

**GARNISHMENT PROCEDURES  
FOR LITIGANTS NOT REPRESENTED BY AN ATTORNEY**

**NON-EARNINGS GARNISHMENT**

**NON-EARNINGS GARNISHMENT:** You must fill out your forms before filing with the Clerk of the District Court. Information you will need includes case title, case number, names and addresses of all parties (including the name of the person who owes the judgment debtor money), and amount of judgment or balance due. You will need to fill out the Request for Garnishment (Form #1) and the Order of Garnishment (Form # 2) and bring or mail them to the clerks office. You will also have to pay a \$5.00 Judicial Branch Surcharge for each Garnishment you file. It may be helpful to refer to the list of terms at the end of this document.

- ✓ File with the Clerk of the District Court:

Form #1	<b>Request for Garnishment</b>	(1 copy)
Form #2	<b>Order of Garnishment</b>	(2 copies)
Form #3	<b>Answer of Garnishee</b>	(1 copy)
Form #4	<b>Instructions to Garnishee</b>	(1 copy)

The Clerk of the District Court will issue the garnishment papers to whomever you indicated on your Request for Garnishment (usually the Sheriff). The person delivering the papers to the garnishee must file a return with the Clerk of the District Court showing when and how the garnishee received the papers. The Clerk of the District Court will send a copy of the Order of Garnishment to you showing service.

- ✓ When you receive the Order of Garnishment showing that the garnishee was served, you **must** mail by first class mail to the Judgment Debtor the following document:

Form #5      **Notice to Judgment Debtor and Request for Hearing**

The person receiving the garnishment, i.e., Garnishee shall return to the Clerk of the District Court the “Answer of Garnishee”(#3) stating the amount of money withheld. The Clerk of the District Court will send you and the Judgment Debtor a copy of the Answer to let you know how much they are holding.

10 days after the Answer is filed with the court, you will need to provide the Court with the following document:

Form #6      **Order to Pay Money in to Court**

The Clerk will ask the Judge sign the Order, if appropriate, and mail it to the Garnishee.

**If you fail to provide the Order to Pay Money into Court (Form # 6), after 60 days the Garnishee may release the funds or property they are holding back to the Judgment Debtor.**

**YOU MUST KEEP AN ACCOUNTING OF MONEY RECEIVED, INTEREST ACCRUED, AND BALANCE DUE.** The court may require you to reproduce your record in the event that an objection is filed to the garnishment or Answer of Garnishee. A sample record of payment form is attached for your convenience. (Form #7)

- ✓ Once the judgment has been paid, you are required to file with the Clerk of the District Court:

Form #6      **Release of Garnishment**  
Form #8      **Satisfaction of Judgment**

✓ You must also mail copies to the garnishee and judgment debtor.

**FORM PACKET ATTACHED:** The first set of forms is provided by the Court for your use. Please make copies to file with the Court and keep the originals for future use. Any additional copies will cost .25¢ per page.

Form #1      **Request for Garnishment**  
Form #2      **Order of Garnishment**  
Form #3      **Answer of Garnishee**  
Form #4      **Instructions to Garnishee**  
Form #5      **Notice to Judgment Debtor and Request for Hearing**  
Form #6      **Order to Pay Money in to Court**  
Form #7      **Record of Payments**  
Form #8      **Satisfaction of Judgment**

Updated forms are available at <http://www.kscourts.org/council>.

**TERMS:**

Judgment Creditor - person to whom money is owed  
Judgment Debtor - person who owes money  
Litigant - person who is participating in a legal action  
Clerk - Clerk of the District Court  
Garnishee - employer of person who owes you money

In The District Court of \_\_\_\_\_ County, Kansas

\_\_\_\_\_, )  
(Judgment Creditor name) Judgment Creditor,) Case No. \_\_\_\_\_  
\_\_\_\_\_, )

Pursuant to Chapter 61 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 debtor listed below in the amount of the judgment(s) shown below:

Case No	Judgment Debtor Name, Address	Garnishee's Name and Address	Judg Amount *	Amount to be Withheld (110%)
_____	_____	_____	\$ _____	\$ _____
	_____	_____		
	_____	_____		
	_____	_____		

\* 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 post judgment 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

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.

