

SENATE BILL NO. 230—COMMITTEE ON JUDICIARY

FEBRUARY 28, 2017

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to judgments. (BDR 2-512)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to judgments; increasing the percentage of a judgment debtor’s disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; extending the period for which a writ of garnishment served on an employer of a judgment debtor continues; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that 75 percent of a judgment debtor’s disposable
2 earnings for any workweek is exempt from execution unless the weekly take-home
3 pay is less than 50 times the federal minimum hourly wage, in which case the entire
4 amount may be exempt. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) **Sections 2-
5 4, 8, 11 and 12** of this bill: (1) increase the exemption to 82 percent of a judgment
6 debtor’s disposable earnings for any workweek if the gross weekly salary or wage
7 of the debtor on the date the most recent writ of garnishment was issued was \$770
8 or less; and (2) maintain the exemption at 75 percent of a judgment debtor’s
9 disposable earnings for any workweek if the gross weekly salary or wage of the
10 debtor on the date the most recent writ of garnishment was issued exceeded \$770.
11 **Sections 1, 7 and 11** of this bill explain how the gross weekly salary or wage of a
12 debtor must be determined.

13 Existing law requires a judgment creditor who seeks to enforce a foreign
14 judgment in this State to domesticate the foreign judgment by filing a copy of the
15 foreign judgment with the clerk of any district court of this State. (NRS 17.330-
16 17.400) **Section 6** of this bill authorizes a judgment debtor who is a resident of this
17 State to bring a civil action against a judgment creditor who, without domesticating
18 a foreign judgment, garnishes a bank account or any other personal property



19 maintained by the judgment debtor at a branch of a financial institution located in
20 this State or the earnings of the judgment debtor from employment in this State.
21 Additionally, existing law generally provides that if the employer of a judgment
22 debtor whose earnings are being garnished is a garnishee, the writ of garnishment
23 served on the employer continues for the earlier of 120 days or until the amount
24 demanded in the writ is satisfied. (NRS 31.296) **Section 13** of this bill extends such
25 a period to the earlier of 180 days or until the amount demanded in the writ of
26 garnishment is satisfied. Existing law further provides that a judgment creditor who
27 caused a writ of garnishment to issue is required to prepare an accounting and
28 provide a report containing certain information to the judgment debtor, the sheriff
29 and each garnishee with each writ of garnishment. (NRS 31.296) **Section 13**
30 specifies that any subsequent application for a writ of garnishment made by the
31 judgment creditor concerning the same debt must not be approved unless such an
32 accounting and report are submitted with the application.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 21 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. For the purposes of this chapter:*

4 *(a) Except as otherwise provided in paragraphs (b) and (c), the*
5 *gross weekly salary or wage of an employee must be determined by*
6 *dividing the employee's gross earnings for the current calendar*
7 *year as of the date the most recent writ of garnishment was issued*
8 *by the total number of weeks the employee has worked in the*
9 *current calendar year.*

10 *(b) If the most recent writ of garnishment was issued at the*
11 *beginning of the current calendar year before an employee*
12 *received any earnings in the current calendar year, but the*
13 *employee received earnings in the previous calendar year, the*
14 *gross weekly salary or wage of the employee must be determined*
15 *by dividing the employee's gross earnings for the previous*
16 *calendar year by the total number of weeks the employee worked*
17 *in the previous calendar year.*

18 *(c) If an employee has not been employed long enough to have*
19 *been paid as of the date the most recent writ of garnishment was*
20 *issued, or if the provisions of paragraph (a) or (b) do not otherwise*
21 *apply, the gross weekly salary or wage of the employee is the*
22 *anticipated gross weekly earnings of the employee as determined*
23 *by his or her employer.*

24 *2. For the purpose of determining the total number of weeks*
25 *an employee has worked in the current calendar year pursuant to*
26 *paragraph (a) of subsection 1 or the total number of weeks an*
27 *employee worked in the previous calendar year pursuant to*
28 *paragraph (b) of subsection 1, if the total number of weeks is not*
29 *exact, the number must be:*



1 (a) Rounded down if the number of days the employee was on
2 the payroll of the employer in excess of a whole week is 3 days or
3 less; and

4 (b) Rounded up if the number of days the employee was on the
5 payroll of the employer in excess of a whole week is 4 days or
6 more.

