

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 259

Introduced By: Friend, 10
Read first time: January 10, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to garnishment; to amend section 25-1011,
2 Reissue Revised Statutes of Nebraska; to change provisions
3 relating to service of process as prescribed; and to repeal
4 the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1011, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-1011. (1) The summons and order of garnishment and the
4 interrogatories in duplicate, a notice to judgment debtor form, and a
5 request for hearing form shall be served upon the garnishee in the
6 manner provided for service of a summons in a civil action in any
7 county in which the garnishee does business or maintains a registered
8 agent for service of process.

9 (2) The judgment creditor or his or her agent or attorney
10 shall send to the judgment debtor by ~~certified~~ first-class mail to
11 the last-known address of the judgment debtor a copy of the summons
12 and order of garnishment, a notice to judgment debtor form, and a
13 request for hearing form within three business days of issuance by the
14 court and shall certify in writing to the court the date of the
15 mailing.

16 (3) The Supreme Court by rule of court shall promulgate
17 uniform garnishment forms for use in all courts in this state. Until
18 the forms are promulgated, garnishments shall continue in the courts
19 by use of the existing forms. The forms shall include the summons and
20 order of garnishment, the garnishment interrogatories, a notice to
21 judgment debtor form, and a request for hearing form.

22 (4) The notice to judgment debtor form shall include the
23 following information:

24 (a) That certain funds are exempt from garnishment if such
25 funds are from certain government benefits and other sources;

26 (b) That wages are exempt up to a certain level and the
27 amount that can be garnished varies if the judgment debtor is the head

1 of a family;

2 (c) That if the judgment debtor believes the court should
3 not allow a garnishment either because the funds sought are exempt or
4 because the amount is not owed on the judgment, the judgment debtor is
5 entitled to a hearing within ten days of a request by the judgment
6 debtor to determine such issues; and

7 (d) That if the judgment debtor wishes a hearing as
8 prescribed in subdivision (c) of this subsection, the judgment debtor
9 shall make a request by filling out the request for hearing form and
10 file the form with the court within three business days of receipt of
11 the notice to judgment debtor form by the judgment debtor.

12 (5) If the judgment debtor in a garnishment proceeding
13 requests a hearing, the court shall grant the hearing within ten days
14 of the request.

15 Sec. 2. Original section 25-1011, Reissue Revised Statutes
16 of Nebraska, is repealed.