

## NOTICE TO GARNISHEE

1. Interrogatories are served with a summons of garnishment. You must answer interrogatories under oath within ten (10) days 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. Mail your answers to interrogatories, along with a check for the full amount withheld from the time the writ of garnishments and summons was served through the return date this is set forth on the summons, to the Court or Attorney as indicated on the summons of garnishment. Please write the case number, execution number and name of debtor on your remittance. **Do not withhold funds after the Return Date.**
2. **IF YOU ARE AN EMPLOYER:**  
Notify your employee that his/her wages have been garnished and that you are required by law to hold funds in accordance with 525.030 and applicable federal laws.
3. Garnishment proceedings run 30, 60, 90, 120, 150, 180 days or continuous.
4. **IF YOU ARE A DEPOSITORY SUCH AS A BANK OR SAVINGS AND LOAN:**  
You are required to hold funds in the account of the judgment debtor as directed by the summons of garnishment, and to notify the judgment debtor of what you have done. If any further funds subject to garnishment are deposited by the judgment debtor, these funds must also be held. You are responsible for all funds in the account or deposited into the account from the date you get these papers until the return date shown on the garnishments papers.
5. If you have questions, you should contact your attorney or attorney for the plaintiff.

### Applicable Provisions Relating to Garnishments

#### 525.030 RSMo

2.(1) The maximum part of the aggregate earnings of any individual for any workweek, after the deduction from those earnings of any amounts required by law to be withheld, which is subjected to garnishment may not exceed (a) twenty-five percentum, 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 percentum, whichever is less.

2.(2) 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.

2.(3) 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 other pay period longer than one week shall be computed in a manner consistent herewith.

2.(4) 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.

2.(5) 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.**