In The District Court of \_\_\_\_\_ County, Kansas

_____ )	
(Judgment Creditor name) Judgment Creditor,) )	
_____ )	
(Address) )	
_____ )	
v. ) Case No. _____	
_____ )	
(Judgment Debtor) Judgment Debtor,) )	
_____ )	
(Address) )	
_____ )	
(Judgment Debtor) )	
v. )	
_____ )	
(Garnishee name) Garnishee,) )	
_____ )	
(Garnishee's Address) )	
_____ )	
_____ )	

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 \_\_\_\_\_, \_\_\_\_.

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Signature

BY ORDER OF THE COURT

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

In The District Court of \_\_\_\_\_ County, Kansas

\_\_\_\_\_, )  
(Judgment Creditor name) Judgment Creditor,) )  
) )  
\_\_\_\_\_, )  
(Address) ) )  
\_\_\_\_\_, )  
) )  
v. ) Case No. \_\_\_\_\_ )  
) )  
\_\_\_\_\_, )  
(Judgment Debtor) Judgment Debtor,) )  
) )  
\_\_\_\_\_, )  
(Address) ) )  
\_\_\_\_\_, )  
) )  
\_\_\_\_\_, )  
(Judgment Debtor) ) )  
) )  
v. ) )  
\_\_\_\_\_, )  
(Garnishee name) Garnishee,) )  
) )  
\_\_\_\_\_, )  
(Garnishee's Address) ) )  
\_\_\_\_\_, )  
) )  
\_\_\_\_\_ )

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 \_\_\_\_\_, \_\_\_\_\_.
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 \$\_\_\_\_\_.
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 DISTRICT COURT.**

INSTRUCTIONS TO GARNISHEE  
(To Attach Other than Earnings)

You must complete the Answer form which accompanies these instructions within 10 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:

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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.

In The District Court of \_\_\_\_\_ County, Kansas

\_\_\_\_\_, )  
(Judgment Creditor name) Judgment Creditor,) )  
) )  
\_\_\_\_\_, )  
(Address) ) )  
\_\_\_\_\_, )  
) )  
v. ) Case No. \_\_\_\_\_ )  
) )  
\_\_\_\_\_, )  
(Judgment Debtor) Judgment Debtor,) )  
) )  
\_\_\_\_\_, )  
(Address) ) )  
\_\_\_\_\_, )  
) )  
\_\_\_\_\_, )  
(Judgment Debtor) ) )  
) )  
v. ) )  
\_\_\_\_\_, )  
(Garnishee name) Garnishee,) )  
) )  
\_\_\_\_\_, )  
(Garnishee's Address) ) )  
\_\_\_\_\_, )  
) )  
\_\_\_\_\_ )

Pursuant to Chapter 61 of  
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**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 some of 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 laws of Kansas and the United States provide 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 District Court, a date and time for the hearing, and file the form with the Clerk of the District 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 10 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 within 10 days after it receives your request. At the hearing, you should present any evidence 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.

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REQUEST FOR HEARING

In The District Court of \_\_\_\_\_ County, Kansas

\_\_\_\_\_, )  
(Judgment Creditor name) Judgment Creditor,) Case No. \_\_\_\_\_  
\_\_\_\_\_, )

Pursuant to Chapter 61 of  
Kansas Statutes Annotated

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

In The District Court of \_\_\_\_\_ County, Kansas

	)	
(Judgment Creditor name)		Judgment Creditor.)
		)
		)
(Address)		)
		)
		)
v.		) Case No. _____
		)
		)
(Judgment Debtor)		Judgment Debtor.)
		)
		)
(Address)		)
		)
		)
(Judgment Debtor)		)
		)
v.		)
		)
(Garnishee name)		Garnishee.)
		)
		)
(Garnishee's Address)		)
		)
		)
		)

Pursuant to Chapter 61 of  
Kansas Statutes Annotated

ORDER TO PAY MONEY IN TO COURT

With regard to the Order of Garnishment dated \_\_\_\_\_, \_\_\_\_\_, the Garnishee, \_\_\_\_\_, is hereby ordered to pay to the Clerk of this Court the sum of \$\_\_\_\_\_. Said Garnishee shall be discharged from liability to said 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:

Clerk of the District Court  
\_\_\_\_\_ County Courthouse  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judge