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Attorneys for Judgment Creditor

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 JUDGMENT DEBTOR
(Earnings garnishment)**

You are hereby notified that the court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this processing, directing that some of your personal earnings , now in the possession of your employer, be used to satisfy some of your debt to the judgment creditor instead of being paid to you. This order was issued to enforce the judgment obtained by the judgment creditor against you in this case on .

This order, called a garnishment order, requires your employer to withhold a certain amount from your earnings each pay period until your debt to the judgment creditor is satisfied or the order is released by the judgment creditor or set aside by the court.

The laws of Kansas and the United States provide that you have a right to be paid a certain amount of your personal earnings regardless of the claims of your creditors. In general, this amount is 75% of your earnings after federal and state taxes, social security, and any other deductions required by law are taken out. If the debt is for child support or the support of any other person, the protected amount is less, ranging from 35% to 50%. In addition, if your earnings are less than 30 times the federal minimum hourly wage for each week in the pay period, all of your earnings should be paid to you.

On each normal payday you should receive a paycheck for the amount your employer calculates you are entitled to receive by law. Your employer should furnish you with a written explanation of how the amount of your paycheck was calculated with the check.

If you believe that too much of your earnings have been withheld from your paycheck, you may request a hearing before this court.

If you were unable to work at your regular job for two weeks or more because you or a member of your family were sick, your earnings may not be garnished for two months after recovery from such illness. You do not need to ask for a hearing to assert this right if it applies to you. All you need to do is to file an affidavit with the court setting out the facts about the illness and your inability to work. If the garnishment order is not released after you file this affidavit, you may ask for a hearing.

In order to request a hearing , you should fill out the form at the bottom of this notice and obtain from the clerk of the court or the court a date and time for the hearing, and file the form with the clerk of the court at (address of court). Immediately after the request for hearing is filed, you shall hand deliver a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, or mail a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if the judgment creditor is represented by an attorney, by first-class mail at the judgment creditor's, or judgments creditor'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, the court will hold a hearing within 10 days from the date it received your request. At the hearing, you should present any evidence you have in support of your position. The burden is on you to prove that some or all of your earnings subject to the garnishment are exempt. You may wish to consult an attorney to represent you at this hearing.

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REQUEST FOR HEARING ON WAGE GARNISHMENT

I request a hearing to dispute the judgment creditor's garnishment of my earnings because (explain in detail your disputing with the garnishment).

Print Your Name (Judgment Debtor)

Sign Your Name (Judgment Debtor)

Your Address

Date

Your City, State, Zip Code

Your Telephone Number or a Contact Phone Number

THIS PART SHALL BE COMPLETED BY CLERK OF THE DISTRICT COURT:

The hearing requested shall be held on the _____ day of _____ (month), _____ (year), at _____ (time) o'clock _____ (am or pm).

Certificate of Service

I delivered a copy of the above request for hearing to the judgment creditor's 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, Kansas 66044

(manner delivered - - hand-delivery or first-class mail)

(date delivered)

Signature of Judgment Debtor