

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

Judgment Creditor

Vs.

Case No. _____

Division No. _____

Judgment Debtor

Garnishee

Proceedings under K.S.A. Chapter 61

NOTICE TO DEFENDANT WHERE ORDER ISSUED TO ATTACH PROPERTY OTHER THAN EARNINGS OF DEFENDANT

**NOTICE TO DEFENDANT
(nonearnings garnishment)**

You are hereby notified that the court has issued an order in the above case in favor of the plaintiff in this proceeding, directing that some of your money, property or credits now in the possession of the garnishee in this proceeding, be used to satisfy your debt to the plaintiff. This order was issued to enforce the judgment obtained by the plaintiff against you in this case. This order prohibits the garnishee from releasing all or part of your money or property to you, and the court will order that this money or property be turned over to the plaintiff unless it finds that there is some reason why this money or property should not be used to satisfy the judgment.

The law of Kansas and the United States provides that certain benefit payments cannot be taken from you to pay a debt, even if they are deposited in a bank, savings and loan, or credit union. Such payments are commonly referred to as exempt property. Examples of exempt benefit payments which cannot be attached or executed upon by a creditor are:

- Social Security disability and retirement benefits;
- Supplemental Security Income (SSI) benefits;
- Veteran's benefits;
- Black lung benefits;
- Cash assistance payments under the Temporary Assistance for Families (TAF) program;
- Cash assistance payments under the General Assistance (GA) program;
- Unemployment compensation payments;
- Workers compensation payments;
- Certain pension benefits and retirement funds, including KPERs.

This is not an exclusive list. Other state and federal exemptions may apply to you. Certain exemptions may not apply to support orders or back taxes. An attorney can assist you in determining which benefit payments are exempt.

If the court order affects property other than money which belongs to you, some or all of this property may also be exempt. Examples of exempt personal property are:

- Furnishings, equipment and supplies in your possession and reasonably necessary at your principal residence;
- Personal jewelry and other ornaments up to \$1,000 in value;
- One vehicle regularly used for transportation up to \$20,000 in value;
- Tools and equipment used in your principal trade or business up to \$7,500 in value.

If you believe that the money or property being held by the garnishee is exempt and should not be given to the plaintiff, you may request a hearing before the court to assert this claim. In order to request a hearing, you should fill out the form at the bottom of this notice and obtain from the clerk or court a date and time for the hearing, and file the form with the clerk of the District Court. Immediately after the request for hearing is filed, you shall hand-deliver a copy of the request for hearing to the plaintiff or plaintiff's attorney, if plaintiff is represented by an attorney or mail a copy of the request for hearing to the plaintiff or plaintiff's attorney, if plaintiff is represented by an attorney, by first-class mail at the plaintiff's or plaintiff's attorney's last known address. You should ask for this hearing as soon as possible, but no later than 10 days after this notice is served on you. If you ask for a hearing to claim that your money or property is exempt, the court will hold a hearing within 10 days after it receives your request. At the hearing you should present any evidence you have to show that your money or property is exempt. The burden is on you to prove that some or all of your property subject to the garnishment is exempt. You may wish to consult an attorney to represent you at this hearing.

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REQUEST FOR HEARING

I request a hearing because the money or property which is being garnished by the plaintiff is exempt because it is

Name of Defendant

Signature of Defendant

Address

Date

City, State, Zip Code

Telephone Number

THIS PART SHALL BE COMPLETED BY CLERK:

The hearing requested shall be held on the ____ day of _____, _____, at ____ o'clock ____.

CERTIFICATE OF SERVICE TO BE COMPLETED BY JUDGMENT DEBTOR

I delivered a copy of the above request for hearing to the plaintiff or plaintiff's attorney, if the plaintiff is represented by an attorney, by hand-delivery or first-class mail in the following manner and at the following address, on the date shown below:

Pendleton & Sutton Attorneys at Law, L.L.C.
1031 Vermont St., Suite B
Lawrence, KS 66044-2255

manner delivered-hand-delivery or first-class mail

date delivered

Signature of Defendant