

OPINION BY ACOBA, J.,
CONCURRING IN PART AND DISSENTING IN PART

I concur that the writ of execution could not properly be levied after the return day, majority opinion at 9, and that such a holding decides this case. Insofar as this decision attempts to provide "guidance," majority opinion at 11, I must disagree with the majority's view (1) that the writ did not accurately state whose property was subject to being taken, see majority opinion at 15, and (2) that it is sufficient to indicate the "advisab[ility]" of identifying whose property is to be levied upon, id.

First, I believe the writ of execution was sufficiently specific to identify the judgment debtor, considering the facts and circumstances. For the writ expressly commanded levy "upon . . . (2) any and all personal property found at Harbor Court, Apartment #3502, 66 Queen Street, Honolulu, Hawaii 96813 . . . to satisfy judgments entered in said action against Defendant JOHN A. McCURDY, JR." Second, to reduce appeals like the instant one, and to provide clear direction for parties, attorneys, and sheriffs in the future, I would adhere to those cases that hold that the writ must specifically identify the person whose property is to be seized. In the absence of this court's mandate to that effect, it is incumbent upon an issuing circuit court to specifically require identification of the judgment debtor in its writs, pursuant to Hawai'i Revised Statutes § 651-32, which

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grants the circuit courts authority to prescribe the form to be used in executions upon personal property.