

SENATE BILL NO. 2196

Introduced by

Senators Watne, Traynor

Representatives Kretschmar, Maragos

1 A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota
2 Century Code, relating to execution on moneys retained by garnishment.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 28-21 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Summary execution on moneys retained pursuant to garnishment.** When a
7 judgment creditor proposes to execute on moneys owed to the judgment debtor by a third party
8 who is retaining the money pursuant to garnishment, the execution must be made between
9 twenty and two hundred seventy days after service of the garnishment summons. The
10 execution may be made by the attorney for the judgment creditor or a sheriff, or an agent of
11 either, through certified mail or personal service to the third party and must contain a copy of
12 the execution. The execution may be directed to the sheriff of any county. A transcript of the
13 judgment need not be filed in the county of the sheriff to whom the execution is directed. Upon
14 receipt, the third party shall remit the amount due under the garnishment to the sheriff or the
15 attorney who shall proceed in all other respects like the sheriff making a similar execution. If
16 the judgment debtor files a claim of exemptions under section 32-09.1-22 on or before twenty
17 days after service of the garnishment summons, no execution may be made against moneys
18 claimed as exempt and retained pursuant to the garnishment summons until the court
19 determines that the moneys being garnished are not exempt.