

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

WAGE & NON-WAGE GARNISHMENT PROCEDURES HAVE CHANGED EFFECTIVE

JANUARY 1, 2001

Wage garnishments will not need to be issued every 30 days. Garnishments will now need to be in new packet form.

NON-WAGE garnishments will still need to be issued every 30 days, but will need to be in new packet form.

You must provide all copies, **INCOMPLETE PACKETS WILL BE RETURNED TO YOU**. Please print legibly or type forms.

NUMBER OF COPIES NEEDED FOR EACH PACKET:

2 Request for Garnishment
3 Order for Garnishment
3 Return of Service
2 Answer of Garnishee
1 Instruction Sheet

Once you receive the **Return of Service Form**, you will be responsible for providing a **Notice of Hearing** form to the defendant. Form included in packet.

Once a garnishment has been paid in full or answer indicates employee was terminated or never employed, a **Release of Garnishment** needs to be filed with the court. Form provided with packet.

A **Satisfaction of Judgment** must be filed with the court. A copy must also be sent to the Defendant. Form provided in packet.

EFFECTIVE JULY 1, 2011

There will be a \$12.50 surcharge added to each garnishment processed.

If your garnishment is to be served outside of Wyandotte County, you need to contact the Sheriff of the county it's to be served in, find out what their service fee is and include a separate check or money order for that amount.

Prepared by:

Filer's name, SC#

Filer's address

Case Number _____

Filer's phone number

Attorney for Judgment Creditor _____

In the District Court of Wyandotte County, Kansas

Judgment Creditor

Pursuant to Chapter 61 of Kansas Statutes Annotated

Type of Service Requested: _____ by _____

**REQUEST FOR NON-WAGE 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 & Address</u>	<u>Garnishee's Name & Address</u>	<u>Judgment Amount*</u>
_____	_____	_____	\$ _____
_____	_____	_____	
_____	_____	_____	

The purpose of the Garnishment is _____.

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

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: _____, 20__

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.

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee's name

Garnishee's address

Garnishee's county

Type of Serve Requested: _____ **by** _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

**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 _____, 20 ____.

BY ORDER OF THE COURT

Signature or Seal

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Pursuant to Chapter 61 of Kansas Statutes Annotated

**ANSWER OF GARNISHEE
(To Attach Money or Other Intangible Property
Other Than Earnings)**

To be completed by the above named garnishee:

1. Read carefully the attached Instructions to Garnishee.
2. I was served with this garnishment on the _____ day of _____, 20____.
3. I have not delivered to the judgment debtor any money or other intangible property belonging to him or her, other than earnings, since receiving the order of garnishment.

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

5. **Money or Indebtedness Due.** I hold money or am indebted to the judgment debtor, other than for earnings, as of the date of this answer, in the following manner and amounts:

6. **To be answered by garnishee who is an executor or administrator of an estate.** I am an _____ 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 judgment creditor, 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 _____, 20 ____.

Garnishee

ANSWER OF GARNISHEE – NO ASSETS

To be completed by the above named garnishee:

1. Read carefully the attached Instructions to Garnishee.
2. I was served with this garnishment on the _____ day of _____, 20____.
3. I have in my possession or control no intangible property, funds, credits, or other indebtedness belonging to or owing to the judgment debtor.
4. I have not delivered to the judgment debtor any money or other intangible property belonging to him or her, other than earnings, since receiving the order of garnishment.

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 _____, 20____

DO NOT SEND THIS COMPLETED ANSWER TO THE CLERK OF THE DISTRICT COURT

SEND A COPY OF THIS COMPLETED ANSWER OF GARNISHEE TO THE JUDGMENT DEBTOR AND THE JUDGMENT CREDITOR’S ATTORNEY – OR TO THE JUDGMENT DEBTOR AND THE JUDGMENT CREDITOR IF THE CREDITOR HAS NOT ATTORNEY – AT THE ADDRESSES LISTED ABOVE. IF YOU DO NOT HAVE ASSETS OF THE JUDGMENT DEBTOR, YOU NEED NOT SEND A COPY OF THE COMPLETED ANSWER FORM TO THE JUDGMENT DEBTOR.

**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 (\$15 if you are a bank, savings and loan association, credit union, or finance company) 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.

If, after reviewing the above instructions, you determine that you do not have any assets of the judgment debtor, fill out the section of the Answer form with the heading "Answer of Garnishee - No Assets."

Sign and date the Answer form under penalty of perjury on the line provided at the bottom of the first section of the form. If you have no assets of the judgment debtor in your possession or control, sign and date the section of the Answer form with the heading "Answer of Garnishee - No Assets."

After you have signed and dated the appropriate section of the Answer form, you must deliver the completed form as follows:

Where to Deliver the Completed Answer Form:

If the judgment creditor is represented, deliver a copy of the completed Answer form to the judgment creditor's attorney and the judgment debtor at the addresses listed on the form.

If the judgment creditor has no attorney, deliver a copy of the completed Answer form to the judgment creditor and the judgment debtor at the addresses listed on the form. However, if you do not have assets of the judgment debtor, you need not deliver a copy of the completed Answer form to the judgment debtor.

How to Deliver the Completed Answer Form:

You may deliver a copy by regular mail, fax transmission, electronic mail, personal delivery, or any other reliable delivery method.

What to Do With Money or Property Disclosed in the Answer Form:

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 judgment creditor, you may release the funds or property you are holding pursuant to your Answer.

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Pursuant to Chapter 61 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
(non-earnings 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 _____, 20____. 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 **710 N 7th St Kansas City, Ks 66101-Limited Actions Department** . 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 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.

Wyandotte County Courthouse Limited Actions Dept. 710 N 7th St, Kansas City, Ks 66101
(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 of _____, 20____,
at _____ o'clock (am or pm) in Division _____.

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

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Type of Serve Requested: _____ **by** _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

ORDER TO PAY MONEY TO JUDGMENT CREDITOR

With regard to the Order of Garnishment dated _____, 20____, the Garnishee, _____, is hereby ordered to pay to the judgment creditor the sum of \$_____. Said Garnishee shall be discharged from liability to the defendant for money so paid. If the amount to be paid is less than the amount the Garnishee is holding pursuant to the garnishment, the Garnishee shall promptly release the balance to the defendant.

The garnishee shall make its check payable to and mail to:

Dated: _____.

Signature, Judge

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.}

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Pursuant to Chapter 61 of Kansas Statutes Annotated

RELEASE OF GARNISHMENT

The judgment creditor hereby releases the garnishment order issued on or about
_____ in this action.

Signature

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Plaintiff

vs.

Case No. _____

Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

SATISFACTION OF JUDGMENT

The judgment in this matter is fully satisfied as to the following party(ies): _____

_____.

Judgment Creditor or Attorney Signature
SC #