



SUPREME COURT OF KANSAS

KANSAS JUDICIAL CENTER
301 SW 10TH AVE.
TOPEKA, KANSAS 66612-1507

PHONE: (785) 368-6327
FAX: (785) 291-3274

HELEN PEDIGO
SPECIAL COUNSEL
TO CHIEF JUSTICE

February 17, 2012

To: Senator Tim Owens
Chairperson, Senate Judiciary Committee

From: Helen Pedigo

Re: 2012 SB 366

During yesterday's testimony on SB 366, there were some concerns expressed about the meaning of the provision on page 2 of the bill in line 13, which provides that "[t]he judgment creditor [rather than the court] shall promptly refund to the judgment debtor any overpayment of the claim." While the amendments in SB 366 address nonearnings garnishments, this same language appears in current law in K.S.A. 2011 Supp. 60-740 with respect to earnings garnishments. That statute provides, in relevant part, that "[i]f a judgment creditor receives more than they are entitled to, the judgment creditor must promptly return the excess amount to the garnishee for distribution pro-rata to the other judgment creditors designated on the answer, or if no such judgment creditors are designated, the garnishee must promptly pay the excess amount to the judgment debtor." We have found this process to work with earnings judgments, and the amendments in SB 366 are requested to make the nonearnings garnishment process as similar as possible to the earnings garnishment process.

It also appeared that there also may have been a concern with deleting the language from current law on page 2 of the bill in lines 14 through 17. After some consideration, we have concluded that the language could be retained, so that the garnishee will have a time certain (within 60 days of the receipt of the answer of the garnishee) to release funds that have been attached pursuant to an order of garnishment if no order to pay the court has been received. While it would mean that the court (in this case, the clerk of the district court) would be required to undertake one procedural step that we contemplated could be deleted from current law, I believe that retaining the noted language would alleviate the concerns expressed. One amendment to the language in line 17 on page two would be needed, which is to substitute "judgment creditor" for "court," because the answer of the garnishee would be sent to the judgment creditor, rather than the court. A balloon amendment is attached.

I have attached the Judicial Council garnishment forms, which I think might be of some assistance in understanding the garnishment process. The forms are attached in and discussed in

2012 SB 366
February 17, 2012
Page 2

the order in which they would be filed and issued. The Request for Garnishment form (to attach other than earnings) includes a space both for the judgment amount (which may include costs, fees, interest, and any other items included in the judgment), and also includes a space for the amount to be withheld, which is 110% of the amount of the judgment creditor's claim, in the case of prejudgment garnishment, or 110% of the amount of the current balance due under the judgment, in the case of postjudgment garnishment. This form is to be completed by the judgment creditor or the judgment creditor's attorney.

The second form attached is the Order of Garnishment, which is the order from the court to pay the funds held by the garnishee. The order clearly states that the amount to be withheld shall not exceed the specified amount, and it is signed "by order of the court."

2012 SB 366 contemplates no change in the current procedure regarding the Request for Garnishment and the Order of Garnishment.

The third form attached is the Answer of the Garnishee. The instructions to the garnishee state that the garnishee is to hold the money or property disclosed in the answer form (the amount of money the garnishee states they are holding) until the garnishee receives an answer from the court which will instruct the garnishee on how to pay the amount the garnishee is holding, or some lesser amount, as may be indicated in the court's order. While under current law the answer is filed with the court, under the amendments in SB 366, the answer would be sent to the judgment creditor.

The fourth form attached is the Order to Pay Money to the Court. It is this form that is addressed by the language in lines 14 through 17 on page 2 of the bill. If the garnishee does not receive this form within 60 days following the receipt of the answer of the garnishee, the garnishee may release the funds that are being held. Retaining this language would preserve the same degree of certainty present in current law for the garnishee as to if and when funds may be released.

In addition to this balloon amendment, there appears to be a printer's error in line 21 on page 1 of the bill, in the word "hereby."

I very much appreciate your consideration of these issues. Please do not hesitate to contact me if any additional information would be helpful to you.

HP:mr
Attachments

SENATE BILL No. 366

By Committee on Judiciary

2-2

1 AN ACT concerning civil procedure; relating to attachment and
2 garnishment; amending K.S.A. 2011 Supp. 60-736, 60-738, 60-739, 61-
3 3509, 61-3511 and 61-3512 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 60-736 is hereby amended to read as
7 follows: 60-736. This section shall apply if the garnishment is to attach
8 intangible property other than earnings of the judgment debtor.

