

HOUSE BILL No. 2163

By Committee on Judiciary

1-30

1 AN ACT concerning civil procedure; relating to garnishment proceedings;
2 amending K.S.A. 2012 Supp. 60-736 and 61-3509 and repealing the
3 existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 60-736 is hereby amended to read as
7 follows: 60-736. This section shall apply if the garnishment is to attach
8 intangible property other than earnings of the judgment debtor.

9 (a) The answer of the garnishee shall be substantially in compliance
10 with the forms set forth by the judicial council.

11 (b) Within 14 days after service, other than that required pursuant to
12 K.S.A. 40-218, and amendments thereto, upon a garnishee of an order of
13 garnishment the garnishee shall complete the answer in accordance with
14 the instructions accompanying the answer form stating the facts with
15 respect to the demands of the order ~~and~~.

16 (1) *Except as otherwise provided in subsection (b)(2), the garnishee*
17 *shall send the completed answer to the judgment creditor's attorney at the*
18 *address listed on the answer form or, if the judgment creditor does not*
19 *have an attorney, to the judgment creditor and judgment debtor at the*
20 *addresses listed on the answer form. The answer shall be supported by*
21 *unsworn declaration in the manner set forth on the answer form.*

22 (2) *If the garnishee does not have assets of the judgment debtor, the*
23 *garnishee shall send the completed answer to the judgment creditor's*
24 *attorney at the address listed on the answer form or, if the judgment*
25 *creditor does not have an attorney, to the judgment creditor at the address*
26 *listed on the answer form. The answer shall be supported by unsworn*
27 *declaration in the manner set forth on the answer form.*

28 Sec. 2. K.S.A. 2012 Supp. 61-3509 is hereby amended to read as
29 follows: 61-3509. This section shall apply if the garnishment is to attach
30 intangible property other than earnings of the judgment debtor.

31 (a) Within 14 days after service upon a garnishee of an order of
32 garnishment the garnishee shall complete the answer in accordance with
33 the instructions accompanying the answer form stating the facts with
34 respect to the demands of the order ~~and~~.

35 (b) (1) *Except as otherwise provided in subsection (b)(2), the*
36 *garnishee shall send the completed answer to the judgment creditor's*

1 attorney at the address listed on the answer form or, if the judgment
2 creditor does not have an attorney, to the judgment creditor and judgment
3 debtor at the addresses listed on the answer form. The answer shall be
4 supported by unsworn declaration in the manner set forth on the answer
5 form.

6 (2) *If the garnishee does not have assets of the judgment debtor, the*
7 *garnishee shall send the completed answer to the judgment creditor's*
8 *attorney at the address listed on the answer form or, if the judgment*
9 *creditor does not have an attorney, to the judgment creditor at the address*
10 *listed on the answer form. The answer shall be supported by unsworn*
11 *declaration in the manner set forth on the answer form.*

12 Sec. 3. K.S.A. 2012 Supp. 60-736 and 61-3509 are hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the statute book.