7 **Sec. 2.** NRS 21.025 is hereby amended to read as follows:
8 21.025 A writ of execution issued on a judgment for the
9 recovery of money must be substantially in the following form:

10
11 (Title of the Court)

12 (Number and abbreviated title of the case)

13 EXECUTION

14
15 THE PEOPLE OF THE STATE OF NEVADA:

16
17 To the sheriff of County.

18
19 Greetings:

20
21 To FINANCIAL INSTITUTIONS: This judgment is for
22 the recovery of money for the support of a person.

23
24 On(month).....(day).....(year), a judgment was entered
25 by the above-entitled court in the above-entitled action in
26 favor of as judgment creditor and against
27 as judgment debtor for:

- 28 \$ principal,
- 29 \$ attorney's fees,
- 30 \$ interest, and
- 31 \$ costs, making a total amount of
- 32 \$ the judgment as entered, and
- 33
- 34

35 WHEREAS, according to an affidavit or a memorandum
36 of costs after judgment, or both, filed herein, it appears that
37 further sums have accrued since the entry of judgment, to wit:

- 38
- 39 \$ accrued interest, and
- 40 \$ accrued costs, together with \$..... fee, for
- 41 the issuance of this writ, making a total of
- 42 \$ as accrued costs, accrued interest and fees.



Credit must be given for payments and partial satisfactions in the amount of

\$

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of

\$

actually due on the date of the issuance of this writ, of which

\$

bears interest at percent per annum, in the amount of \$...... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, *82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued was \$770 or less*, 75 percent of the disposable earnings of the debtor during that week *if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued exceeded \$770*, or 50 times the minimum hourly wage prescribed by section ~~16(a)(1)~~ *206(a)(1)* of the federal Fair Labor Standards Act of 1938, 29 U.S.C. ~~16(a)(1)~~ *§§ 201 et seq.*, and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This day of the month of of the year

....., Clerk.
By....., Deputy Clerk.

Sec. 3. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain



1 the procedure for claiming those exemptions in the manner required
2 in subsection 2. The clerk of the court shall attach the notice to the
3 writ of execution at the time the writ is issued.

4 2. The notice required pursuant to subsection 1 must be
5 substantially in the following form:

6
7 NOTICE OF EXECUTION

8
9 YOUR PROPERTY IS BEING ATTACHED OR
10 YOUR WAGES ARE BEING GARNISHED
11

12 A court has determined that you owe money to
13 (name of person), the judgment creditor. The
14 judgment creditor has begun the procedure to collect that
15 money by garnishing your wages, bank account and other
16 personal property held by third persons or by taking money or
17 other property in your possession.

18 Certain benefits and property owned by you may be
19 exempt from execution and may not be taken from you. The
20 following is a partial list of exemptions:

21 1. Payments received pursuant to the federal Social
22 Security Act, including, without limitation, retirement and
23 survivors' benefits, supplemental security income benefits
24 and disability insurance benefits.

25 2. Payments for benefits or the return of contributions
26 under the Public Employees' Retirement System.

27 3. Payments for public assistance granted through the
28 Division of Welfare and Supportive Services of the
29 Department of Health and Human Services or a local
30 governmental entity.

31 4. Proceeds from a policy of life insurance.

32 5. Payments of benefits under a program of industrial
33 insurance.

34 6. Payments received as disability, illness or
35 unemployment benefits.

36 7. Payments received as unemployment compensation.

37 8. Veteran's benefits.

38 9. A homestead in a dwelling or a mobile home, not to
39 exceed \$550,000, unless:

40 (a) The judgment is for a medical bill, in which case all of
41 the primary dwelling, including a mobile or manufactured
42 home, may be exempt.

43 (b) Allodial title has been established and not relinquished
44 for the dwelling or mobile home, in which case all of the
45 dwelling or mobile home and its appurtenances are exempt,



1 including the land on which they are located, unless a valid
2 waiver executed pursuant to NRS 115.010 is applicable to the
3 judgment.

