

# **EXECUTING ON THE PERMANENT FUND DIVIDEND**

## **CREDITOR INSTRUCTIONS**

March 2018

ALASKA COURT SYSTEM

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Alaska Court System

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## **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 by the end of August 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 an exact match for any three of the following identifiers:

1. first name,
2. date of birth,
3. social security number, or
4. last name.

(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 Form [CIV-506](#), Information for Issuance of Writ of Execution on PFD or Garnishment of Earnings.

Please type or print clearly when filling out the form. USE BLACK INK. Fill out entire form. Be sure to include in the cost section the cost of serving this writ: the court's certified mail fee plus postage. The service by certified mail fee is listed in [Administrative Rule 9](#). A writ fee will be charged for each writ issued. You must file a separate writ request for each debtor.<sup>1</sup>

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.
  - d. Beneath the certified mail sticker on the envelope, write "Return Receipt Requested."
  - e. Fill out a green postal receipt card:

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<sup>1</sup> Administrative Rule 9(e)(10).

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. Also, write the total postage amount.
- In the "Article Number" box, write the certified mail number.
- In the "Service Type" box, check "Certified Mail."

Do NOT attach the green card to the envelope.

- f. Put required postage on the envelope to pay for first class mail, the certified fee and the return receipt fee.

See pages 6-7 for sample envelope and certified mail forms.

3. Take the form, envelope with completed Receipt for Certified Mail, and green postal receipt card to the clerk. You must pay the certified mail fee to the clerk. The service by certified mail fee is listed in [Administrative Rule 9](#).

The clerk will prepare 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. The Receipt for Certified Mail will be kept by the clerk of court with the writ.

## **STEP 2b: SERVICE BY PROCESS SERVER**

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

1. Complete Form [CIV-501](#), Information for Issuance of General Writ of Execution for service of process on the PFD office.

Please type or print clearly when filling out the forms. USE BLACK INK. Fill out the entire form. A writ fee will be charged for each writ issued.<sup>2</sup>

2. Choose a process server. The Department of Public Safety 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 \$20 to travel to a PFD office, you will not be able to recover the additional travel costs from the debtor. See paragraph 3 below.

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<sup>2</sup> [Administrative Rule 9\(e\)\(10\)](#).

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 \$65 (\$45 for service plus \$20 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 8 for sample filled-out form.
5. Return the forms to the clerk. The clerk will prepare 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 and November. In some cases, you will have to wait several weeks after November to find out if your writ of execution was successful. This is because the PFD Division will still be reviewing some applications to decide whether the applicant should get a dividend. That review may take several months, and your writ will not take effect until the PFD Division decides whether the debtor gets a dividend.

## 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 gives process servers and the court system's administrative office lists of writs of execution that were not paid. The reason for non-payment is either because:

- The identifying information you provided about the debtor did not match any applicant for this year's dividend, or
- 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).

