



IN THE 15TH JUDICIAL CIRCUIT COURT, LAFAYETTE COUNTY, MISSOURI

Form with fields for Judge or Division, Case Number, Petitioner(s), Please Issue, Respondent(s), and Requested Return/End Date.

Execution/Garnishment/Sequestration Application and Order

(This form must be completed in full or your request will be returned unprocessed.)

Form with fields for Debtor Name/Address, Debtor SSN, Requested For, Attorney, and a table for Amount Remaining Unpaid.

Form with fields for Garnishee Name and Address, Instructions for Service, and Garnishee ID #.

Writ of Execution (To be completed by Court Clerk)

The State of Missouri to the Sheriff of any County in the State of Missouri

Because a judgment was entered against the above debtor in this court and there is a balance, accrued interest, and costs as stated above unpaid from said judgment, you are commanded to execute this writ by following the instructions on the reverse side of this writ and on the return date shown below to certify to this court how you executed this writ.

Mail Funds To: _____

Form with fields for Issue (County), Document ID, Date Issued, Return Date, and By (Clerk).

Summons and Instructions to Garnishee

To the Above-Named Garnishee:

You are notified that I attach all goods, personal property, money, credit, bonds, bills, notes, checks, choses in action, or other effects and all debts owed to the above named debtor that are in your possession or charge, or under your possession or charge, or under your control from this time until the return date or a sufficient sum to satisfy the total amount of garnishment shown above.

Form with fields for Date, Sheriff/Server, County, and Service Acknowledged By.

Sheriff or Server's Return

I certify that I have served this summons/writ:

- By delivering a copy of the summons/writ to the garnishee.
- By leaving a copy of the summons/writ at the dwelling place or usual abode of each of the garnishees with _____, a person of the garnishee's family over the age of 15 years.
- Other _____

Served in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Service Fees

		_____ Sheriff/Server
Summons/Writ	\$ _____	
Non Est	\$ _____	
Sheriff's Deputy Salary		
Supplemental Surcharge	\$ 10.00 _____	
Mileage	\$ _____ (_____ miles @ \$._____ per mile)	
Total	\$ _____	

Instructions to Sheriff/Server

General Execution

You are commanded to execute this writ by levying upon the debtor's property.

Garnishment

You are commanded to summon the garnishee and attach the property subject to garnishment in the garnishee's possession or charge or under the garnishee's control between the time notice is served and the return date.

Sequestration on Public Employer

You are commanded to take into your possession, any and all moneys, checks, drafts, warrants, vouchers, or other evidence of indebtedness, for salary, wages, fees or earnings for services rendered by said debtor now due and payable, or which shall hereafter become due and payable from the date of this writ to the return day thereof, now in the hand of said paying, disbursing or audit officer, or that shall come into his/her hands before the return day of this writ, or so much thereof as shall be necessary to satisfy the amount of judgment debt, interest, costs and fees due and allowed by law for serving this writ, and issue therefore your receipt; that you endorse in the name of said debtor, any and all such checks, drafts, warrants, vouchers, or other evidence of indebtedness, and convert the same into cash; that you serve a true copy of this writ upon the paying, disbursing or auditing officer; and that you certify to this court the manner in which you execute this writ.

Applicable Provisions Relating to Garnishments

525.030 RSMo

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

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.

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 pay period longer than one week shall be computed in a manner consistent herewith.

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.

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 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 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, the 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 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, animals, crops 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, illness or unemployment benefits;
12. Alimony, support or separate maintenance, 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.

**STEP-BY-STEP INSTRUCTIONS FOR COMPLETING THE
EXECUTION/GARNISHMENT APPLICATION AND ORDER FORM**

OSCA Form CV90 has been approved by the Judicial Records Committee for use in requesting an execution/garnishment for the purpose of collecting on a debt. Please note the bold numbers in each field on the execution/garnishment form. Follow the instructions below to assist you in completing each field **BEFORE** presenting the form to the Circuit Clerk's office for filing.

1. Enter #1/Judge Rolf for a Circuit case or #3/Judge Shackelford for an Associate case.
2. Enter the Case Number which can be found on your copy of the Judgment.
3. Enter the name(s) of the plaintiff(s).
4. Enter the name(s) of the defendant(s).
5. Place an X in the box representing the type of application.
6. Place an X in the box representing the selection that applies to your case. (Garnishments will be for Bank Account or Wages)
7. Enter date of the judgment.
8. Enter the amount of the original judgment.
9. Place an X in the box representing the amount of time this execution/garnishment is to last.
10. Enter the name of the county where the employer or property is located.
11. Enter the name and address of the judgment debtor.
12. Enter the last four digits of the judgment debtor's social security number.
13. Enter your name here if you are the requestor.
14. Enter the date of your request.
15. Sign your name here.
16. Enter your current mailing address and telephone number.
17. Enter the name and address where execution/garnishment will be served.
18. Detail any additional information to aid the Sheriff's Dept. in service in this area.
19. Enter the principal or original amount of the judgment.
20. Enter the amount of interest awarded in the judgment.
21. Enter the court costs awarded in the judgment.
22. Subtotal #19, #20, and #21 here.