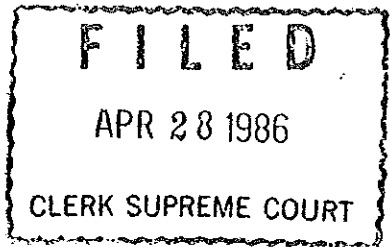


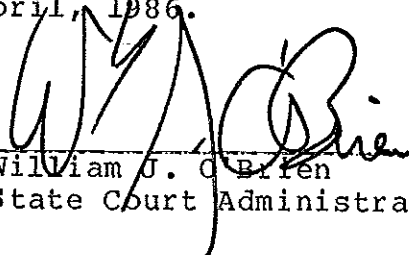
ADMINISTRATIVE DIRECTIVE
REGARDING GARNISHMENT PROCEDURES



Pursuant to Iowa Code section 642.14, once a party obtains a judgment and seeks execution by garnishment, that party must serve a Notice of Garnishment. The supreme court has approved for the clerk's usage the attached Notice of Garnishment. See Exhibit "A".

In the event funds have been garnished under Iowa Code chapter 642, those funds are not to be released by the clerk of court until such time as a court order condemning the funds has been filed. The supreme court has approved usage of the attached application and order for condemning garnished funds. See Exhibit "B".

Issued this 28th day of April, 1986.



William J. O'Brien
State Court Administrator

STATE OF IOWA)

COUNTY SHERIFF RETURN OF SERVICE

)SS

COUNTY)

The Notice on the reverse side was received this _____ day of _____, 19____ and I certify that I served the defendant(s) _____ on the _____ day of _____, 19____, in _____ County, State of Iowa:

1. By delivering a copy thereof to said defendant(s) personally at _____
2. By delivering a copy thereof to _____ a person at least eighteen years old residing at _____ the dwelling house or usual place of abode of the defendant(s), and which place was not a rooming house, hotel, club, or apartment building.
3. By delivering a copy thereof to _____ a person at least eighteen years old residing at _____ the dwelling house or usual place of abode of the defendant(s), and which place was a rooming house, hotel, club or apartment building, and that the person to whom the copy was delivered was _____ (Insert title of person)

Processing \$ _____
 Mileage \$ _____
 Total \$ _____

Sheriff of _____ County
 By _____ (Deputy)

RETURN OF SERVICE AFFIDAVIT BY INDIVIDUAL

STATE OF IOWA)

)SS

COUNTY)

I the undersigned being first duly sworn on oath state that:

1. By delivering a copy thereof to said defendant(s) personally at _____
2. By delivering a copy thereof to _____ a person at least eighteen years old residing at _____ the dwelling house or usual place of abode of the defendant(s), and which place was not a rooming house, hotel, club, or apartment building.
3. By delivering a copy thereof to _____ a person at least eighteen years old residing at _____ the dwelling house or usual place of abode of the defendant(s), and which place was a rooming house, hotel, club or apartment building, and that the person to whom the copy was delivered was _____ (Insert title of person)

Subscribed and sworn before me by the said _____ this _____ day of _____, 19____.

Notary Public in and For the State of Iowa

Processing \$ _____
 Mileage \$ _____
 Total \$ _____

ACCEPTANCE OF SERVICE

I, the defendant named in the notice, hereby acknowledge service of notice of garnishment which appears on the reverse side upon me on the date shown below.

Date: _____

Defendant

USE ONLY IN SMALL CLAIMS CASES.

I certify under penalty of perjury that I mailed a copy of the notice which appears on the reverse side to _____ and _____ defendant(s) by certified mail, restricted delivery, return receipt requested. The return receipt(s) (is) (are) attached showing that the notice was received.

Date: _____

(Name)

IN THE IOWA DISTRICT COURT
FOR _____ COUNTY

	*	
	*	
	*	NOTICE OF GARNISHMENT
vs.	*	
	*	LAW NO. _____
	*	EQUITY NO. _____
	*	SMALL CLAIM NO. _____
	*	
Plaintiff(s),	*	
	*	
Defendant(s).	*	

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based on a Judgment against you and the Garnishment was served on _____ who has answered that *He/She/It (Strike two)* is indebted to you.