4 10. All money reasonably deposited with a landlord by
5 you to secure an agreement to rent or lease a dwelling that is
6 used by you as your primary residence, except that such
7 money is not exempt with respect to a landlord or landlord's
8 successor in interest who seeks to enforce the terms of the
9 agreement to rent or lease the dwelling.

10 11. A vehicle, if your equity in the vehicle is less than
11 \$15,000.

12 12. ~~Seventy-five~~ *Eighty-two* percent of the take-home
13 pay for any workweek ~~if~~ *if your gross weekly salary or wage*
14 *was \$770 or less on the date the most recent writ of*
15 *garnishment was issued, or seventy-five percent of the take-*
16 *home pay for any workweek if your gross weekly salary or*
17 *wage exceeded \$770 on the date the most recent writ of*
18 *garnishment was issued*, unless the weekly take-home pay is
19 less than 50 times the federal minimum hourly wage, in
20 which case the entire amount may be exempt.

21 13. Money, not to exceed \$500,000 in present value,
22 held in:

23 (a) An individual retirement arrangement which conforms
24 with the applicable limitations and requirements of section
25 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408
26 and 408A;

27 (b) A written simplified employee pension plan which
28 conforms with the applicable limitations and requirements of
29 section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

30 (c) A cash or deferred arrangement that is a qualified plan
31 pursuant to the Internal Revenue Code;

32 (d) A trust forming part of a stock bonus, pension or
33 profit-sharing plan that is a qualified plan pursuant to sections
34 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
35 seq.; and

36 (e) A trust forming part of a qualified tuition program
37 pursuant to chapter 353B of NRS, any applicable regulations
38 adopted pursuant to chapter 353B of NRS and section 529 of
39 the Internal Revenue Code, 26 U.S.C. § 529, unless the
40 money is deposited after the entry of a judgment against the
41 purchaser or account owner or the money will not be used by
42 any beneficiary to attend a college or university.

43 14. All money and other benefits paid pursuant to the
44 order of a court of competent jurisdiction for the support,



1 education and maintenance of a child, whether collected by
2 the judgment debtor or the State.

3 15. All money and other benefits paid pursuant to the
4 order of a court of competent jurisdiction for the support and
5 maintenance of a former spouse, including the amount of any
6 arrearages in the payment of such support and maintenance to
7 which the former spouse may be entitled.

8 16. Regardless of whether a trust contains a spendthrift
9 provision:

10 (a) A present or future interest in the income or principal
11 of a trust that is a contingent interest, if the contingency has
12 not been satisfied or removed;

13 (b) A present or future interest in the income or principal
14 of a trust for which discretionary power is held by a trustee to
15 determine whether to make a distribution from the trust, if the
16 interest has not been distributed from the trust;

17 (c) The power to direct dispositions of property in the
18 trust, other than such a power held by a trustee to distribute
19 property to a beneficiary of the trust;

20 (d) Certain powers held by a trust protector or certain
21 other persons; and

22 (e) Any power held by the person who created the trust.

23 17. If a trust contains a spendthrift provision:

24 (a) A present or future interest in the income or principal
25 of a trust that is a mandatory interest in which the trustee does
26 not have discretion concerning whether to make the
27 distribution from the trust, if the interest has not been
28 distributed from the trust; and

29 (b) A present or future interest in the income or principal
30 of a trust that is a support interest in which the standard for
31 distribution may be interpreted by the trustee or a court, if the
32 interest has not been distributed from the trust.

33 18. A vehicle for use by you or your dependent which is
34 specially equipped or modified to provide mobility for a
35 person with a permanent disability.

36 19. A prosthesis or any equipment prescribed by a
37 physician or dentist for you or your dependent.

38 20. Payments, in an amount not to exceed \$16,150,
39 received as compensation for personal injury, not including
40 compensation for pain and suffering or actual pecuniary loss,
41 by the judgment debtor or by a person upon whom the
42 judgment debtor is dependent at the time the payment is
43 received.

44 21. Payments received as compensation for the wrongful
45 death of a person upon whom the judgment debtor was



1 dependent at the time of the wrongful death, to the extent
2 reasonably necessary for the support of the judgment debtor
3 and any dependent of the judgment debtor.

4 22. Payments received as compensation for the loss of
5 future earnings of the judgment debtor or of a person upon
6 whom the judgment debtor is dependent at the time the
7 payment is received, to the extent reasonably necessary for
8 the support of the judgment debtor and any dependent of the
9 judgment debtor.

10 23. Payments received as restitution for a criminal act.

11 24. Personal property, not to exceed \$1,000 in total
12 value, if the property is not otherwise exempt from execution.

13 25. A tax refund received from the earned income credit
14 provided by federal law or a similar state law.

15 26. Stock of a corporation described in subsection 2 of
16 NRS 78.746 except as set forth in that section.

17 ➤ These exemptions may not apply in certain cases such as a
18 proceeding to enforce a judgment for support of a person or a
19 judgment of foreclosure on a mechanic's lien. You should
20 consult an attorney immediately to assist you in determining
21 whether your property or money is exempt from execution. If
22 you cannot afford an attorney, you may be eligible for
23 assistance through (name of organization in
24 county providing legal services to indigent or elderly
25 persons). If you do not wish to consult an attorney or receive
26 legal services from an organization that provides assistance to
27 persons who qualify, you may obtain the form to be used to
28 claim an exemption from the clerk of the court.
29

30 PROCEDURE FOR CLAIMING EXEMPT PROPERTY
31

32 If you believe that the money or property taken from you
33 is exempt, you must complete and file with the clerk of the
34 court an executed claim of exemption. A copy of the claim of
35 exemption must be served upon the sheriff, the garnishee and
36 the judgment creditor within 10 days after the notice of
37 execution or garnishment is served on you by mail pursuant
38 to NRS 21.076 which identifies the specific property that is
39 being levied on. The property must be released by the
40 garnishee or the sheriff within 9 judicial days after you serve
41 the claim of exemption upon the sheriff, garnishee and
42 judgment creditor, unless the sheriff or garnishee receives a
43 copy of an objection to the claim of exemption and a notice
44 for a hearing to determine the issue of exemption. If this
45 happens, a hearing will be held to determine whether the



1 property or money is exempt. The objection to the claim of
2 exemption and notice for the hearing to determine the issue of
3 exemption must be filed within 8 judicial days after the claim
4 of exemption is served on the judgment creditor by mail or in
5 person and served on the judgment debtor, the sheriff and any
6 garnishee not less than 5 judicial days before the date set for
7 the hearing. The hearing to determine whether the property or
8 money is exempt must be held within 7 judicial days after the
9 objection to the claim of exemption and notice for the hearing
10 is filed. You may be able to have your property released more
11 quickly if you mail to the judgment creditor or the attorney of
12 the judgment creditor written proof that the property is
13 exempt. Such proof may include, without limitation, a letter
14 from the government, an annual statement from a pension
15 fund, receipts for payment, copies of checks, records from
16 financial institutions or any other document which
17 demonstrates that the money in your account is exempt.
18

19 IF YOU DO NOT FILE THE EXECUTED CLAIM OF
20 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR
21 PROPERTY MAY BE SOLD AND THE MONEY GIVEN
22 TO THE JUDGMENT CREDITOR, EVEN IF THE
23 PROPERTY OR MONEY IS EXEMPT.

24 **Sec. 4.** NRS 21.090 is hereby amended to read as follows:

25 21.090 1. The following property is exempt from execution,
26 except as otherwise specifically provided in this section or required
27 by federal law:

28 (a) Private libraries, works of art, musical instruments and
29 jewelry not to exceed \$5,000 in value, belonging to the judgment
30 debtor or a dependent of the judgment debtor, to be selected by the
31 judgment debtor, and all family pictures and keepsakes.

32 (b) Necessary household goods, furnishings, electronics,
33 wearing apparel, other personal effects and yard equipment, not to
34 exceed \$12,000 in value, belonging to the judgment debtor or a
35 dependent of the judgment debtor, to be selected by the judgment
36 debtor.

37 (c) Farm trucks, farm stock, farm tools, farm equipment,
38 supplies and seed not to exceed \$4,500 in value, belonging to the
39 judgment debtor to be selected by the judgment debtor.

