

425.501 Proceedings for obtaining order of garnishment.

- (1) Any person in whose favor a final judgment in personam has been entered in any court of record of this state may, upon the filing of an affidavit by him or his agent or attorney in the office of the clerk of the court in which the judgment was entered, and in the same cause in which said judgment was obtained showing the date of the judgment and the amount due thereon, and that one (1) or more named persons hold property belonging to, or are indebted to, the judgment debtor, obtain an order of garnishment to be served in accordance with the Rules of Civil Procedure.
- (2) The judgment plaintiff shall not be required to execute bond to obtain the order.
- (3) The order of garnishment shall be served on the persons named as garnishees, and in addition a copy thereof shall be delivered by the garnishee to the judgment debtor or mailed to him at his last known address, along with a processing fee in the amount of ten dollars (\$10) paid by the judgment plaintiff. The processing fee may be retained by the garnishee regardless of whether the court finds that the garnishee was or was not, at the time of service of the order upon him, possessed of any property of the judgment debtor.
- (4) The judgment debtor may appear and claim the exemption of any property or debt that is exempt from execution, and on proof of exemption the garnishment shall be discharged as to the exempt property or debt.
- (5) If the court finds that the garnishee was, at the time of service of the order upon him, possessed of any property of the judgment debtor, or was indebted to him, and the property or debt is not exempt from execution, the court shall order the property or the proceeds of the debt applied upon the judgment.
- (6) Subsequent orders of garnishment against the same or other garnishees may be issued in the same manner until the judgment is satisfied.
- (7) The provisions of KRS Chapter 427 shall, as far as applicable, govern proceedings under the order.
- (8) The order of garnishment shall be served in accordance with the Rules of Civil Procedure. It shall summon the garnishees to answer in the action in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 183, sec. 15, effective July 12, 2006. -- Amended 1984 Ky. Acts ch. 158, sec. 8, effective July 13, 1984. -- Created 1976 Ky. Acts ch. 91, sec. 30.