

HOUSE BILL NO. HB0030

Execution of judgment liens.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to judgment liens; providing for appraisal
2 by a qualified appraiser; providing for payment of costs of
3 appraisal; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 1-17-314 and 1-17-316(a) are amended
8 to read:

9

10 **1-17-314. Sale to be at public auction; when private**
11 **sale authorized.**

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13 The court from which an execution or order of sale issues,
14 on application of either party with due notice to the
15 adverse party and for good cause, may order the officer
16 holding the process to sell the goods and chattels at
17 private sale for cash, specifying the time during which the

1 sale will continue but not extending beyond the return day
2 of the process. Before a private sale is made, the court
3 shall order the personal property appraised by ~~three (3)~~
4 ~~disinterested persons~~ a qualified appraiser and the
5 property shall not be sold for less than two-thirds (2/3)
6 of the appraised value. Except when a private sale is
7 ordered for good cause, all sales of goods and chattels
8 shall be at public auction. Prior to submission of the
9 appraisal report, the applicant shall pay all reasonable
10 costs and fees incurred by the qualified appraiser.

11
12 **1-17-316. Appraisement of real property required;**
13 **exception.**

14
15 (a) The officer who levies execution upon real
16 property shall designate a qualified appraiser ~~or three~~
17 ~~(3) disinterested property owners who are residents of the~~
18 ~~county where the lands taken in execution are situate~~ and
19 administer to the appraiser ~~or to the property owners~~ an
20 oath to view and impartially appraise the value of the
21 property levied upon or any interest of the judgment
22 debtor. The appraiser or the property owners shall return
23 to the officer as soon as possible a signed estimate of the
24 appraised value. Prior to submission of the signed

1 estimate, the judgment creditor shall pay all reasonable
2 costs and fees incurred by the qualified appraiser.

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4 **Section 2.** W.S. 1-17-341 is repealed.

5

6 **Section 3.** This act is effective July 1, 2011.

7

8 (END)