40 (d) Professional libraries, equipment, supplies, and the tools,
41 inventory, instruments and materials used to carry on the trade or
42 business of the judgment debtor for the support of the judgment
43 debtor and his or her family not to exceed \$10,000 in value.

44 (e) The cabin or dwelling of a miner or prospector, the miner's
45 or prospector's cars, implements and appliances necessary for



1 carrying on any mining operations and the mining claim actually
2 worked by the miner or prospector, not exceeding \$4,500 in total
3 value.

4 (f) Except as otherwise provided in paragraph (p), one vehicle if
5 the judgment debtor's equity does not exceed \$15,000 or the
6 creditor is paid an amount equal to any excess above that equity.

7 (g) For any workweek, *82 percent of the disposable earnings of*
8 *a judgment debtor during that week if the gross weekly salary or*
9 *wage of the judgment debtor on the date the most recent writ of*
10 *garnishment was issued was \$770 or less, 75 percent of the*
11 *disposable earnings of a judgment debtor during that week* ~~if~~ *if the*
12 *gross weekly salary or wage of the judgment debtor on the date the*
13 *most recent writ of garnishment was issued exceeded \$770, or 50*
14 *times the minimum hourly wage prescribed by section* ~~6(a)(1)~~
15 *206(a)(1) of the federal Fair Labor Standards Act of 1938, 29*
16 *U.S.C. ~~§ 206(a)(1),~~ §§ 201 et seq., and in effect at the time the*
17 *earnings are payable, whichever is greater. Except as otherwise*
18 *provided in paragraphs (o), (s) and (t), the exemption provided in*
19 *this paragraph does not apply in the case of any order of a court of*
20 *competent jurisdiction for the support of any person, any order of a*
21 *court of bankruptcy or of any debt due for any state or federal tax.*
22 As used in this paragraph:

23 (1) "Disposable earnings" means that part of the earnings of
24 a judgment debtor remaining after the deduction from those earnings
25 of any amounts required by law to be withheld.

26 (2) "Earnings" means compensation paid or payable for
27 personal services performed by a judgment debtor in the regular
28 course of business, including, without limitation, compensation
29 designated as income, wages, tips, a salary, a commission or a
30 bonus. The term includes compensation received by a judgment
31 debtor that is in the possession of the judgment debtor,
32 compensation held in accounts maintained in a bank or any other
33 financial institution or, in the case of a receivable, compensation
34 that is due the judgment debtor.

35 (h) All fire engines, hooks and ladders, with the carts, trucks and
36 carriages, hose, buckets, implements and apparatus thereunto
37 appertaining, and all furniture and uniforms of any fire company or
38 department organized under the laws of this State.

39 (i) All arms, uniforms and accouterments required by law to be
40 kept by any person, and also one gun, to be selected by the debtor.

41 (j) All courthouses, jails, public offices and buildings, lots,
42 grounds and personal property, the fixtures, furniture, books, papers
43 and appurtenances belonging and pertaining to the courthouse, jail
44 and public offices belonging to any county of this State, all
45 cemeteries, public squares, parks and places, public buildings, town



1 halls, markets, buildings for the use of fire departments and military
2 organizations, and the lots and grounds thereto belonging and
3 appertaining, owned or held by any town or incorporated city, or
4 dedicated by the town or city to health, ornament or public use, or
5 for the use of any fire or military company organized under the laws
6 of this State and all lots, buildings and other school property owned
7 by a school district and devoted to public school purposes.

8 (k) All money, benefits, privileges or immunities accruing or in
9 any manner growing out of any life insurance.

10 (l) The homestead as provided for by law, including a
11 homestead for which allodial title has been established and not
12 relinquished and for which a waiver executed pursuant to NRS
13 115.010 is not applicable.

14 (m) The dwelling of the judgment debtor occupied as a home for
15 himself or herself and family, where the amount of equity held by
16 the judgment debtor in the home does not exceed \$550,000 in value
17 and the dwelling is situated upon lands not owned by the judgment
18 debtor.

19 (n) All money reasonably deposited with a landlord by the
20 judgment debtor to secure an agreement to rent or lease a dwelling
21 that is used by the judgment debtor as his or her primary residence,
22 except that such money is not exempt with respect to a landlord or
23 the landlord's successor in interest who seeks to enforce the terms of
24 the agreement to rent or lease the dwelling.

