



IN THE \_\_\_\_\_ JUDICIAL CIRCUIT COURT, \_\_\_\_\_, MISSOURI

Judge or Division:	Case Number:	
Petitioner(s):	Please Issue: <input type="checkbox"/> General Execution <input type="checkbox"/> Garnishment <input type="checkbox"/> Sequestration	
	vs.	Date Judgment Entered Against Debtor: _____ (Date File Stamp)
Respondent(s):	Original Amount of Judgment:	Requested Return Date: <input type="checkbox"/> 30 Days <input type="checkbox"/> 60 Days <input type="checkbox"/> 90 Days <input type="checkbox"/> 120 Days <input type="checkbox"/> 150 Days <input type="checkbox"/> 180 Days

**Execution/Garnishment/Sequestration Application and Order**

To (County/City of St. Louis):	Amount Remaining Unpaid (To be completed by Applicant)	
Debtor/Address:	Principal	\$
	Interest	\$
	Court Costs (paid by party/atty)	\$
Debtor SSN (last four digits):	Attorney Fees	\$
Requested By:	Missouri Bar No.:	Taxes
Attorney For:	Date:	Child Support/Maint under 12 wks.
<input type="checkbox"/> A judgment was entered on the above referenced date and remains unsatisfied. <input type="checkbox"/> The garnishor knows or has good reason to believe that the garnishee is indebted to debtor, that the garnishee is obligated to make periodic payments to debtor, or that the garnishee has control or custody of property belonging to debtor.		Child Support/Maint over 12 wks.
Signature: _____	To Be Completed by Clerk	
	Costs Due to Court	\$
	Sheriff's Commission	\$
	Fee for Service	\$
Address & Telephone Number:	<b>Total Due</b>	<b>\$</b>

**Instructions for Service (To be completed by Applicant)**

Include applicable instructions such as, name and address of garnishee; description of property; location of bank account; for a sequestration, include political subdivision, department, and name and title of disbursing officer:

**Writ of Execution (To be completed by Court Clerk)**

**The State of Missouri to the Sheriff of any County in the State of Missouri**

Because a judgment was entered against the above debtor in this court and there is a balance, accrued interest, and costs as stated above unpaid from said judgment, you are commanded to execute this writ by following the instructions on the reverse side of this writ and on the return date shown below to certify to this court how you executed this writ.

**Mail Funds To:** \_\_\_\_\_

Issued (County):	Execution No.:	Date Issued:
Return Date:	By (Clerk):	

**Summons to Garnishee**

**To:** \_\_\_\_\_

You are notified that I attach all goods, personal property, money, credit, bonds, bills, notes, checks, choices in action, or other effects and all debts owed to the above named debtor that are in your possession or charge or under your possession or charge or under your control from this time until the return date or a sufficient sum to satisfy the total amount of garnishment shown above. You are further notified to file your answers to the interrogatories served within ten days after the above return date.

Date:	Sheriff/Server:
County:	Service Acknowledged By:

## Sheriff or Server's Return

I certify that I have served this summons/writ:

- By delivering a copy of the summons/writ to the garnishee.  
 By leaving a copy of the summons/writ at the dwelling place or usual abode of each of the garnishees with \_\_\_\_\_, a person of the garnishee's family over the age of 15 years.  
 Other \_\_\_\_\_

Served in \_\_\_\_\_ (County/City of St.Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

### Service Fees

Summons/Writ	\$ _____	Sheriff/Server
Non Est	\$ _____	
Sheriff's Deputy Salary		
Supplemental Surcharge	\$ 10.00	
Mileage	\$ _____ (_____ miles @ \$._____ per mile)	
<b>Total</b>	<b>\$ _____</b>	

## Instructions to Sheriff/Server

### General Execution

You are commanded to execute this writ by levying upon the debtor's property.

### Garnishment

You are commanded to summon the garnishee and attach the property subject to garnishment in the garnishee's possession or charge or under the garnishee's control between the time notice is served and the return date.

### Sequestration on Public Employer

You are commanded to take into your possession, any and all moneys, checks, drafts, warrants, vouchers, or other evidence of indebtedness, for salary, wages, fees or earnings for services rendered by said debtor now due and payable, or which shall hereafter become due and payable from the date of this writ to the return day thereof, now in the hand of said paying, disbursing or audit officer, or that shall come into his/her hands before the return day of this writ, or so much thereof as shall be necessary to satisfy the amount of judgment debt, interest, costs and fees due and allowed by law for serving this writ, and issue therefore your receipt; that you endorse in the name of said debtor, any and all such checks, drafts, warrants, vouchers, or other evidence of indebtedness, and convert the same into cash; that you serve a true copy of this writ upon the paying, disbursing or auditing officer; and that you certify to this court the manner in which you execute this writ.