9 (a) The answer of the garnishee shall be substantially in compliance
10 with the forms set forth by the judicial council.

11 (b) Within 14 days after service, other than that required pursuant to
12 K.S.A. 40-218, and amendments thereto, upon a garnishee of an order of
13 garnishment the garnishee shall complete the answer in accordance with
14 the instructions accompanying the answer form stating the facts with
15 respect to the demands of the order and ~~file the completed answer with the~~
16 ~~clerk of the court. The clerk shall cause a copy of the answer to be mailed~~
17 ~~promptly send the completed answer~~ to the judgment creditor and
18 judgment debtor at the addresses listed on the answer form. The answer
19 shall be supported by unsworn declaration in the manner set forth on the
20 answer form.

21 Sec. 2. K.S.A. 2011 Supp. 60-738 is hereby amended to read as
22 follows: 60-738. (a) No later than 14 days after the garnishee makes the
23 answer and ~~the clerk or the garnishee~~ sends it to the judgment creditor and
24 judgment debtor, the judgment creditor or judgment debtor, or both, may
25 file a reply disputing any statement in the answer of the garnishee. A copy
26 of the reply shall be sent by the party filing same to the other party, to any
27 other judgment creditors affected and to the garnishee. The party filing the
28 reply shall notify the court and schedule a hearing on the reply to be held
29 within 30 days after filing of the reply.

30 (b) At the hearing, the court shall determine and rule on all issues
31 related to the reply. The burden of proof shall be upon the party filing the
32 reply to disprove the statements of the answer, except that the garnishee
33 shall have the burden of proving offsets or indebtedness claimed to be due
34 from the judgment debtor to the garnishee, or liens asserted by the
35 garnishee against personal property of the judgment debtor. The provisions
36 of K.S.A. 60-719, and amendments thereto, relating to offsets claimed by

1 the garnishee shall be applicable to lawsuits filed pursuant to the code of
2 civil procedure for limited actions.

3 Sec. 3. K.S.A. 2011 Supp. 60-739 is hereby amended to read as
4 follows: 60-739. (a) ~~The court shall direct the garnishee to pay to the court~~
5 *The garnishee shall pay to the judgment creditor* such amount that the
6 garnishee is holding, as indicated by the answer, or such lesser amount as
7 warranted, if:

8 (1) The garnishment has attached to *intangible* property other than
9 earnings of the judgment debtor;

10 (2) fourteen days have passed since receipt of the answer of the
11 garnishee by the ~~court~~ *judgment creditor*; and

12 (3) no reply to the answer has been filed.

13 (b) ~~The court judgment creditor shall promptly refund to the~~
14 ~~judgment debtor any overpayment of the claim. The garnishee may release~~
15 ~~the funds, credits or indebtedness that have been attached pursuant to the~~
16 ~~order of garnishment if no order to pay the court has been received within~~
17 ~~60 days following the receipt of the answer of the garnishee by the court.~~

18 (c) *The garnishee shall not be liable to any judgment creditor or*
19 *judgment debtor and shall not be assessed any penalty by reason of any*
20 *action taken in good faith by the garnishee in accordance with the*
21 *provisions of article 7 of chapter 60 of the Kansas Statutes Annotated, and*
22 *amendments thereto.*

23 Sec. 4. K.S.A. 2011 Supp. 61-3509 is hereby amended to read as
24 follows: 61-3509. This section shall apply if the garnishment is to attach
25 intangible property other than earnings of the judgment debtor.

26 Within 14 days after service upon a garnishee of an order of
27 garnishment the garnishee shall complete the answer in accordance with
28 the instructions accompanying the answer form stating the facts with
29 respect to the demands of the order and ~~file the completed answer with the~~
30 ~~clerk of the court. The clerk shall cause a copy of the answer to be mailed~~
31 ~~promptly send the completed answer~~ to the judgment creditor and
32 judgment debtor at the addresses listed on the answer form. The answer
33 shall be supported by unsworn declaration in the manner set forth on the
34 answer form.

35 Sec. 5. K.S.A. 2011 Supp. 61-3511 is hereby amended to read as
36 follows: 61-3511. (a) No later than 14 days after the garnishee makes the
37 answer and ~~the clerk or the garnishee~~ sends it to the judgment creditor and
38 judgment debtor, the judgment creditor or judgment debtor, or both, may
39 file a reply disputing any statement in the answer of the garnishee. A copy
40 of the reply shall be sent by the party filing same to the other party, to any
41 other judgment creditors affected and to the garnishee. The party filing the
42 reply shall notify the court and schedule a hearing on the reply to be held
43 within 30 days after filing of the reply.

[The
garnishee
may release
the funds,
credits or
indebtedness
that have
been
attached
pursuant to
the order of
garnishment
if no order to
pay the court
has been
received
within 60
days
following the
receipt of the
answer of the
garnishee by
the court
judgment
creditor.]

1 (b) At the hearing, the court shall determine and rule on all issues
2 related to the reply. The burden of proof shall be upon the party filing the
3 reply to disprove the statements of the answer, except that the garnishee
4 shall have the burden of proving offsets or indebtedness claimed to be due
5 from the judgment debtor to the garnishee, or liens asserted by the
6 garnishee against personal property of the judgment debtor. The provisions
7 of K.S.A. 60-719, and amendments thereto, relating to offsets claimed by
8 the garnishee shall be applicable to lawsuits filed pursuant to the code of
9 civil procedure for limited actions.

10 Sec. 6. K.S.A. 2011 Supp. 61-3512 is hereby amended to read as
11 follows: 61-3512. (a) ~~The court shall direct the garnishee to pay to the~~
12 ~~court~~ *Unless otherwise ordered by the court, the garnishee shall pay to the*
13 *judgment creditor* such amount that the garnishee is holding, as indicated
14 by the answer, or such lesser amount as warranted, if:

15 (1) The garnishment has attached to *intangible* property other than
16 earnings of the judgment debtor;

17 (2) fourteen days have passed since receipt of the answer of the
18 garnishee by the ~~court~~ *judgment creditor*; and

19 (3) no reply to the answer has been filed.

20 (b) The ~~court~~ *judgment creditor* shall promptly refund to the
21 judgment debtor any overpayment of the claim. ~~The garnishee may release~~
22 ~~the funds, credits or indebtedness that have been attached pursuant to the~~
23 ~~order of garnishment if no order to pay the court has been received within~~
24 ~~60 days following the receipt of the answer of the garnishee by the court.~~

25 (c) *The garnishee shall not be liable to any judgment creditor or*
26 *judgment debtor and shall not be assessed any penalty by reason of any*
27 *action taken in good faith by the garnishee in accordance with the*
28 *provisions of article 35 of chapter 61 of the Kansas Statutes Annotated,*
29 *and amendments thereto.*

30 Sec. 7. K.S.A. 2011 Supp. 60-736, 60-738, 60-739, 61-3509, 61-3511
31 and 61-3512 are hereby repealed.

32 Sec. 8. This act shall take effect and be in force from and after its
33 publication in the statute book.

(Revised 7/05)

File Stamp Date _____
Case Number _____

Prepared by:
Filer's name, SC#
Filer's address
Filer's phone number
{Filer's fax phone number}
{Filer's e-mail address}
Attorney for Judgment Creditor

In The District Court of _____ County, Kansas

Judgment Creditor name Judgment Creditor

Pursuant to Chapter 60 of
Kansas Statutes Annotated

Type of Service Requested: _____ by _____

REQUEST FOR GARNISHMENT
(To Attach Other Than Earnings)

The judgment creditor requests that the court issue an Order of Garnishment (To Attach Other Than Earnings) for the judgment debtors listed below in the amount of the judgment(s) shown below.

<u>Case No</u>	<u>Judgment Debtor Name, and Address</u>	<u>Garnishee's Name and Address</u>	<u>Judg Amount *</u>	<u>Amount to be Withheld (110%)</u>
98-12345	John Doe 123 Cherry Lane Cherry, KS 00000	ABC, Inc. 100 Main St. Cherry, KS 00000	\$ _____	\$ _____
98-12345	Jane Doe 123 Cherry Lane Cherry, KS 00000	XYZ, Inc. 500 Main St. Cherry, KS 00000	\$ _____	\$ _____
97-54321	Bob Smith 123 Easy St. Somewhere, KS 00001	Betty's Diner 300 Elm St. Somewhere, KS 00001	\$ _____	\$ _____

* The judgment amount is the current balance due and may also include costs, fees, interest and any other items included in the judgment.

If this Garnishment is to attach funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company, the amount to be withheld is indicated above, which is 110% of the amount of judgment creditor's claim, in the case of prejudgment garnishment, or 110% of the amount of the current balance due under the judgment, in the case of postjudgment garnishment.

I hold a good faith belief that the party to be served with this garnishment order has, or will have, assets of the judgment debtor(s).

Dated: _____, _____.

Judgment Creditor or Attorney Signature
SC#

{ If applicable, include the following:

This is a communication from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. }

Note: If this form is filed on paper, you must submit copies in a number equal to the number of requests for garnishment.

(Revised 7/10)

File Stamp Date _____
Case Number _____

Prepared by:
Filer's name, SC#
Filer's address
Filer's phone number
{Filer's fax phone number}
{Filer's e-mail address}
Attorney for Judgment Creditor

In The District Court of _____ County, Kansas

Judgment Creditor name Judgment Creditor

vs.

Case No. _____

Judgment Debtor name Judgment Debtor
Judgment Debtor address
{Judgment Debtor SSN/TIN}

Garnishee name Garnishee
Garnishee's address
Garnishee's county
{Garnishee's fax phone number (if known)}
{Garnishee's e-mail address (if known)}

Pursuant to Chapter 60 of
Kansas Statutes Annotated

Type of Service Requested: _____ by _____

ORDER OF GARNISHMENT
(To Attach Other Than Earnings)

To the above named Garnishee:

The attached Instructions to Garnishee are incorporated by reference. You are ordered as a garnishee to follow the attached instructions as if they were set forth in this Order.

If you are indebted to the judgment debtor, complete the attached Answer under penalty of perjury as set forth in the instructions.

If you are a bank, savings and loan association, credit union or finance company, and are holding any funds, credits or indebtedness belonging to or owing the judgment debtor, the amount to be withheld by you pursuant to this order is not to exceed \$ _____.

If you fail to complete and send your answer as required in the instructions, the judgment creditor may file a motion for judgment against you for the amount of judgment against the judgment debtor or such other amount as the court shall order, including the expenses and attorney fees of the judgment creditor.

Dated this _____ day of _____, _____.

BY ORDER OF THE COURT

Signature or Seal

{If applicable, include the following:

This is a communication from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.}

RETURN ON SERVICE OF GARNISHMENT ORDER

I hereby certify that I have served this garnishment order in the following manner:

(1) Personal Service. By delivering a copy of the garnishment order along with two copies of the answer form to each of the following persons on the dates indicated:

_____, _____,
_____, _____
(Name) (Date)

(2) Agent Service. By delivering a copy of the garnishment order along with two copies of the answer form to each of the following agents authorized by appointment or by law to receive service of process on the dates indicated:

_____, _____,
_____, _____
(Name) (Date)

(3) Service by Return Receipt Delivery. By causing to be delivered on the _____ day of _____, _____, a copy of the garnishment order along with two copies of the answer form by return receipt delivery to each of the following persons at the following address: _____

with such delivery made by the following person or entity: _____.

Attached hereto is a copy of the return receipt evidencing such delivery.

(4) Return Receipt Delivery Refused. By mailing on the _____ day of _____, _____, a copy of the garnishment order along with two copies of the answer form to each of the following persons at the following address:

(5) Mail Service. By mailing on the _____ day of _____, _____, a copy of the garnishment order, along with two copies of the answer form by first class mail to each of the following persons at the following addresses: _____

(6) Telefacsimile communication. By faxing on the _____ day of _____, _____, at _____ o'clock __.m., a copy of the garnishment order, along with two copies of the answer form, to the following persons: _____

Number of transmitting machine: _____

Number of receiving machine: _____

(7) Internet electronic mail. By e-mailing on the _____ day of _____, _____, at _____ o'clock __.m., a copy of the garnishment order, along with a copy of the answer form, to the following persons at the following e-mail addresses: _____

Transmitting person's e-mail address: _____

(8) No Service. The following persons were not served: _____

Pursuant to K.S.A. 53-601, as amended, I declare under the penalty of perjury that the foregoing is true and correct.

EXECUTED on _____, _____.

Signature, Sheriff or Process Server

_____ of the estate of _____, containing funds or intangible property to which the judgment debtor is or may become entitled as a _____, and I understand that the order of garnishment has the effect of attaching and creating a first and prior lien on all such funds or intangible property to which the judgment debtor becomes entitled upon distribution to the estate and that I am prohibited from delivering to the judgment debtor any such funds or intangible property until further order of the Court from which the order of garnishment was issued. The approximate date for distributing the assets of the estate is _____, _____.

7. I am holding from funds, credits or indebtedness due the judgment debtor an administrative fee in the amount of \$ _____.

See attached Instructions to Garnishee for amount of the administrative fee that can be retained.

8. _____ This account is owned in joint tenancy.

9. I will hold the above described moneys or other items in my possession until further order from the court or until this garnishment is released by the court or the Judgment Creditor. If I do not receive an order to pay from the court within 60 days following the date my Answer is received by the court, I may release the funds or property I am holding pursuant to my Answer.

Pursuant to K.S.A. 53-601, as amended, I declare under the penalty of perjury that the foregoing is true and correct.

EXECUTED on _____, _____.

Garnishee

THIS COMPLETED ANSWER OF GARNISHEE MUST BE FILED WITH THE CLERK OF THE COURT.

INSTRUCTIONS TO GARNISHEE
(To Attach Other Than Earnings)

You must complete the Answer form which accompanies these instructions within 14 days after the garnishment order is served on you. The Answer form covers two (2) types of property:

- (1) **Money, funds, credits or other indebtedness you owe to the judgment debtor (other than earnings).** You must disclose on the Answer any money that you owe to the judgment debtor as of the date the order is served on you and any money that you owe to the judgment debtor up until the time you complete the Answer form.
- (2) **Intangible property or funds of an estate in which the judgment debtor is a beneficiary under the estate.** If you are an executor or administrator of the estate, you must disclose the information about the estate required on the Answer form and not deliver to the judgment debtor any such intangible property or funds until further order of the Court from which the order of garnishment was issued.

If more than one of the categories above applies to you, then you must complete all sections of the Answer form which apply.

Earnings are defined as compensation for personal services, whether called wages, salary, commission, bonus or otherwise, which is paid to an employee. If the judgment debtor is an employee of yours, then the compensation you pay for personal services is earnings and you do not disclose this under category 1. If the judgment debtor works for you other than as an employee, such as under a contract or as a contractor, then the money you pay for the work is not earnings and you must disclose all of the money due the judgment debtor in category 1 above.

Joint Account. If you are a bank, savings and loan association, credit union or finance company and you hold funds or credits or are indebted to the judgment debtor on an account which the judgment debtor owns in joint tenancy with one or more individuals who are not subject to the garnishment, you shall withhold the entire amount sought by the garnishment. You shall not be liable to the joint owners if it is later determined that the judgment debtor does not own the funds.

Administrative Fee: From funds, credits or indebtedness due the judgment debtor, you may withhold and retain to defray your costs an administrative fee of \$10 for each garnishment order served on you that attaches funds, credits or indebtedness. Such administrative fee shall be in addition to the amount required to be withheld under the order for garnishment, except that if the amount required to be withheld under the order for garnishment is greater than the amount of the funds, credits or indebtedness held by the garnishee, the fee shall be deducted from the amount withheld.

If you are a bank, savings and loan association, credit union or finance company, and are holding any funds, credits or indebtedness belonging to or owing the judgment debtor, the amount to be withheld by you pursuant to the order shall not exceed the amount stated in the order.

Sign and date the Answer form under penalty of perjury on the line provided at the bottom of the form and file it with the clerk of the district court at the following address:

Hold the money or property disclosed in the Answer form until you receive an order from the court which will instruct you how to pay the amount that you are holding as indicated by your Answer or such lesser amount as may be indicated in the order, or until this garnishment is released. This garnishment may be released in full by the court or the Judgment Creditor.

If you do not receive an order to pay within 60 days following the date your Answer is received by the court, you may release the funds or property you are holding pursuant to your Answer.

(Revised 7/10)

Prepared by:
Filer's name, SC#
Filer's address
Filer's phone number
{Filer's fax phone number}
{Filer's e-mail address}
Attorney for Judgment Creditor

In The District Court of _____ County, Kansas

Judgment Creditor name Judgment Creditor

vs.

