

1 **Rule 64E. Writ of execution.**

2 *Effective: 5/1/2014*

3 (a) **Availability.** A writ of execution is available to seize property in the possession or
4 under the control of the defendant following entry of a final judgment or order requiring
5 the delivery of property or the payment of money, whether such payment of money is in
6 an amount sufficient to satisfy the final judgment or subject to a periodic payment
7 schedule.

8 (b) **Application.** To obtain a writ of execution, the plaintiff ~~shall~~ must file an application
9 stating:

10 ~~(b)~~(1) the amount of the judgment or order and the amount due on the judgment or
11 order;

12 ~~(b)~~(2) the nature, location, and estimated value of the property; and

13 ~~(b)~~(3) the name and address of any person known to the plaintiff to claim an interest
14 in the property.

15 (c) **Death of plaintiff.** If the plaintiff dies, a writ of execution may be issued upon the
16 affidavit of an authorized executor or administrator or successor in interest.

17 (d) **Reply to writ; request for hearing.**

18 ~~(d)~~(1) The defendant may reply to the writ and request a hearing. The reply must~~shall~~
19 be filed and served within 14 days after service of the writ and accompanying papers
20 upon the defendant.

21 ~~(d)~~(2) The court will~~shall~~ set the matter for an evidentiary hearing as soon as possible
22 and not to exceed 14 days. If the court determines that the writ was wrongfully
23 obtained, or that property is exempt from seizure, the court will~~shall~~ enter an order
24 directing the officer to release the property. If the court determines that the writ was
25 properly issued and the property is not exempt, the court will~~shall~~ enter an order
26 directing the officer to sell or deliver the property. If the date of sale has passed, notice

of the rescheduled sale ~~will~~shall be given. No sale may be held until the court has decided upon the issues presented at the hearing.

~~(d)~~(3) If a reply is not filed, the officer ~~must~~shall proceed to sell or deliver the property.

(e) Mortgage foreclosure governed by statute. Utah Code [Title 78B, Chapter 6, Part 9](#), Mortgage Foreclosure, governs mortgage foreclosure proceedings notwithstanding contrary provisions of these rules.