TITLE 11
ENFORCEMENT OF JUDGMENTS IN CIVIL ACTIONS

CHAPTER 5
PROCEEDINGS SUPPLEMENTARY TO EXECUTION

11-501. ORDER FOR EXAMINATION OF DEFENDANT. When an execution against property of the judgment debtor or of any of several debtors in the same judgment, issued to the sheriff of the county where he resides, or if he do not reside in this state, to the sheriff of the county where the judgment roll is filed, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from the judge of the court requiring such judgment debtor to appear and answer upon oath concerning his property, before such judge, or a referee appointed by him, at a time and place specified in the order; but no judgment debtor must be required to attend before a judge or referee out of the county in which he resides.

[(11-501) C.C.P. 1881, sec. 460; R.S., R.C., & C.L., sec. 4504; C.S., sec. 6941; I.C.A., sec. 8-501.]

11-502. PROCEEDINGS TO COMPEL APPEARANCE. After the issuing of an execution against property, and upon proof by affidavit of a party or otherwise, to the satisfaction of the court or of a judge thereof, that any judgment debtor has property which he unjustly refuses to apply toward the satisfaction of the judgment, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before such judge, or a referee appointed by him, to answer upon oath concerning the same; and such proceedings may thereupon be had for the application of the property of the judgment debtor toward the satisfaction of the judgment, as are provided upon the return of an execution. Instead of the order requiring the attendance of the judgment debtor, the judge may upon affidavit of the judgment creditor, his agent or attorney, if it appear to him that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before such judge. Upon being brought before the judge, he may be ordered to enter into an undertaking, with sufficient surety, that he will attend from time to time before the judge or referee, as may be directed during the pendency of proceedings and until the final termination thereof, and will not in the meantime dispose of any portion of his property not exempt from execution. In default of entering into such undertaking he may be committed to prison.

[(11-502) C.C.P. 1881, sec. 461; R.S., R.C., & C.L., sec. 4505; C.S., sec. 6942; I.C.A., sec. 8-502.]

11-503. DEFENDANT'S DEBTOR MAY SATISFY EXECUTION. After the issuing of an execution against property and before its return, any person indebted to the judgment debtor may pay to the sheriff the amount of his debt, or so much thereof as may be necessary to satisfy the execution; and the sheriff's receipt is a sufficient discharge for the amount so paid.

[(11-503) C.C.P. 1881, sec. 462; R.S., R.C., & C.L., sec. 4506; C.S., sec. 6943; I.C.A., sec. 8-503.]

11-504. EXAMINATION OF DEFENDANT'S DEBTORS. 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, or upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has money or property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars ($50.00), the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

[(11-504) C.C.P. 1881, sec. 463; R.S., R.C., & C.L., sec. 4507; C.S., sec. 6944; I.C.A., sec. 8-504.]

11-505. WITNESSES REQUIRED TO APPEAR. Witnesses may be required to appear and testify before the judge or referee, upon any proceeding under this chapter in the same manner as upon the trial of an issue.

[(11-505) C.C.P. 1881, sec. 464; R.S., R.C., & C.L., sec. 4508; C.S., sec. 6945; I.C.A., sec. 8-505.]

11-506. APPLICATION OF JUDGMENT DEBTOR'S PROPERTY TO SATISFACTION OF EXECUTION. The judge or referee may order any money or property of a judgment debtor not exempt from execution, in the hands of such debtor or any other person, or due to the judgment debtor, to be applied toward the satisfaction of the judgment.

[(11-506) C.C.P. 1881, sec. 465; R.S., R.C., & C.L., sec. 4509; C.S., sec. 6946; I.C.A., sec. 8-506.]

11-507. PROCEEDINGS AGAINST DEFENDANT'S DEBTOR. If it appears that a person or corporation, alleged to have money or property of the judgment debtor, or to be indebted to him, claims an interest in the money or property adverse to him, or denies the debt, the court or judge may authorize, by an order made to that effect, the judgment creditor to institute an action against such person or corporation for the recovery of such interest or debt; and the court or judge may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge granting the same, or the court in which the action is brought, at any time, upon such terms as may be just.

[(11-507) C.C.P. 1881, sec. 466; R.S., R.C., & C.L., sec. 4510; C.S., sec. 6947; I.C.A., sec. 8-507.]

11-508. DISOBEDIENCE OF ORDERS A CONTEMPT. If any person, party or witness disobey an order of the referee properly made in the proceedings before him under this chapter, he may be punished by the court or judge ordering the reference, for a contempt.

[(11-508) C.C.P. 1881, sec. 467; R.S., R.C., & C.L., sec. 4511; C.S., sec. 6948; I.C.A., sec. 8-508.]