CHAPTER 575

PROCEEDINGS SUPPLEMENTARY TO EXECUTION

575.01 PERSON INDEBTED MAY PAY SHERIFF.
575.02 ORDER FOR EXAMINATION OF DEBTOR.
575.03 WARRANT AGAINST DEBTOR.
575.04 EXAMINATION.
575.05 PROPERTY APPLIED TO JUDGMENT; RECEIVER.
575.06 ADVERSE CLAIMANTS.
575.07 PERSON INDEBTED MAY BE EXAMINED.

575.01 PERSON INDEBTED MAY PAY SHERIFF.

After the issuing of an execution against property, any person indebted to the judgment debtor may pay to the sheriff the amount of the debt, or so much thereof as may be necessary to satisfy the execution, and the sheriff's receipt shall be a sufficient discharge for the amount so paid.

History: *(9449) RL s 4319; 1986 c 444*

575.02 ORDER FOR EXAMINATION OF DEBTOR.

When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, is issued to the sheriff of the county where the debtor resides, or, if the debtor does not reside in the state, to the sheriff of a county where the judgment roll, or a transcript of a judgment, is filed, is returned unsatisfied, in whole or in part, the judgment creditor is entitled to an order from the judge of the district court of the district where the judgment was originally docketed or is subsequently filed, requiring the judgment debtor, or, if a corporation, any officer thereof, to appear and answer concerning the property, at a time and place specified in the order, before a judge or a referee therein named. If the person required to answer is, at the time of the service of the order, a resident of the state, or has an office in the state for the regular transaction of business in person, that person cannot be compelled to attend, pursuant to the order or to any adjournment, at a place without the county of residence or of the place of business.

History: *(9450) RL s 4320; 1979 c 53 s 1; 1986 c 444*

575.03 WARRANT AGAINST DEBTOR.

Instead of the order provided for in section 575.02, upon proof by affidavit that there is danger that the debtor will leave the state or hide, the judge may issue a warrant requiring the sheriff of any county where the debtor is to arrest and bring the debtor before such judge to answer concerning the debtor's property. Upon being brought before the judge, the debtor may be examined on oath, and ordered to give bond that the debtor will attend, from time to time, before the judge or referee, as directed, during the pendency of the proceeding, and will not in the meantime dispose of any portion of property not exempt from execution; and, in default of giving such bond, the debtor may be committed to jail as for a contempt.

History: *(9451) RL s 4321; 1986 c 444*

575.04 EXAMINATION.

Upon appearing or being brought before the judge or referee, the judgment debtor, or officer required to answer for a corporation, may be examined under oath, and witnesses may be required to appear and testify on behalf of either party, and the debtor may be represented by counsel; and no person, on such examination, shall be excused from answering any question on the ground that the examination will tend to convict the person of the commission of a fraud, but an answer shall not be used as evidence against the

person in any criminal proceeding. If the examination is before a referee, the referee shall certify the testimony and proceedings to the judge.

History: *(9452) RL s 4322; 1986 c 444*

575.05 PROPERTY APPLIED TO JUDGMENT; RECEIVER.

The judge may order any of the judgment debtor's property in the hands of the judgment debtor or of any other person, or due to the judgment debtor, not exempt from execution, to be applied toward the satisfaction of the judgment. The judgment debtor's earnings for personal services within 30 days preceding the order cannot be so applied, when it appears by the judgment debtor's affidavit that they are necessary for the use of a family supported, wholly or partly, by the judgment debtor's labor. The judge may appoint a receiver of the debtor's unexempt property, or forbid a transfer or other disposition thereof, or any interference therewith, until further order therein.

History: *(9453) RL s 4323; 1986 c 444*

575.06 ADVERSE CLAIMANTS.

If it appears that any person alleged to have property of, or to be indebted to, the judgment debtor, claims an adverse interest therein, or denies the debt, such interest or debt may be recovered only in an action against such person by the receiver; but the judge may by order forbid a transfer or other disposition of such property or interest until a sufficient opportunity is given to the receiver to prosecute the action to judgment and execution, and may vacate or modify such order at any time on such security as the judge may direct.

History: *(9454) RL s 4324; 1986 c 444*

575.07 PERSON INDEBTED MAY BE EXAMINED.

After the issuing or return of an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, upon proof, by affidavit or otherwise, to the satisfaction of the judge, that any person has property of the judgment debtor, or is indebted to the judgment debtor in an amount exceeding $10, the judge may require such person, or any officer thereof if a corporation, upon such notice to any party as may seem proper, to appear and answer concerning the same.

History: *(9455) RL s 4325; 1986 c 444*