

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, 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.

(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.

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

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti