

BOONE COUNTY CIRCUIT CLERK

Sherry Terrell

705 East Walnut Street

Columbia, Mo. 65201

Telephone (573) 886-4000

GARNISHMENT COLLECTION PROCEDURES from the Missouri Small Claims Court Handbook

If you have questions you may contact the Garnishment clerk at 573-886-4028

For more information about garnishments please refer to Missouri Revised Statutes, Chapter 525 and Supreme Court Rule 90

GARNISHMENT COLLECTION PROCEDURE

After the judge has decided in your favor and you have waited ten days from the date of judgment (the losing party has ten days to file an appeal) you may start trying to collect your money.

Whether the losing party agrees to pay you in a lump sum or in installments over a period of time, an agreement between you and the losing party is the best and most efficient way to collect your money. You should attempt to arrange such an agreement, because collection procedures through the court will cost additional money and that process may take longer. However, if you cannot agree on a method of payment or the losing party stops paying as originally agreed, you may start collection procedures through the court on forms provided by the clerk.

GARNISHMENT

Garnishment is the most frequently used legal procedure to collect money in a case. Under this procedure, an employer or other person holding money belonging to the losing party pays to the court the money owed to the winning party. (The employer or other party is called the garnishee). The court then pays the winning party.

To collect money this way, you must request the court to issue a garnishment and you must pay a fee (payable by cash, cashier's check or credit/debit card). Be aware that the losing party, the judgment debtor, has the right to certain legal exemptions from garnishment that may limit your ability to collect the debtor's money.

In order to garnish, you must first locate some cash assets of the losing party in the State of Missouri. These are most easily found in the form of paychecks (wages) or bank accounts.

GARNISHING WAGES

Garnishing wages is the surest form of collection. To do this you must find out the name and address of the losing party's employer. The following may be helpful in discovering this information: Talk to businesses or other persons who might know about the losing party but be careful not to harass the losing party; examine court records for more details of the losing party's background. Under this procedure, the employer collects a portion of the losing party's wages and sends the money to the court. The amount an employer can collect is set by law. If the losing party makes less than a certain amount of money, you may not be able to garnish his or her wages at all.

GARNISHING A BANK ACCOUNT

As with garnishing wages, to do this you must find out the name and address of the losing party's bank. The following may be helpful in discovering this information: A check or other record the losing party gave you might indicate where the party banks; a cancelled check you wrote to the losing party may reveal the name of the bank on the back of the check. Be aware that if the bank account has another name on it, such as the losing party's spouse, you may not garnish it unless the judgment is against the spouse as well. Under this procedure, the bank collects from the losing party's account an amount of money up to the total of the judgment, court costs and garnishment filing fee. The bank then sends the money to the court.

EXECUTING YOUR GARNISHMENT ACTION (WAGES OR BANK ACCOUNT)

When you have located assets of the losing party (the judgment debtor), either wages from an employer or a bank account, the following instructions will assist you in collecting the money owed to you.

Obtain the garnishment application and order from the court clerk. Provide the name and address of the garnishee, i.e., the bank or employer. Second, specify how long the execution is to "run," i.e., how long the bank or employer will withhold money owed the judgment debtor. The execution may run for not less than 30 days up to a continuous garnishment which will stay in place until judgment is satisfied or debtor leaves employment.

Please note if you chose to have a continuous garnishment, the garnishor (the person requesting the garnishment) must file with the issuing court a statement of judgment balance, (the clerk will provide this form) which shall indicate all payments received by the garnishor within the preceding six months and the remaining unsatisfied portions of the judgment, which may include all unsatisfied post-judgment interest and costs. The statement shall be filed not later than 15 days after the close of each six month period. The statement shall be filed with the issuing court beginning six months after issuance of the garnishment and shall continue every six months thereafter until the garnishment is satisfied or no longer effective. It is also your responsibility to mail copies of the statement by ordinary mail to the garnishee and judgment debtor. In the event a garnishor fails to file a statement of judgment balance, the court shall terminate the garnishment.

RETURN DATE

The last date the Garnishee may withhold money from the judgment debtor is called the "return date". For instance, if you requested that your execution be returnable in 60 days, then the 60th day from the date the garnishment is issued is the return date.

INTERROGATORIES

Before the garnishment will be issued, you must complete the portion of the "interrogatories" (questions) which are to be served on the garnishee. The court clerk will provide you a set of interrogatories. This set of questions asks the garnishee exactly how much money has been withheld from the judgment debtor. The garnishee must answer these interrogatories and return one copy to you and one copy to the court within ten days of the return date. If you do not receive the completed interrogatories from the garnishee by ten days after the return date, it is suggested you call the garnishee and see if there is a problem. If you chose a continuous garnishment, these shall be answered within 20 days from the date on which the garnishee is served notice of the garnishment. If the garnishee refuses to comply, you may have to retain an attorney.

OTHER COLLECTION METHODS

There are other court methods you can use to collect the money that is owed to you. These methods are much more complicated than garnishment proceedings and will usually require the assistance of an attorney.

EXAMPLE PAGE

Garnishment Application and Order

(This form must be completed in full or your request will be returned unprocessed)

Date File Stamp

IN THE 13TH JUDICIAL CIRCUIT, BOONE COUNTY, MISSOURI

Judge or Division: _____

Case Number: ##BA-CV0####

Petitioner(s):

_____

_____

_____

_____

vs.

Respondent(s):

_____

_____

_____

_____

Date Judgment Entered Against Debtor:

_____

Original Amount of Judgment:

_____

Please Issue Garnishment For:

☐ Bank Account ☐ Bond ☐ Wages

☐ Other: _____

Requested Return/End Date:

☐ 30 Days ☐ 60 Days ☐ 90 Days

☐ 120 Days ☐ 150 Days ☐ 180 Days

☐ Continuous (for earnings only)

Judgment Balance is the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and/or fees.

To (County/City of St. Louis):
COUNTY WHERE SERVED

Debtor Name/Address:
PERSON JUDGMENT IS AGAINST
ADDRESS OF THE DEBTOR

_____

_____

Debtor Social Security Number (last four digits):
XXX-XX- _____

Garnishee Name and Address:
PERSON OR BUSINESS BEING SERVED
EMPLOYER OR BANK

_____

_____

Garnishee ID # (court use only): _____

Amount Remaining Unpaid
(To be completed by Applicant)

Judgment Balance:	$_____
Post Judgment Interest	$_____
Post Judgment Costs	$_____
Service Fee for this Writ	$_____
Garnishment Clerk Fee Surcharge	$ 10.00
Taxes	$_____
Child Support/Maint under 12 wks.	$_____
Child Support/Maint over 12 wks.	$_____
Other: _____	$_____
Less Credits	($_____)
TOTAL REMAINING DUE	$_____

· EXAMPLE PAGE

Case Number: ##BA-CV0####

Creditor: _____

Attorney: _____ Missouri Bar Number_____

A judgment was entered on the above referenced date and remains unsatisfied.

The garnishor knows or has reason to believe the garnishee is indebted to debtor.

The garnishee is obligated to make periodic payments to debtor, or the garnishee has control/custody of money and/or bonds belonging to debtor.

Signature: PETITIONER'S SIGNATURE Date: _____

Address & Telephone Number: PETITIONER'S ADDRESS AND TELEPHONE NUMBER

_____

_____

Instructions for Service and/or Garnishee: (Include applicable instructions)

ENTER INSTRUCTIONS FOR SERVICE

☐ Continuous wage garnishment (Payment must be made within 10 days after each pay period.)

Requested by Applicant

Make payments to: ☑ **Court** ☐ **Attorney**

Make Checks Payable To: BOONE COUNTY CIRCUIT CLERK

Mail Funds To: 705 E WALNUT STREET, COLUMBIA, MISSOURI 65201

_____

Writ of Garnishment (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.

Issue County: _____

Document ID/Garnishment Number:_____

Issue Date: _____

Seal

Return Date (if applicable): _____

Issued By (Clerk): _____

Court Address: _____

EXAMPLE PAGE

Summons and Instructions to Garnishee

To the Above-Named Garnishee:
You are notified that I attach all goods, personal property, money, credits, bonds, bills, notes, checks, choses 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, or in the case of a continuous wage garnishment, within 20 days from the date on which you are served with the writ.

