

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1268

CONCERNING THE PROCEDURES FOR ISSUING A WRIT OF GARNISHMENT.

Amendment No. 1 to House Bill No. 1268

Amend House Bill No. 1268 as originally introduced:

Page 2, delete lines 17 through 35, and substitute the following:

~~"(A)(b)(1)(A) Writs~~ A writ of garnishment together with the "Notice to Defendant" shall be directed, served, and returned in the same manner as ~~writs a writ~~ of summons.

~~(B) In addition, the judgment creditor is responsible for mailing a copy of the writ of garnishment and the "Notice to Defendant" to the judgment debtor the same day that he or she serves the writ of garnishment and the "Notice to Defendant" on the garnishee or the judgment creditor's attorney shall mail a copy of the writ of garnishment and the "Notice to Defendant" to the judgment debtor and the judgment debtor's attorney, if any, within five (5) days from the date the writ of garnishment is served on the garnishee.~~

~~(B)(2)(A) The judgment creditor or the judgment creditor's attorney shall mail the writ of garnishment, and the "Notice to Defendant", by first-class mail, to the residence last known residential address of the judgment debtor.~~

~~(B) However, if the letter is returned "undeliverable" by the post office, or if the residence last known residential address of the judgment debtor is not discoverable after diligent search, then the writ of garnishment and the "Notice to Defendant" shall be sent by first-class mail to the judgment debtor at his or her place of employment, if known."~~

AND

Page 3, delete lines 21 through 31, and substitute the following:

~~"(5)(e)(1)(A) Hearing. Upon receipt of the writ of garnishment, the judgment debtor is entitled to a prompt hearing in which to claim exemptions. Upon filing a claim of exempt property or wages, a hearing will be held within eight (8) working days to determine the validity of the claimed exemptions. The judgment debtor may claim exemptions according to law after service of the writ of garnishment on the garnishee by filing an exemption claim with the clerk.~~



(B) On the same day an exemption claim is filed with the clerk, the judgment debtor or the judgment debtor's attorney shall notify the judgment creditor or the judgment creditor's attorney by fax transmission and concurrent mailing of the judgment debtor's exemption claim."

The Amendment was read _____

By: Representative Broadaway
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Chief Clerk