25 (o) All property in this State of the judgment debtor where the
26 judgment is in favor of any state for failure to pay that state's
27 income tax on benefits received from a pension or other retirement
28 plan.

29 (p) Any vehicle owned by the judgment debtor for use by the
30 judgment debtor or the judgment debtor's dependent that is
31 equipped or modified to provide mobility for a person with a
32 permanent disability.

33 (q) Any prosthesis or equipment prescribed by a physician or
34 dentist for the judgment debtor or a dependent of the debtor.

35 (r) Money, not to exceed \$500,000 in present value, held in:

36 (1) An individual retirement arrangement which conforms
37 with the applicable limitations and requirements of section 408 or
38 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

39 (2) A written simplified employee pension plan which
40 conforms with the applicable limitations and requirements of section
41 408 of the Internal Revenue Code, 26 U.S.C. § 408;

42 (3) A cash or deferred arrangement which is a qualified plan
43 pursuant to the Internal Revenue Code;



1 (4) A trust forming part of a stock bonus, pension or profit-
2 sharing plan which is a qualified plan pursuant to sections 401 et
3 seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

4 (5) A trust forming part of a qualified tuition program
5 pursuant to chapter 353B of NRS, any applicable regulations
6 adopted pursuant to chapter 353B of NRS and section 529 of the
7 Internal Revenue Code, 26 U.S.C. § 529, unless the money is
8 deposited after the entry of a judgment against the purchaser or
9 account owner or the money will not be used by any beneficiary to
10 attend a college or university.

11 (s) All money and other benefits paid pursuant to the order of a
12 court of competent jurisdiction for the support, education and
13 maintenance of a child, whether collected by the judgment debtor or
14 the State.

15 (t) All money and other benefits paid pursuant to the order of a
16 court of competent jurisdiction for the support and maintenance of a
17 former spouse, including the amount of any arrearages in the
18 payment of such support and maintenance to which the former
19 spouse may be entitled.

20 (u) Payments, in an amount not to exceed \$16,150, received as
21 compensation for personal injury, not including compensation for
22 pain and suffering or actual pecuniary loss, by the judgment debtor
23 or by a person upon whom the judgment debtor is dependent at the
24 time the payment is received.

25 (v) Payments received as compensation for the wrongful death
26 of a person upon whom the judgment debtor was dependent at the
27 time of the wrongful death, to the extent reasonably necessary for
28 the support of the judgment debtor and any dependent of the
29 judgment debtor.

30 (w) Payments received as compensation for the loss of future
31 earnings of the judgment debtor or of a person upon whom the
32 judgment debtor is dependent at the time the payment is received, to
33 the extent reasonably necessary for the support of the judgment
34 debtor and any dependent of the judgment debtor.

35 (x) Payments received as restitution for a criminal act.

36 (y) Payments received pursuant to the federal Social Security
37 Act, including, without limitation, retirement and survivors'
38 benefits, supplemental security income benefits and disability
39 insurance benefits.

40 (z) Any personal property not otherwise exempt from execution
41 pursuant to this subsection belonging to the judgment debtor,
42 including, without limitation, the judgment debtor's equity in any
43 property, money, stocks, bonds or other funds on deposit with a
44 financial institution, not to exceed \$1,000 in total value, to be
45 selected by the judgment debtor.



1 (aa) Any tax refund received by the judgment debtor that is
2 derived from the earned income credit described in section 32 of the
3 Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided
4 pursuant to a state law.

5 (bb) Stock of a corporation described in subsection 2 of NRS
6 78.746 except as set forth in that section.

7 (cc) Regardless of whether a trust contains a spendthrift
8 provision:

9 (1) A distribution interest in the trust as defined in NRS
10 163.4155 that is a contingent interest, if the contingency has not
11 been satisfied or removed;

12 (2) A distribution interest in the trust as defined in NRS
13 163.4155 that is a discretionary interest as described in NRS
14 163.4185, if the interest has not been distributed;

15 (3) A power of appointment in the trust as defined in NRS
16 163.4157 regardless of whether the power has been exercised;

17 (4) A power listed in NRS 163.5553 that is held by a trust
18 protector as defined in NRS 163.5547 or any other person regardless
19 of whether the power has been exercised; and

20 (5) A reserved power in the trust as defined in NRS 163.4165
21 regardless of whether the power has been exercised.

