

Moved by Lee

Seconded by Nye

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 461

AMENDMENT TO THE BILL

On page 2 of the printed bill, following line 28, insert:

"SECTION 2. That Section 6-311C, Idaho Code, be, and the same is hereby amended to read as follows:

6-311C. FORM OF EXECUTION. The execution, should judgment of restitution be rendered, may be in the following form:

STATE OF IDAHO)

ss.

County of)

TO THE SHERIFF OR ANY CONSTABLE OF THE COUNTY:

WHEREAS, a certain action for the possession of the following described premises, to-wit:

.....
.....

lately tried before the above entitled court, wherein was plaintiff and was defendant, judgment was rendered on the day of, A.D.,, that the plaintiff have restitution of the premises, and also that he recover the costs and disbursements in the sum of \$;

In the name of the State of Idaho, you are, therefore, hereby commanded to cause the defendant ~~and his goods and chattels~~ to be forthwith removed from the premises and the plaintiff is to have restitution of the same. In the event the goods and chattels are not promptly removed thereafter by the defendant ~~you are, the plaintiff is authorized and empowered to cause remove~~ the same ~~to be removed to a safe place for storage. You are also commanded to levy on the goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to pursuant to Section 6-316(2), Idaho Code. Upon returning premises to the plaintiff, the sheriff will make legal service and due return of this writ.~~

WITNESS My hand and official seal (if issued out of a court of record) this day of, A.D.,

.....

Clerk of the District Court".

AMENDMENT TO SECTION 2

On page 2, in line 29, delete "2" and insert: "3".

On page 3, in line 25, following "belongings." insert: "The landlord or his agents may deliver a writ of restitution or provide the sheriff with a copy of the writ of restitution and request that the sheriff deliver the

1 writ. If requested by the landlord or his agents, the sheriff shall deliver
2 a writ of restitution in a form as provided in section 6-311C, Idaho Code.";
3 in line 26, delete "subsection," and insert: "subsection and three (3) days
4 after the finding of the court, the sheriff shall restore possession of the
5 premises to the plaintiff by causing immediate removal of the tenant, and";
6 in line 31, delete "Removal of such property by the land-"; delete line 32;
7 and in line 33, delete "be there only to keep the peace.".

8 CORRECTION TO TITLE
9 On page 1, in line 4, following "CORRECTION;" insert: "AMENDING SECTION
10 6-311C, IDAHO CODE, TO REVISE A FORM OF EXECUTION;".