YOU ARE FURTHER NOTIFIED that unless you file a Motion, Answer, or other appropriate pleading to contest the Garnishment within ten (10) days from the date this Notice was served on you explaining why you think these funds are exempt from execution under state or federal law, a Court Order will be entered condemning the funds and the funds will be applied against the Judgment. Some examples of exempt funds may include social security benefits, A.F.D.C., general assistance, veteran's benefits, and unemployment compensation. These examples are not a complete list and are not meant to be.

ANY Motion, Answer or other pleading that you file to contest the Garnishment must be filed in the office of the Clerk of the _____ County District Court at the _____ County Courthouse located at _____. If you file to contest the Garnishment, a prompt hearing will be set and you will be notified of the hearing. At the hearing, you should be ready to explain to the Judge why you believe your property is exempt from the Garnishment.

Section 642.14 of the Iowa Code requires that you be told the exact language of Section 630.3A of the Iowa Code. That Section reads:

At any time after the rendition of judgment the court, upon application of the judgment creditor or the judgment debtor and upon notice to the adverse party as the court shall direct, shall conduct a hearing to determine the reasonably expected annual earnings of the judgment debtor for the current calendar year and the applicable limitation upon garnishment as provided in Section 642.21. The court shall also consider in the interest of justice whether a greater amount than provided in Section 642.21 shall be exempt from garnishment. In making the determination, the court shall consider the age, number and circumstances of the dependents of the debtor, existing federal poverty level guidelines, the debtor's maintenance and support needs, the debtor's other financial obligations and any other relevant information. An order reducing the garnishment may be modified or vacated upon the application of a party to the court, notice to the adverse party, and a showing at a hearing of changed circumstances. An additional filing fee shall not be assessed for proceedings under this section.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

(Plaintiff or Attorney for Plaintiff)

(Street Address)

(City, State, Zip)

(Phone Number)

IN THE IOWA DISTRICT COURT
FOR _____ COUNTY

	*	
	*	
Plaintiff(s),	*	APPLICATION TO CONDEMN
vs.	*	AND ORDER CONDEMNING FUNDS
	*	
	*	LAW NO. _____
Defendant(s),	*	EQUITY NO. _____
	*	SMALL CLAIM NO. _____
	*	

The undersigned states:

1. Execution was issued based on judgment in this case.
2. Garnishment was served and the garnishee has either answered that after allowing all exemptions money is owed the defendant(s) named above, or turned over the funds pursuant to Iowa Code Sections 642.10 and 642.13.
3. The notice of garnishment required by Iowa Code Section 642.14 was served on defendant(s) named above.
4. A copy of that notice with proof of service on defendant(s) is on file.
5. More than ten (10) days has passed since the 642.14 notice of garnishment was served.
6. No motion, answer, or other pleading has been filed to contest the garnishment.

Wherefore plaintiff prays that the court issue an order condemning the funds.

Plaintiff or Plaintiff's Attorney

ORDER

Now on this _____ day of _____, 19____ the court finds the file shows that more than ten (10) days has passed since notice of garnishment was served and no pleading contesting the garnishment has been filed.

It is ordered that funds in the hands of the garnishee (or paid over to the sheriff) as a result of the garnishment in the above case are condemned. If the garnished funds have not been paid over to the sheriff, the garnishee _____ shall forthwith pay the funds over to the sheriff. When garnished funds are

(Insert Name of Garnishee)

received by the sheriff in compliance with this order (or if funds have been paid over under Iowa Code Section 642.10) the sheriff shall deduct any cost of service due the sheriff's office, and forthwith pay over the remaining funds to the Clerk of Court. The clerk shall pay all remaining court costs, and shall credit the balance of the funds on the judgment and notify the plaintiff or the plaintiff's attorney that the funds are available to the plaintiff.

Judge