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Samuel M. Hulse  
Sheriff

Tony Glenn  
Chief Deputy

Ed Vitacolonna  
Jail Captain

## **CIVIL PROCESS POLICY**

### ***PLEASE READ CAREFULLY***

The Bonneville County Sheriff requires a plaintiff (or other person in whose favor the writ of execution runs) or his/her/its legal counsel engage the services of a licensed and bonded or insured business to move, tow and securely store personal property and vehicles in compliance with a valid court order that directs the Sheriff to attach and sell property.

All towing companies and personnel must meet or exceed all maintenance, insurance, and safety requirements of both the Idaho Code and the Idaho State Police (*see Idaho State Police Procedure 7.17 – Use of Tow Trucks*)—a list of local towing companies authorized by the Idaho State Police can be obtained from our office upon request.

When contacting the Sheriff's office for execution, please be sure to provide the Sheriff's office with the information for the licensed and bonded or insured business that will be moving, towing, and securely storing the personal property to be seized. This means the plaintiff (or other person in whose favor the writ of execution runs) will need to make arrangements, including payment arrangements, with the moving, towing, and storage company(ies) prior to execution by the Sheriff's office.

Deputies will serve and execute approved court orders and keep the peace but are not authorized to take sides in a civil matter, or take action that is not specified in a Court Order.

Idaho Code requires the Sheriff to post or publish a legal notice of sale for all attached personal property, including vehicles. The purpose of the notice is to allow any third party claimant an opportunity to seek an exemption from the sale of the property or vehicle. Therefore, the Sheriff must generally wait at least fourteen (14) days between the seizure of property and the day the Sheriff sells the property. Additionally, if the debtor is an individual, that individual has fourteen (14) days from the date of the seizure to claim a personal exemption in the property. Therefore, plaintiffs (or other person in whose favor the writ of execution runs) should take a *minimum* fourteen (14) day interval into account when they arrange for and incur moving, towing, and storage costs of attached property and vehicles, pending a Sheriff's sale. In the event the personal property is perishable and must be sold on shorter notice, the plaintiff (or other person in whose favor the writ of execution runs) must obtain a court order to hold an expedited sale and notify the Sheriff's office of the expedited nature of the sale.