

House File 2387

AN ACT
PROVIDING FOR NOTICE OF GARNISHMENT AND LEVY TO A JUDGMENT
DEBTOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 642.14, Code 2014, is amended to read as follows:

642.14 Notice.

Judgment against the garnishee shall not be entered until the ~~principal~~ defendant in the main action has had ten days' notice of the garnishment proceedings, to be served in the same manner as original notices. However, if the garnishment is to earnings owed ~~the~~ such defendant by the garnishee, judgment may be entered if notice to the defendant is served with the

notice of garnishment to the garnishee who shall deliver the notice to the defendant with the remainder of or in lieu of the defendant's earnings. The garnishee shall state in answer to the service of notice of garnishment whether or not service of notice was delivered to the defendant.

The notice required by this section shall contain the full text of section 630.3A.

Sec. 2. NEW SECTION. 642.14A Notice of garnishment and levy.

1. Within seven days after execution is served upon a garnishee, the sheriff shall send a notice of garnishment and levy to the defendant in the main action informing the defendant that certain real and personal property of the defendant may be exempt from execution or garnishment and that a hearing process is available for the defendant to claim such exemptions.

2. The notice required by this section shall be served by personal service or restricted certified mail and first class mail to the last known address of the defendant and to the defendant's attorney. The judgment creditor shall provide the sheriff with the last known address of the defendant and the defendant's attorney if there is an attorney of record. Proof of mailing or personal service by the sheriff shall be by affidavit.

3. The notice required by this section shall:

a. Inform the defendant that judgment has been entered in the main action and the defendant's funds or other property is subject to execution under the judgment.

b. Inform the defendant that the defendant has the right to claim funds or other property exempt from execution or garnishment and a right to be timely heard on those claims.

c. Inform the defendant that if the defendant does not file a motion or other appropriate pleading to claim funds or other property exempt from execution or garnishment under state or federal law, the defendant may lose any such rights and the funds or other property may be applied to the judgment against the defendant.

d. Inform the defendant that state and federal laws may place limits on the amount of earnings that may be garnished annually and per pay period and limits on other funds and property that may be garnished or levied against.

e. Contain the full text of section 630.3A.

f. State that the defendant may wish to consult a lawyer for

advice as to the meaning of the notice.

4. An additional court filing fee shall not be assessed for proceedings under this section.

KRAIG PAULSEN
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2387, Eighty-fifth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2014

TERRY E. BRANSTAD
Governor