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 at the dwelling house or usual place of abode of each of the-garnishees with _____, a person at least 18 years of age residing therein.

☐ Other _____

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

_____
Sheriff/Server

Instructions to Sheriff/Server

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.

Garnishment Application and Order

(This form must be completed in full or your request will be returned unprocessed)

Date File Stamp

IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division: _____ **Case Number:** _____

Petitioner(s):

_____

_____

_____

_____

vs.

Respondent(s):

_____

_____

_____

_____

Date Judgment Entered Against Debtor:

_____

Original Amount of Judgment:

_____

Please Issue: Garnishment For:

☐ Bank Account ☐ Bond ☐ Wages

☐ Other: _____

_____

Requested Return/End Date:

☐ 30 Days ☐ 60 Days ☐ 90 Days

☐ 120 Days ☐ 150 Days ☐ 180 Days

☐ Continuous (for earnings only)

* Judgment Balance is the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and/or fees.

To (County/City of St. Louis):

_____

Debtor Name/Address:

_____

_____

_____

_____

Debtor Social Security Number (last four digits):

XXX-XX- _____

Garnishee Name and Address:

_____

_____

_____

_____

Garnishee ID # (court use only): _____

Amount Remaining Unpaid
(To be completed by Applicant)

Judgment Balance*	$_____
Post Judgment Interest	$_____
Post Judgment Costs	$_____
Service Fee for this Writ	$_____
Garnishment Clerk Fee Surcharge	$ 10.00
Taxes	$_____
Child Support/Maint under 12 wks.	$_____
Child Support/Maint over 12 wks.	$_____
Other: _____	$_____
Less Credits	($_____)
TOTAL REMAINING DUE	$_____

Case Number: _____

Creditor: _____

Attorney: _____ Missouri Bar Number_____

A judgment was entered on the above referenced date and remains unsatisfied.

The garnishor knows or has reason to believe the garnishee is indebted to debtor.

The garnishee is obligated to make periodic payments to debtor, or the garnishee has control/custody of money and/or bonds belonging to debtor.

Signature: _____ Date: _____

Address & Telephone Number: _____

_____

_____

Instructions for Service and/or Garnishee: (Include applicable instructions)

☐ Continuous wage garnishment (Payment must be made within 10 days after each pay period.)

Requested by Applicant

Make payments to: ☐ **Court** ☐ **Attorney**

Make Checks Payable To: _____

Mail Funds To: _____

_____

Writ of Garnishment (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.

Issue County: _____

Document ID/Garnishment Number:_____

Issue Date: _____

Seal

Return Date (if applicable): _____

Issued By (Clerk): _____

Court Address: _____

Summons and Instructions to Garnishee

To the Above-Named Garnishee:
You are notified that I attach all goods, personal property, money, credits, bonds, bills, notes, checks, choses 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, or in the case of a continuous wage garnishment, within 20 days from the date on which you are served with the writ.

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 at the dwelling house or usual place of abode of each of the-garnishees with _____, a person at least 18 years of age residing therein.

☐ Other _____

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

_____
Sheriff/Server

Instructions to Sheriff/Server

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.

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.

SCR 90.10

(a) If the garnishee admits in its answers to interrogatories that any property subject to garnishment is in the garnishee's possession, the garnishee, without further order of the court, shall pay or deliver such property into court or to the attorney for the party on whose behalf the order of garnishment was issued not later than ten days after the return date of the writ of garnishment or levy, or, in the case of a continuous wage garnishment, not later than ten days after the end of each pay period subject to the garnishment...

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 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 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, the 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 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.

Notice to Judgment Debtor

A garnishment has been levied. Certain funds may be exempt under sections 513.430 and 513.440, RSMo, or under Title 31 C.F.R. Part 212. You have the right to hold the funds as exempt from garnishment. You may claim any exemption by filing a claim for exemption with the court within 20 days after being served with the notice of garnishment.

List of Exempt Property

Certain property cannot be taken to satisfy a garnishment. This is called exempt property. Pursuant to Supreme Court Rule 90.035, you are advised that sections 452.140, 513.430, 513.440, 513.475, and 513.480, RSMo, set forth below, make certain property exempt from execution, and you are advised that there are certain exemptions under state and federal law which you may be able to claim with respect to the property levied upon.

