a process server, contact your process server directly if you have any questions. If the writ was served by certified mail and you do not receive any money by January, contact the court as described below.

If you want to know whether the court received any money, go to court (about three or four weeks after the PFDs are issued) and look in the "Public List of PFD Attachments." This multi-volume list includes information about most (but not all) writs issued against the PFD in the current year. It includes both successful and unsuccessful attempts to take PFDs. Debtors are listed in alphabetical order by last name. The list for the current year's dividend is usually not available until late October or November. If your case is not listed in the "Public List," ask to see your case file so you can look for information about attachments processed after the list was printed. (Note: In some courts, such as Anchorage, information received after the list is printed will be kept in a 3-ring binder in the Customer Service area instead of in the case files.)

Because of the large volume of executions, most courts cannot respond to telephone inquiries. Please do not call the court for this information.

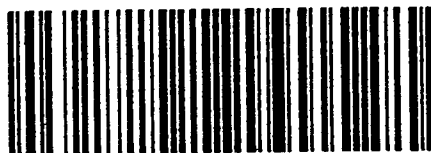
SAMPLE ENVELOPE

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

Chris Creditor
626 Circle Avenue
Anchorage, AK 99508

CERTIFIED MAIL

(POSTAGE)



7000 0520 0023 2295 5547

RETURN RECEIPT REQUESTED

DEPARTMENT OF REVENUE
PFD DIVISION ACCOUNTING & COLLECTIONS UNIT
PO BOX 110463
JUNEAU AK 99811-0463


RECEIPT FOR CERTIFIED MAIL

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
3AN-92-333 CI 3/1/01	
Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.94
Postmark Here	
<i>Recipient's Name (Please Print Clearly) (To be completed by mailer)</i>	
DEPT. OF REVENUE, PFD DIV ACCOUNTING	
Street, Apt. No.: or PO Box No. & COLLECTIONS UNIT	
PO BOX 110463	
City, State, ZIP+4	
JUNEAU AK 99811-0463	
PS Form 3800, February 2000 See Reverse for Instructions	

7000 0520 0023 2295 5547

GREEN POSTAL RECEIPT CARD

(FRONT)

UNITED STATES POSTAL SERVICE		First-Class Mail Postage & Fees Paid USPS Permit No. G-10
● Print your name, address, and ZIP Code in this box ●		
CHRIS CREDITOR 626 CIRCLE AVENUE ANCHORAGE AK 99508		
3AN-92-333 CI		

(BACK)

Is your RETURN ADDRESS completed on the reverse side?	SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery	
	3. Article Addressed to: DEPT OF REVENUE PFD DIV ACCOUNTING & COLLECTIONS UNIT PO BOX 110463 JUNEAU AK 99811-0463	4a. Article Number 7000 0520 0023 2295 5547	Thank you for using Return Receipt Service.
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	5. Received By: (Print Name)	7. Date of Delivery	
6. Signature (Addressee or Agent)	8. Addressee's Address (Only if requested and fee is paid) POSTAGE = \$3.94		
PS Form 3811, December 1994		102595-99-B-0223 Domestic Return Receipt	

SAMPLE

SERVICE INSTRUCTIONS FOR WRIT OF EXECUTION

PROCESS SERVER Peerless Process

Court Case No. 3AN-92-333 CI

Plaintiff Chris Creditor

Defendant Donald Debtor

Attorney Firm/Person Requesting Service Chris Creditor

Phone Number 243-xxxx Contact Person Chris Creditor

Mail Address 626 Circle Avenue, Anchorage 99508
Street Number, Box Number City ZIP

INFORMATION ABOUT THE DEBTOR

Debtor's Name Donald Debtor Date of Birth 3/16/48

SSN 123-45-6789 ID/Driver's Lic. No. _____ State _____

Home Address _____ City _____

Home Phone _____ Work Phone _____

Name of Employer _____

Work Location _____ City _____

Additional Information _____

INSTRUCTIONS FOR SERVING WRIT

- Documents:
- Writ of Execution (CIV-500)
 - ~~Creditor's Affidavit (CIV-505) (if no Notices are being served)~~

Serve Writ on Alaska Department of Revenue

Address 1016 West Sixth Avenue City Anchorage Phone _____

Directions: _____

INSTRUCTIONS FOR SERVING NOTICES ON DEBTOR

The notices are to be served **only** if property is seized. No notices are necessary if the PFD is the **only** item being seized or if the debtor is a corporation.

Are the notices being sent to the debtor by certified mail through the court? Yes No

If "No" is checked, all the following documents are attached and must be served. (Fill in date of Creditor's Affidavit.)

- Documents:
- Copy of Creditor's Affidavit (CIV-505) dated _____
 - Notice of Levy and Sale of Property and Notice of Right to Exemptions (CIV-510)
 - Claim of Exemptions (CIV-515)
 - Judgment Debtor Booklet (CIV-511)

CIV-560 (7/92)(cs)

SERVICE INSTRUCTIONS FOR WRIT OF EXECUTION