

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

REQUEST TO RETURN PFD TAKEN BY MISTAKE

Case Number (on notice you received from Department of Revenue): _____

Case Name (if known): _____
(Attach a copy of the notice you received from the Alaska Department of Revenue.)

REQUEST

My name is (please print): _____

\$ _____ was seized from my Alaska Permanent Fund Dividend (PFD) this year by a writ of execution issued by the court. This seizure was a mistake because:

- I already paid the judgment in this case. (If the case file does not show proof of payment, attach proof.)
- I am not the debtor who owes the money in this case.
- Other mistake: _____

Further Explanation:

I object to this seizure, and I request that my PFD money be returned to me.

Date Signature
Mailing Address City State ZIP
Daytime Phone _____

CLERK'S REVIEW

Review of the case file

- confirms the above information, so the money seized will be returned to the requestor.
- does not confirm the above information, so request was sent to creditor for response.

Signature of Clerk/Deputy Clerk Date

ORDER

- Request GRANTED. The clerk is directed to return the PFD money seized to the requestor.
- Request DENIED. The clerk is directed to apply the seized money to pay the judgment.

Reason for denial:

Date Judge
I certify that on _____
a copy of this order was sent to: _____
Type or Print Judge's Name

Clerk: _____

INSTRUCTIONS: HOW TO OBJECT IF YOUR PFD IS SEIZED BY MISTAKE

If your Permanent Fund Dividend (PFD) was seized by mistake, you can file an objection with the court, using this form (CIV-570, **Request to Return PFD Taken By Mistake**). You must file your request within 30 days after the Department of Revenue notifies you that part or all of your dividend has been seized.

You can only file this request if a mistake was made. You cannot file this request if you simply do not agree with the judgment that was entered against you.

The most common types of mistake are:

- a. You are not the debtor who owes the money in the case. This can happen if you have the same name as the debtor in the case.
- b. You are the debtor in the case, but you already paid the judgment against you. This can happen if you paid the judgment after the creditor served the writ of execution on the Department of Revenue.

If you believe a mistake was made, do the following:

1. (Optional) You may want to try to call the creditor or the creditor's attorney and explain the mistake. If you do not know who the creditor is, ask the court. Ask the creditor to immediately send the court a letter stating that the Permanent Fund Dividend was taken by mistake and that the money should be returned to you immediately. (The letter must include the case number.)

NOTE: If the creditor agrees, be sure to check back with the court within a few days to make sure the court received the letter.

2. If you can't reach the creditor or the creditor does not agree to send the court a letter stating that the seizure was an error, complete the CIV-570, **Request to Return PFD Taken By Mistake** and file it with the court. Attach to it the notice you received from the Department of Revenue that told you how much of your PFD was seized by a writ of execution. Also attach any proof you have that you already paid the judgment if the court file does not show the payment.
3. The clerk's office will review the information in your request and the documents in the case file. If it is very clear that a mistake has been made, the clerk's office may be able to return the money to you fairly quickly. If it is less clear that a mistake has been made, the clerk will have to give the creditor in the case a chance to object to your request. The clerk will mail the creditor a Response form (CIV-571) which the creditor must return within 13 days. When the court receives the creditor's response (or after the 13 days have passed if there is no response), the matter will be referred to a judicial officer for decision. You will be notified of the decision.