Note: The Code of Federal Regulations for garnishments of accounts containing federal benefit payments (Title 31 C.F.R. Part 212) can be found at www.ecfr.gov.

452.140, RSMo. No property shall be exempt from attachment or execution in a proceeding instituted by a person for maintenance, nor from attachment or execution upon a judgment or order issued to enforce a decree for alimony or for the support and maintenance of children. And all wages due to the defendant shall be subject to garnishment on attachment or execution in any proceedings mentioned in this section, whether the wages are due from the garnishee to the defendant for the last thirty days' service or not.

513.430, RSMo. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed $3,000 in value in the aggregate;
(2) A wedding ring not to exceed $1,500 in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed $500 in value in the aggregate;
(3) Any other property of any kind, not to exceed in value $600 in the aggregate;
(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed $3,000 in value in the aggregate;
(5) Any motor vehicles, not to exceed $3,000 in value in the aggregate;
(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed $5,000 in value;
(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;
(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings

under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed $750 a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, RSMo, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024, RSMo and for the period such person participated within three years prior to the commencement of such

proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(12) Firearms, firearm accessories, and ammunition, not to exceed $1,500 in value in the aggregate.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and 408A of the Internal Revenue Code of 1986, as amended.

513.440, RSMo. Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of $1,250 plus $350 for each of such person's unmarried dependent children under the age of twenty-one years or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration, except ten percent of any debt, income, salary or wages due such head of a family.

513.475, RSMo. 1. The homestead of every person, consisting of a dwelling house and appurtenances, and the land used in connection therewith, not exceeding the value of fifteen thousand dollars, which is or shall be used by such person as a homestead, shall, together with the rents, issues and products thereof, be exempt from attachment and execution. The exemption allowed under this section shall not be allowed for more than one owner of any homestead if one owner claims the entire amount allowed under this subsection; but, if more than one owner of any homestead claims an exemption under this section, the exemption allowed to each of such owners shall not exceed, in the aggregate, the total exemption allowed under this subsection as to any one homestead.

2. Either spouse separately shall be debarred from and incapable of selling, mortgaging or alienating the homestead in any manner whatever, and every such sale, mortgage or alienation is hereby declared null and void; provided, however, that nothing herein contained shall be so construed as to prevent the husband and wife from jointly conveying, mortgaging, alienating or in any other manner disposing of such homestead, or any part thereof.

513.480, RSMo. Whenever an execution shall be levied upon the real estate of any person, of which such homestead may be a part, or upon such part of any homestead as may be in excess of the limitation of the value thereof created in section 513.475, RSMo such person shall have the right to designate and choose the part thereof to which the exemption created in section 513.475, RSMo shall apply, not exceeding the limited value; and upon such designation and choice, or in case of a refusal to designate or choose, the sheriff levying the execution shall appoint three disinterested appraisers, who shall, first being sworn to a faithful discharge of their duties, fix the location and boundaries of such homestead, and the sheriff shall then proceed with the levy of such execution upon the residue of such real estate as in other cases; and such proceedings in respect to the homestead shall be stated in the return upon such execution.

513.465, RSMo. Nothing contained in this chapter shall be construed so as to exempt any property from seizure and sale for the payment of taxes due this state, or any city, town or county thereof.

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

Interrogatories to Garnishee

IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division:	Case Number: Garnishment Number:	
Petitioner(s): vs.	Garnishee's Name/Address:	(Date File Stamp)
Respondent(s):	Judgment Debtor's Name/Address:	Court Address:

Instructions: You are to answer interrogatories **under oath** during the ten days immediately after the return date of the writ or, in the case of a continuous wage garnishment, within 20 days from the date on which the garnishee is served with the writ, and mail the **original** to: (name and address of garnishor)

You are to also file a certificate of service with the court that shows the caption of the case, the name of the party served, the date and manner of service, the designation of the document, e.g. answers to first interrogatories, and the signature of the serving party or attorney. The answers to the interrogatories should be based from the time of service of the garnishment, or any time thereafter until the return date stated in the summons of garnishment or, in the case of a continuous wage garnishment, when judgment is satisfied or the employment is terminated.