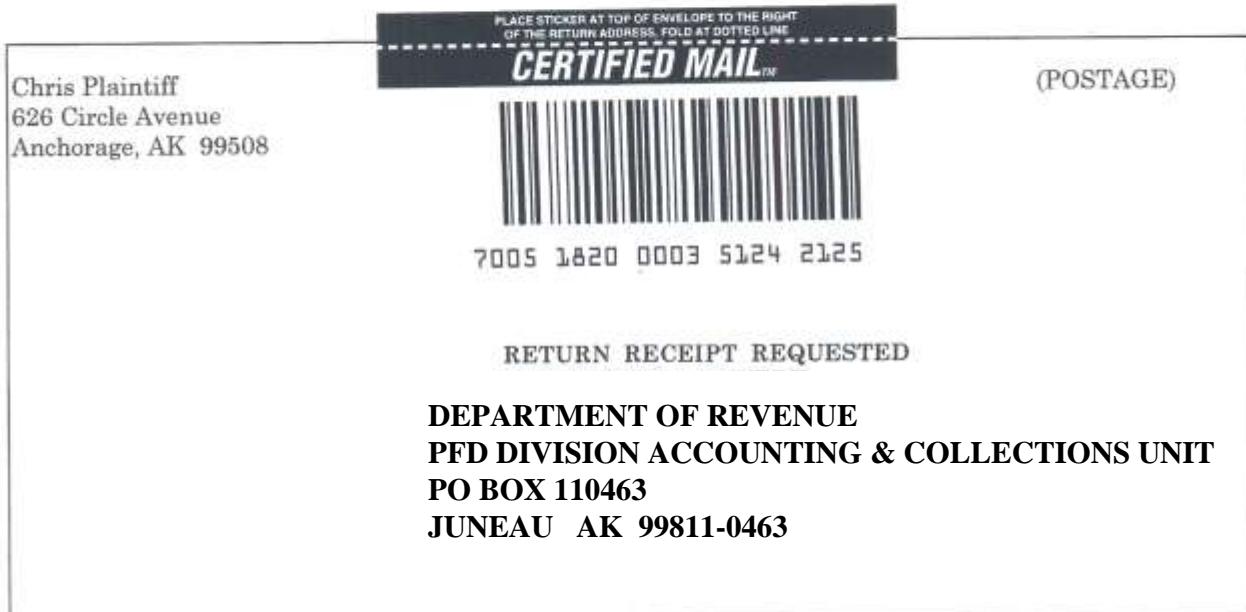
The court system's administrative office combines these "no-pay" lists with lists of payments received ("pay" lists) and produces a "Public List of PFD Attachments."

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

If you want to know whether the court received any money, go to court system's website at [www.courts.alaska.gov/trialcourts/pfd.htm](http://www.courts.alaska.gov/trialcourts/pfd.htm) to see the "Public List of PFD Attachments." The list for most of the current year's attachments (those done in October and November) should be on the website by the end of December. The list includes both successful and unsuccessful attempts to take PFDs. Debtors are listed in alphabetical order by last name. 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 prepared.

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



## CERTIFIED MAIL RECEIPT



The Post Office or  
[www.usps.com](#)  
can provide these  
amounts.

It is the customer's  
responsibility to verify  
the amount of  
postage required for  
mailing.

# GREEN POSTAL RECEIPT CARD

(FRONT)

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4 in this box \*

CHRIS CREDITOR  
626 CIRCLE AVENUE  
ANCHORAGE AK 99508-1234

3AN-08-333 CI

(BACK)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DEPT OF REVENUE  
PFD DIV ACCOUNTING &  
COLLECTIONS UNIT  
PO BOX 110463  
JUNEAU AK 99811-0463

Postage: \$ xxxx

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail    Express Mail  
 Registered    Return Receipt for Merchandise  
 Insured Mail    C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7005 1820 0003 5124 2125

PS Form 3811, February 2004

Domestic Return Receipt

102695-02-M-1540 |

## SAMPLE

### INSTRUCTIONS TO PROCESS SERVER FOR SERVING 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:
  - *General Writ of Execution* (CIV-500)
  - *Creditor's Affidavit* (CIV-505) (if no Notices are being served)

Serve Writ on Alaska Department of Revenue \_\_\_\_\_

Address 550 W. 7<sup>th</sup> Avenue, Suite 100 \_\_\_\_\_ City Anchorage \_\_\_\_\_ Phone \_\_\_\_\_

Directions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### INSTRUCTIONS TO PROCESS SERVER RE DEBTOR PACKET

The Debtor Packet, per Civil Rule 69(g), includes a copy of the filled-out *Creditor's Affidavit* (CIV-505); *Notice of Levy* (CIV-510); *Claim of Exemptions* (CIV-515); and *Judgment Debtor Booklet* (CIV-511). Updated forms can be downloaded at [www.courts.alaska.gov/forms/index.htm](http://www.courts.alaska.gov/forms/index.htm).

- Creditor will provide Debtor Packet to process server for service.  
 Creditor will serve Debtor Packet by certified mail.  
 No Debtor Packet is required because either the PFD is the only item being seized or the debtor is a corporation.

CIV-560 (8/10)(cs)

INSTRUCTIONS TO PROCESS SERVER FOR SERVING WRIT OF EXECUTION