

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 535

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SALES UNDER EXECUTION; AMENDING SECTION 11-304, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING HOW SALES ARE CONDUCTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 11-304, Idaho Code, be, and the same is hereby  
amended to read as follows:

11-304. CONDUCT OF SALE. All sales of property under execution must be  
made at auction, to the highest bidder, ~~between the hours of nine (9:00) in  
the morning and five (5:00) in the afternoon.~~ After sufficient property has  
been sold to satisfy the execution, no more can be sold. Neither the officer  
holding the execution nor his deputy can become a purchaser, or be interested  
in any purchase, at such sale. When the sale is of personal property, capable  
of manual delivery, it must ~~be within view of those who attend the sale,~~ and  
be sold in such parcels as are likely to bring the highest price; and when the  
sale is of real property, consisting of several known lots or parcels, they  
must be sold separately, or when a portion of such real property is claimed by  
a third person, and he requires it to be sold separately, such portion must be  
thus sold. The judgment debtor, if present at the sale, may also direct the  
order in which property, real or personal, shall be sold, when such property  
consists of several known lots or parcels, or of articles which can be sold to  
advantage separately, and the sheriff must follow such directions.