1. Have you had in your possession, charge, or under your control any property, money (excluding wages, salary, and commissions), or other effects of the judgment debtor? If yes, state what property, how much, of what value, and what money or effects. In the case of a wage garnishment, state the gross amount of earnings, as defined in section 525.030, RSMo, due to the debtor and the nonexempt portion of such earning subject to garnishment.

   Answer:

2. Did you owe the judgment debtor any money (including wages, salary, and commissions), or do you owe the judgment debtor any now?

Answer:

If not yet due: When will it become due?
If amount owed judgment debtor is for wages, salary, or commission state:

a. Amount owed after deductions required by law $ _____. (Deductions required by law are limited to federal, state, and city income and earnings taxes and FICA taxes.)
b. Amount withheld pursuant to the garnishment $ _____.

3. Is the judgment debtor still employed by you? ☐ Yes ☐ No
If no, state the date his/her employment terminated.

Answer:

Note: You must notify the garnishor if the judgment debtor's employment with you is terminated.

4. What is the judgment debtor's last known address?
Answer:

5. If the judgment debtor's wages have been attached by more than one writ of garnishment, please list the case number of all senior garnishments.

Answer:

6. Will you or have you since become or are you now bound in any contract to pay the judgment debtor money not yet due?
☐ Yes ☐ No If yes, state the amount to be paid out and when due and payable.

Answer:

7. Do you know of any person or entity, other than the judgment debtor, who claims an ownership interest in any property, money or effects of the judgment debtor or any amounts owed to the judgment debtor as disclosed by you in answer to interrogatories 1, 2, and 6? If yes, please provide the name and address of each such person or entity and identify the property, money or effects of the judgment debtor in which each such person or entity claims an interest?

Answer:

8. If garnishee is a bank or other financial institution, state whether at the time the writ of garnishment was served or at any subsequent time did the debtor have funds on deposit in an account in which all funds are deposited electronically on a recurring basis and reasonably identified as being funds on deposit that are exempt from garnishment pursuant to section 513.430.1(10)(a), (b), or (c), RSMo, or subject to the exemptions under Title 31 C.F.R. Part 212. ☐ Yes ☐ No If yes, identify each account, state the reason for the believed exemption, and identify the entity electronically depositing those funds which are not attachable pursuant to section 513.430.1(10)(a), (b), or (c), RSMo, or subject to the exemptions under Title 31 C.F.R. Part 212.

Answer:

I swear/affirm under the penalty of perjury that I have read the foregoing interrogatories and the answers given are true to the best of my knowledge and belief, and that no exempt funds have been or will be attached.

_____ Date

_____ Signature of Garnishee

CV93 - Statement of Judgment Balance Remaining Due Instructions

Definitions used:

Debtor – The individual that *owes* the debt being garnished.

Creditor – The individual that is *owed* the amount being garnished.

Garnishee – The individual or company that holds money or property belonging to a debtor and is directed to turn over the money or property to the court or attorney for the creditor for the purpose of satisfying a judgment. The party summoned as garnishee in the in the writ of garnishment or levy (CV92).

Garnishment Application and Order (CV92) – The form used to file the garnishment application with the issuing court and is served on the garnishee.

Remaining Due Amount – The amount entered in the Amount Remaining Unpaid section of the CV92 represents the total debt remaining due at the time the application is filed. This amount will appear on each six month reporting on the Statement of Judgment Balance Remaining Due (CV93) form on **Line 9.**

Introduction:

Effective July 1, 2016, a statement of judgment balance remaining due is required to be filed every six months for a continuous wage garnishment or in any case in which the creditor has elected to have payments made directly to its attorney. The first statement must be filed by the creditor with the issuing court no later than 20 days after last day of the six month reporting period and shall continue to be reported every six months thereafter until the garnishment is satisfied or is no longer effective. The statement is to list all payments received by the creditor within the preceding six months and the remaining unsatisfied portions of the judgment, which may include all unsatisfied post-judgment interest and costs as of a specified date. A statement of judgment balance need not be filed if the garnishor files a new garnishment application and order (CV92) in the same case and against the same debtor prior to the date the statement would have been required to be filed with the issuing court.