## Applicable Provisions Relating to Garnishments

### 525.030 RSMo

2. The maximum part of the aggregate earnings of any individual for any workweek, after the deduction from those earnings on any amounts required by law to be withheld, which is subjected to garnishment may not exceed (a) twenty-five per centum, or, (b) the amount by which the individual's aggregate earnings for that week, after the deduction from those earnings of any amounts required to be withheld by law, exceed thirty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time of the earnings are payable, or (c) if the employee is the head of a family and a resident of this state, ten per centum, whichever is less.

The restrictions on the maximum earnings subjected to garnishment do not apply in the case of any order of any court for the support of any person, and order of any court of bankruptcy under chapter XIII of the Bankruptcy Act or any debt due for any state or federal tax.

For pay periods longer than one week, the provisions of subsection 2(a) and (c) of this section shall apply to the maximum earnings subjected to garnishment for all workweeks compensated, and under subsection 2(b) of this section, the "multiple" of the federal minimum hourly wage equivalent to that applicable to the earnings subject to garnishment for one week shall be represented by the following formula: The number of workweeks or fractions thereof (x) x 30 x the applicable federal minimum wage. For the purpose of this formula, a calendar month shall be considered to consist of 4 1/3 workweeks, a semimonthly period to consist of 2 1/6 weeks. The "multiple" for any pay period longer than one week shall be computed in a manner consistent herewith.

The restrictions on the maximum amount of earnings subjected to garnishment shall also be applicable to all proceedings involving the sequestration of wages of employees of all political subdivisions.

The term "earnings" as used herein means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

5. No employer may discharge any employee by reason of the fact that the employee's earnings have been subjected to garnishment or sequestration for any one indebtedness.

6. Whoever willfully violates the provisions of subsection 5 of this section is guilty of a misdemeanor.

### **15 U.S.C. 1672 Restrictions on Garnishment - Definitions**

For the purposes of this subchapter (a) the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension to a person or retirement program. (b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld. (c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for the payment of any debt.

### **15 U.S.C. 1673 Restrictions on Garnishment - Maximum Allowable Garnishment**

(b)(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

A where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used, 50 per centum of such individual's disposable earnings for that week; and

B. where such individual is not supporting a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week:

except that, with respect to the disposable earnings of any individual for any workweek, 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if any and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

### **Partial List of Exempt Property**

Certain property cannot be taken to satisfy a general execution, garnishment, or sequestration. This is called exempt property. A partial list of exempt property is noted below. However, for a complete listing of all exempt property, you should consult Sections 513.430 and 513.440, RSMo or speak with an attorney. Some items of exempt property include:

1. Household furnishings, household goods, wearing apparel, appliances, books, or musical instruments held for personal use. However, the total value of the items cannot exceed \$3,000;
2. A wedding ring, not to exceed \$1,500 in value, or other jewelry, not to exceed a total value of \$500;
3. "Tools of the trade", not to exceed a total of \$3,000 in value;
4. Any motor vehicles, not to exceed a total value of \$3,000;
5. Any mobile home used as a principal residence, **but not where the debtor has an ownership interest in the real estate on which the home sits**, and not to exceed a value of \$5,000;
6. Professionally prescribed health aids;
7. Any other property of any kind, not to exceed a total value of \$600;
8. Any **unmatured** life insurance policies, other than a credit life insurance contract;
9. Social Security, unemployment compensation, or public assistance benefits;
10. Veteran's benefits;
11. Disability or unemployment benefits;
12. Alimony or child support, not to exceed \$750 per month;
13. Certain assets held in trust by an employer for the benefit of an employee;
14. Certain retirement plans qualified under the Internal Revenue Code; **however, see note at the bottom;** and
15. For head of household, \$1,250 plus \$350 for each minor child or disabled dependent; **however, 10% of any debt or income due the debtor is subject to execution, garnishment, or sequestration.**

**NOTE: No money or assets payable under a retirement plan qualifying under the Internal Revenue Code are exempt from execution, garnishment, or sequestration for the purpose of collecting child support or maintenance due under a valid judicial or administrative order.**