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H.162

Introduced by Representative O’Sullivan of Burlington

Referred to Committee on

Date:

Subject: Court procedure; levy of execution; personal property

Statement of purpose of bill as introduced: This bill proposes to remove the requirement that a writ of execution be obtained before a court clerk can issue a summons to the trustee for purposes of executing a court judgment on personal property.

An act relating to execution of court judgments on personal property

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 12 V.S.A. § 2732 is amended to read:

§ 2732. GOODS, EFFECTS, AND CREDITS HELD BY THIRD PERSON

On request of the judgment creditor, the clerk of the court granting judgment shall issue ~~to the officer holding the execution~~ a summons as trustee to a third person having in his or her hands goods, effects, or credits, other than earnings, of the debtor that have not previously been attached on trustee process in connection with the action. The summons shall be in such form as ~~the supreme court~~ Supreme Court may by rule provide for a summons to a trustee in connection with the commencement of an action and shall state the

1 date and amount of the judgment. The summons shall be served by the officer
2 upon the trustee in like manner and with the same effect as mesne process. A
3 copy of the summons shall be served upon the judgment debtor with the
4 officer's endorsement thereon of the date of service upon the trustee. After
5 service of the summons, proceedings shall be had as provided by law and by
6 rule promulgated by the ~~supreme court~~ Supreme Court for trustee process in
7 connection with the commencement of an action.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.