Copies of the statement shall be served by ordinary mail on the garnishee and debtor. Any party may file a motion for accounting of judgment balance with the issuing court up to 30 days after satisfaction of the judgment.

Failure to file a statement of judgment balance remaining due as provided in Rule 90.19(b), can result in the garnishment being terminated. (SCR 90.19(c))

Any remittance from the garnishee that exceeds the amount necessary to fully satisfy the judgment shall be returned within 10 days to the garnishee. (SCR 90.19(e))

Instructions for Completing the Statement of Judgment Balance Remaining Due (CV93 form)

Lines 1 and 2 – Reporting Period from Date and thru Date

The six month period being reported. Example: The reporting period that starts March 1, 2016 would go thru August 31, 2016 with the next reporting period going from September 1, 2016 thru February 28, 2017. (Leap years would go thru February 29th)

Line 3 – Total received from the garnishee during previous reporting periods

This is *all* payments from the garnishee for *all* prior reporting periods since the most recent CV92 Garnishment Application and Order was filed. For the *first* six month reporting period the

amount will be zero. For subsequent reporting periods use the amount on Line 5, Total all payments received from the garnishee from the CV93 report filed for the previous six months.

Line 4. Payments received from the garnishee during the six month reporting period. – List the payment dates and amounts received from the garnishee during the reporting period. Attorneys should include all payments received from the court or directly from the garnishee. Pro se litigants that have filed a continuous wage garnishment should list all amounts received from the court during the reporting period. If the number of payments received during the reporting period exceeds the lines available in 4, attach a separate listing of each payment date and amount paid to the CV93. On the last line of Line 4 add the comment "See attached listing" and enter the total dollar amount from the attached listing in the Amount field.

Line 5. Total all payments received from the garnishee – Sum of the amounts listed in the **Line 4** section plus the total received during previous reporting periods noted in **Line 3**. The Line 5 amount is carried forward to page **Line 16.**

Direct Payments

Those amounts that were not paid by the garnishee but were received directly by the creditor from the debtor. Amounts noted in this section may also represent other reductions to the debt allowed by the creditor.

Line 6. Total received directly by the creditor from the debtor and/or other reductions to the debt during previous reporting periods – For the first six month reporting period this amount will be zero. For subsequent reporting periods use the total received during previous reporting periods noted on line 8, **Total all payments received directly by the creditor from the debtor and/or other reductions to the debt** from the CV93 report filed for the previous six months.

Line 7. Payments and/or other reductions to the debt received directly by the creditor from the debtor during the reporting period – List each payment date and amount received directly from the debtor during the reporting period to reduce the debt. If the number of payments received during the reporting period exceeds the lines available in 7, attach a separate listing of each payment date and amount to the CV93. On the last line of line 7 add the comment "See attached listing" and enter the total dollar amount from the attached listing in the Amount field.

Line 8. Total all payments and/or other reductions to the debt received directly by the creditor from the debtor – Sum of the amounts listed in the section for **Line 7** plus the total received during previous reporting periods noted in **Line 6.** This amount will be carried forward to page 2 **Line 14.**

Increases/Decreases to the CV92 Garnishment Application and Order

This section documents the changes to the **Total Remaining Due** noted on the CV92. The amounts represent the accumulated amounts since the filing of the application, not just the amounts for the current reporting period.

Line 9. Total Due from Garnishment Application and Order CV92 – This amount will be the same for every Statement of Judgment Balance Remaining Due reporting period and is obtained from the TOTAL REMAINING DUE field on the related CV92. This amount represents the initial judgment amount plus post judgment interest costs etc. up to the time of filing the garnishment application and order.

If the garnishment was terminated and the creditor files a new CV92 Garnishment Application and Order, use the Total Remaining Due amount from the new CV92 for Line 9 and for all subsequent filings of the Statement of Judgment Balance Remaining Due.

Increases to CV92 Total Remaining Due:

Line 10 Post judgment interest – Total post judgment interest rate and interest accumulated *after* the CV 92 was filed. Do not include any post judgment interest that was included in the Total Remaining Due on the CV92.

