

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1612, Page 3, Section 488.305, Line 7, by
2 inserting after all of said section and line the following:

3
4 "525.020. [When a fieri facias shall be issued and placed in the hands of an officer for
5 collection, it shall be the duty of the officer, when directed by the plaintiff, his agent or attorney, to
6 summon garnishees, and with like effect as in case of an original attachment. The service of
7 garnishment in such case, and the subsequent proceedings against and in behalf of the garnishee,
8 shall be the same as in the case of garnishment under an attachment.] Upon receipt of a garnishment
9 application, the clerk shall process the application, issue the writ, and return the garnishment to the
10 garnishor to direct service upon the garnishee. Service shall be made by the sheriff of the county in
11 which the garnishee is to be served; provided, however, that if the sheriff fails to obtain service upon
12 a request to do so, the garnishor may request the court to appoint a special process server who shall
13 have the same duties as the sheriff with respect to the service of garnishments, or the garnishor in
14 such case may obtain service upon the garnishee by certified mail under section 525.025.

15 525.025. 1. The person who serves the garnishment upon the garnishee shall also serve a
16 copy of the summons and writ upon the judgment debtor. The writ shall be served by delivering it to
17 the judgment debtor as provided by supreme court rule or by mailing the documents to the judgment
18 debtor's last known address. Service by mail shall be complete upon mailing. At the time of mailing,
19 a certificate of service shall be filed with the court. The certificate shall show the caption of the case,
20 the name of the party served, the date and manner of service, the designation of the documents, and
21 the signature of the serving party or attorney.

22 2. If the garnishor has chosen to serve the garnishee by certified mail under section 525.020,
23 the judgment debtor may be served simultaneously as provided in this section, but in all cases the
24 judgment debtor shall be served no later than five days after notice of service upon the garnishee.
25 The failure of the garnishor to serve the judgment debtor within the amount of time required by this
26 subsection shall not affect the validity or priority of the garnishment, but shall extend the time for the
27 judgment debtor to claim exemptions to twenty days after being served with the summons and write
28 of garnishment or twenty days after funds are first withheld, whichever occurs first.

29 3. Every writ of garnishment shall have clearly and legibly printed thereon a notice to the
30 person against whom the garnishment has issued that a garnishment has been levied, that certain
31 funds may be exempt under sections 513.430 and 513.440, and that the person has the right to hold
32 the funds as exempt from garnishment. The notice shall also generally state that there are certain
33 exemptions under state and federal law that the judgment debtor may be able to claim with respect to
34 the funds levied upon and describe the procedure for claiming the funds as exempt.

35 4. The judgment debtor may claim any exemption by filing and serving the garnishor with a
36 verified request to claim exemptions within twenty days after being served with the garnishment.

Action Taken _____ Date _____

1 The party requesting the garnishment may object to any claim for exemption within twenty days of
2 the filing of the verified request by filing a request for court review. If a request for court review is
3 not timely filed, the garnishee shall release from garnishment the funds claimed as exempt by the
4 judgment debtor, or, in the event any such exempt funds shall have been previously paid to the court
5 or the garnishor, such exempt funds shall be returned to the judgment debtor upon notice from said
6 judgment debtor.

7 5. Any hearing required by the court shall be expedited, shall be held not later than thirty
8 days after the filing of the request for court review, and shall be held upon not less than three days
9 notice of the hearing to all parties in interest."; and

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11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.
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