Bill as Introduced

SB 315- AS AMENDED BY THE SENATE

3/9/00 3640s

2000 SESSION

00-2636
09/10

SENATE BILL ***315***

AN ACT changing the form for writs of execution.

SPONSORS: Sen. Fernald, Dist 11; Sen. Russman, Dist 19; Sen. Gordon, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill changes the form for writs of execution.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 315- AS AMENDED BY THE SENATE

3/9/00 3640s

00-2636
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT changing the form for writs of execution.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Form; Writs of Execution. Amend RSA 527:12 to read as follows:

527:12 Form. Writs of execution shall be substantially in the following form:

THE STATE OF NEW HAMPSHIRE

..... ss. To the sheriff ***or deputy*** of any county [~~or his deputy~~]:

[L.S.] Whereas, ..., of ....., by the consideration of our justices of our court of ....., holden at ....., in said County of ....., on the ..... Tuesday of ....., recovered judgment against ..... of ..... for the sum of ..... dollars, and costs taxed at ....., as appears of record, whereof execution remains to be done. We command you, therefore, that of the ***money,*** goods, chattels [~~or~~], lands, ***personal estate, property interest, right or credit*** of the said debtor, in your precinct, you cause to be levied and paid to the said creditor the aforesaid sums, with lawful interest thereon, and ..... more for this writ and your own fees; and make return of this writ, with your doings thereon, to said court, to be holden at ....., in said county, upon the ..... Tuesday of .....

Witness, ..., Esquire, the ..... day of ....., ...

....., Clerk.

2 Effective Date. This act shall take effect January 1, 2001.

Amendments

House Judiciary
April 18, 2000
2000-4157h
09/10

Amendment to SB 315

Amend RSA 527:12 as inserted by section 1 of the bill by replacing it with the following:

527:12 Form. Writs of execution shall be substantially in the following form:

THE STATE OF NEW HAMPSHIRE

..... ss. To the sheriff ***or deputy sheriff*** of any county [~~or his deputy~~]:

[L.S.] Whereas, ..., of ....., by the consideration of our justices of our court of ....., holden at ....., in said County of ....., on the ..... Tuesday of ....., recovered judgment against ..... of ..... for the sum of ..... dollars, and costs taxed at ....., as appears of record, whereof execution remains to be done. We command you, therefore, that of the ***money,*** goods, chattels [~~or~~], lands***, personal estate, property interest, right or credit*** of the said debtor, in your precinct, you cause to be levied and paid to the said creditor the aforesaid sums, with lawful interest thereon, and ..... more for this writ and your own fees; and make return of this writ, with your doings thereon, to said court, to be holden at ....., in said county, upon the ..... Tuesday of .....

Witness, ..., Esquire, the ..... day of ....., ...

....., Clerk.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 315 Date 3/22/2000

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Jim Demers	New England Financial Services Association			✓	
Jim Demers	NH Trial Lawyers Association			✓	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 315

BILL TITLE: changing the form for writs of execution.

DATE: March 22, 2000

LOB ROOM: 208 **Time Public Hearing Called to Order:** 11:10

Time Adjourned: 11:38

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Piccoli, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors: Sens. Fernald, Russman, Gordon

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Gordon, sponsor, supporting

-Introduced bill, explained the merits of the bill as to the changes in the form of writs of execution. Rep. Pratt suggested changes to the arcane language in the present form. Sen. Gordon responded to questions from the committee.

Respectfully submitted,

Rep. Loren J. Jean, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 315

BILL TITLE: changing the form for writs of execution.

DATE: 3/22/00

LOB ROOM: **Time Public Hearing Called to Order:** 11:10

Time Adjourned: 11:38

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Piccoli, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors:

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SB 315

Sen Gordon Co Sp Introduced bill, explained the merits of the bill as to the changes in the form of writs of executions. Rep Pratt suggested changes to the arcane language in the present form Sen Gorden responded

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 315

BILL TITLE: **changing the form for writs of execution.**

DATE: 4/19/00

LOB ROOM: 208

Amendments:

Sponsor: Rep. Committee — OLS Document #: 2000-4457h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Solow

Seconded by Rep. Dudley

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: SB 315 **Title:** OTPA 130

PH Date: __/__/__ **Exec Session Date:** 4/19/06

Motion: OTPA **Amendment #:**

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Peterson, Andrew R, V Chairman		
Jacobson, Alf E	✓	
Keans, Sandra B	✓	
Bergin, Peter F	✓	
Dokmo, Cynthia J		
Jean, Loren J, Clerk		
Rowe, Robert H	✓	
Ford, Nancy M		
Withee, Dennis J		
Dudley, Terri C	✓	
Picconi, Al J	✓	
Soltani, Tony F		
Woods, Phyllis L	✓	
Wall, Janet G	✓	
DePecol, Benjamin J		
Pratt, John M	✓	
Craig, James W		
Lasky, Bette R	✓	
Mitchell, McKim W	✓	
Solow, Martha S	✓	
Wood, Jane		

TOTAL VOTE:

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: **SB 315**

TITLE: changing the form for writs of execution.

DATE: April 19, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

When a judgment has been made against a debtor a writ of execution may be issued by a court against the assets of the defendant in order to recover what is owed to the plaintiff. This bill alters the written form of the document to go beyond "goods and chattels" to include rights or credit, property interest, personal estate and money to satisfy the judgment.

Vote 13-0.

Rep. Martha S. Solow
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Children and Family Law

SB 315, changing the form for writs of execution. OUGHT TO PASS WITH AMENDMENT

Rep. Martha S. Solow for Judiciary. When a judgment has been made against a debtor a writ of execution may be issued by a court against the assets of the defendant in order to recover what is owed to the plaintiff. This bill alters the written form of the document to go beyond "goods and chattels" to include rights or credit, property interest, personal estate and money to satisfy the judgment. Vote 13-0.

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **SB 315**

TITLE: changing the form for writs of execution.

DATE: 4/18/00

CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote

13-0

Rep.
FOR THE COMMITTEE

Solow

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SB315 4-18-00

(2) ~~This bill alters the written form of the document to go beyond goods and chattels to include all items that can be used to satisfy the judgement such as interest in property, rights and credits, as long that can be used to satisfy debts.~~

(1) ~~When~~ a judgment has been made ~~by a court~~, a writ of execution may be issued by a court against the assets of the ~~debtor~~ defendant in order to recover what is owed to the plaintiff.

(2) This bill alters the written form of the document to go beyond "goods and chattels" to include ~~items that can be used to satisfy the judgement such as interest in property, rights and credits~~ right or credit, property interest, personal estate and money to satisfy the judgement

Martha Dolan

ok DOM