Case No. _____

Judgment Debtor name Judgment Debtor
Judgment Debtor address

Garnishee name Garnishee
Garnishee's address
Garnishee's county
{Garnishee's fax phone number (if known)}
{Garnishee's e-mail address (if known)}

Pursuant to Chapter 60 of
Kansas Statutes Annotated

TO BE DELIVERED BY THE JUDGMENT CREDITOR TO THE JUDGMENT DEBTOR IN ANY
REASONABLE MANNER IMMEDIATELY FOLLOWING SERVICE OF THE GARNISHMENT
ORDER ON THE GARNISHEE.

NOTICE TO JUDGMENT DEBTOR
(nonearnings garnishment)

You are hereby notified that the court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property or credits now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued to enforce the judgment obtained by the judgment creditor against you in this case on _____, _____. This order prohibits the garnishee from releasing all or part of your money or property to you, and the court will order that this money or property be turned over to the judgment creditor unless it finds that there is some reason why this money or property should not be used to satisfy the judgment.

The law of Kansas and the United States provides that certain benefit payments cannot be taken from you to pay a debt, even if they are deposited in a bank, savings and loan, or credit union. Such payments are commonly referred to as exempt property. Examples of exempt benefit payments which cannot be attached or executed upon by a creditor are:

- (1) Social Security disability and retirement benefits;
- (2) Supplemental Security Income (SSI) benefits;
- (3) Veteran's benefits;
- (4) Black lung benefits;
- (5) Cash assistance payments under the Temporary Assistance for Families (TAF) program;
- (6) Cash assistance payments under the General Assistance (GA) program;
- (7) Unemployment compensation payments;
- (8) Workers compensation payments;
- (9) Certain pension benefits and retirement funds, including KPERs.

This is not an exclusive list. Other state and federal exemptions may apply to you. Certain exemptions may not apply to support orders or to back taxes. An attorney can assist you in determining which benefit payments are exempt.

If the court order affects property other than money which belongs to you, some or all of this property may also be exempt. Examples of exempt personal property are:

- (1) Furnishings, equipment and supplies in your possession and reasonably necessary at your principal residence;
- (2) Personal jewelry and other ornaments up to \$1,000 in value;
- (3) One vehicle regularly used for transportation up to \$20,000 in value;
- (4) Tools and equipment used in your principal trade or business up to \$7,500 in value.

If you believe that the money or property being held by the garnishee is exempt and should not be given to the judgment creditor, you may request a hearing before the court to assert this claim. In order to request a hearing, you should fill out the form at the bottom of this notice and obtain from the clerk of the court or the court a date and time for the hearing, and file the form with the clerk of the court at (address of court). Immediately after the request for hearing is filed, you shall hand deliver a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, or mail a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, by first-class mail at the judgment creditor's, or judgment creditor's attorney's, last known address. You should ask for this hearing as soon as possible, but no later than 14 days after this notice is served on you. If you ask for a hearing to claim that your money or property is exempt, the court will hold a hearing no sooner than 7 days nor later than 14 days after it receives your request. At the hearing you should present any evidence you have to show that your money or property is exempt. The burden is on you to prove that some or all of your property subject to the garnishment is exempt. You may wish to consult an attorney to represent you at this hearing.

(Name and address of court)

Case No. _____

REQUEST FOR HEARING

I request a hearing because the money or property which is being garnished by the judgment creditor is exempt because it is

(reason property or money is exempt)

Name of Judgment Debtor

Signature of Judgment Debtor

Address

Date

City, State, Zip Code

Telephone No.

THIS PART SHALL BE COMPLETED BY CLERK OF THE DISTRICT COURT:

The hearing requested shall be held on the _____ (day) day of _____ (month),
_____ (year), at _____ (time) o'clock _____ (am or pm).

Certificate of Service

I delivered a copy of the above request for hearing to the judgment creditor or judgment creditor's attorney, if the judgment creditor is represented by an attorney, by hand-delivery or first-class mail in the following manner and at the following address, on the date shown below:

(name of judgment creditor or judgment creditor's attorney)

(address of judgment creditor or judgment creditor's attorney)

(manner delivered--hand-delivery or first-class mail)

(date delivered)

Signature of Judgment Debtor