

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Todd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND AND CLARIFY ARKANSAS LAWS ON DEFAULT
9 JUDGMENTS AGAINST GARNISHEES; AND FOR OTHER PURPOSES."

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11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. Arkansas Code 16-110-407 is amended to read as follows:

14 "16-110-407. Failure of garnishee to answer.

15 (a) When a garnishee, after being duly summoned, fails to file an
16 answer as required, within twenty (20) days, the court may enter a conditional
17 default judgment for the plaintiff against the garnishee for the full unpaid
18 amount for which the plaintiff obtained judgment against the defendant,
19 together with all accrued court costs.

20 (b) Upon application by the plaintiff, the clerk shall thereupon issue
21 a notice to the garnishee, requiring him to appear not later than ten (10)
22 days after the date of service of the notice, and show cause why the
23 conditional judgment shall not be made final. If, after service of such
24 notice, the garnishee fails to appear within the time named and file an answer
25 to the summons and interrogatories to the garnishee, the conditional judgment
26 shall become final. Service of the notice may be made either by the clerk, or
27 by the plaintiff, by any method prescribed by Arkansas Rules of Civil
28 Procedure for service of notice."

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30 SECTION 2. This act shall neither amend nor repeal Arkansas Code 16-
31 110-406.

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33 SECTION 3. The provisions of this act shall be effective with respect
34 to any writs of garnishment issued after the effective date of this act,
35 regardless of the date of judgment on the debt or obligation of the judgment

1 debtor.

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3 SECTION 4. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 5. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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