Line 11 Post judgment costs – Total costs accumulated *after* the CV92 was filed. Do not include any post judgment costs that were included in the Total Remaining Due on the CV 92.

Line 12. Other increases – Any other costs accumulated *after* the CV92 was filed. Do not include any other costs that were included in the Total Remaining Due on the CV92.

Line 13. Subtotal all Increases – Total of Line 10, Line 11 and Line 12.

Decreases to CV92 Total Remaining Due:

Line 14. Payments and/or other reductions to the debt received directly by the creditor from the debtor – Enter the amount from page 1 Line 8.

Line 15. Total Adjusted Judgment Balance Due Prior to Reductions for Payments – Total of Line 9 plus Line 13 minus Line 14. This amount represents the adjusted total amount to be garnished by the garnishee and paid to the creditor over the life of the garnishment. The changes to this amount between reporting periods will be due to additional interest accumulating during the reporting period as well as other allowable costs and reductions for partial satisfactions of the debt paid by the debtor directly to the creditor for the debt being garnished.

Line 16. Payments received from the garnishee – Enter the amount from page 1 Line 5.

Line 17. Total Unsatisfied Judgment Balance Remaining Due – Total Line 15 minus Line 16. This amount includes all remaining principle, interest and costs owed by the debtor and is the total amount remaining due as of the last day of the reporting period.

NOTE to Garnishees: Adjust the total amount to be garnished from the debtor to the amount shown on Line 15 after receiving an updated Statement of Judgment Balance Remaining Due.

Garnishments that are paid to the court: the amount on Line 15 will be reflected on Case.net as the Total Due after the CV93 has been submitted to the court and the court updates the garnishment account in the case management system.

IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division:	Case Number:
Petitioner(s):	Garnishment Number:
vs.	
Respondent(s):	

(Date File Stamp)

Statement of Judgment Balance Remaining Due

Debtor Name/Address:	Creditor Name/Address/Phone Number:
Garnishee Name/Address:	

1. Reporting Period from Date:
2. Reporting Period thru Date:

Payments

Amount

3. Total received from the garnishee during previous reporting periods. (line 5 from previous CV93. See instructions.) $

4. Payments received from the garnishee during the six-month reporting period:

Date Received	

5. **Total all payments** (line 3 + all payments listed in 4) received from the garnishee **(carry forward to page 2 line 16)** $

Direct Payments (See instructions)

6. Total received directly by the creditor from the debtor and/or other reductions to the debt during previous reporting periods (line 8 from previous CV93. See instructions.) $

7. Payments received directly by the creditor from the debtor during the reporting period and/or other reductions to the debt

Date Received	

8. **Total all payments** (line 6 + all payments listed in 7) received directly by the creditor from the debtor and/or other reductions to the debt. **(carry forward to page 2 line 14)** $

Increases/Decreases to the CV92 Garnishment Application and Order

9. Total Due from Garnishment Application and Order – **CV92** (See instructions) $

Increases to CV92 Total Remaining Due (See instructions)

10. Post judgment interest (_____ % interest rate) $

11. Post judgment costs $

12. Other increases (explain) _____ $

13. **Subtotal all Increases (line 10 + line 11 + line 12)** $

Decreases to Total Remaining Due

14. Payments received directly by the creditor from the debtor and/or other reductions to the debt (from page 1, line 8) ($)

15. **Total Adjusted Judgment Balance Due Prior to Reductions for Payments (line 9 + line 13 - line 14)** $

16. Payments received from garnishee (from page 1, line 5) ($)

17. **Total Unsatisfied Judgment Balance Remaining Due (line 15 – line 16)** $

I swear/affirm under penalty of perjury that these facts are true according to my best knowledge and belief.

_____ Date

_____ Creditor or Attorney for Creditor

A Statement of Judgment Balance Remaining Due shall be filed with the issuing court beginning six months after issuance of the garnishment and shall continue every six months thereafter until the garnishment is satisfied or no longer effective. The statement shall be filed no later than 20 days after the close of each six-month period.

Copies of the statement shall be served by ordinary mail on the garnishee and the debtor.