22 (dd) If a trust contains a spendthrift provision:

23 (1) A distribution interest in the trust as defined in NRS
24 163.4155 that is a mandatory interest as described in NRS 163.4185,
25 if the interest has not been distributed; and

26 (2) Notwithstanding a beneficiary's right to enforce a support
27 interest, a distribution interest in the trust as defined in NRS
28 163.4155 that is a support interest as described in NRS 163.4185, if
29 the interest has not been distributed.

30 (ee) Proceeds received from a private disability insurance plan.

31 (ff) Money in a trust fund for funeral or burial services pursuant
32 to NRS 689.700.

33 (gg) Compensation that was payable or paid pursuant to
34 chapters 616A to 616D, inclusive, or chapter 617 of NRS as
35 provided in NRS 616C.205.

36 (hh) Unemployment compensation benefits received pursuant to
37 NRS 612.710.

38 (ii) Benefits or refunds payable or paid from the Public
39 Employees' Retirement System pursuant to NRS 286.670.

40 (jj) Money paid or rights existing for vocational rehabilitation
41 pursuant to NRS 615.270.

42 (kk) Public assistance provided through the Department of
43 Health and Human Services pursuant to NRS 422.291 and
44 422A.325.

45 (ll) Child welfare assistance provided pursuant to NRS 432.036.



1 2. Except as otherwise provided in NRS 115.010, no article or
2 species of property mentioned in this section is exempt from
3 execution issued upon a judgment to recover for its price, or upon a
4 judgment of foreclosure of a mortgage or other lien thereon.

5 3. Any exemptions specified in subsection (d) of section 522 of
6 the Bankruptcy *Reform* Act of 1978, 11 U.S.C. ~~§ 522(d)~~, **§§ 101**
7 ***et seq.***, do not apply to property owned by a resident of this State
8 unless conferred also by subsection 1, as limited by subsection 2.

9 **Sec. 5.** Chapter 31 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 6 and 7 of this act.

11 **Sec. 6. 1.** *Any judgment debtor who is a resident of this*
12 *State and who maintains an account or any other property at a*
13 *branch of a financial institution located in this State or whose*
14 *earnings are derived from employment in this State may bring a*
15 *civil action against a judgment creditor under a foreign judgment*
16 *if the judgment creditor, without satisfying the requirements of*
17 *NRS 17.330 to 17.400, inclusive, has obtained a writ of*
18 *garnishment to satisfy all or part of the foreign judgment from:*

19 (a) *The earnings of the judgment debtor derived from*
20 *employment in this State; or*

21 (b) *Money in the account or any other property maintained by*
22 *the judgment debtor at a branch of a financial institution located*
23 *in this State.*

24 2. *A judgment debtor who prevails in an action brought*
25 *under this section may recover from the judgment creditor*
26 *damages equal to two times any amount paid to the judgment*
27 *creditor under the writ of garnishment. If the judgment debtor*
28 *prevails in an action brought under this section, the court must*
29 *award reasonable attorney's fees and costs to the plaintiff.*

30 3. *As used in this section, "foreign judgment" has the*
31 *meaning ascribed to it in NRS 17.340.*

32 **Sec. 7. 1.** *For the purposes of NRS 31.240 to 31.460,*
33 *inclusive, and sections 6 and 7 of this act:*

34 (a) *Except as otherwise provided in paragraphs (b) and (c), the*
35 *gross weekly salary or wage of an employee must be determined by*
36 *dividing the employee's gross earnings for the current calendar*
37 *year as of the date the most recent writ of garnishment was issued*
38 *by the total number of weeks the employee has worked in the*
39 *current calendar year.*

40 (b) *If the most recent writ of garnishment was issued at the*
41 *beginning of the current calendar year before an employee*
42 *received any earnings in the current calendar year, but the*
43 *employee received earnings in the previous calendar year, the*
44 *gross weekly salary or wage of the employee must be determined*
45 *by dividing the employee's gross earnings for the previous*



1 *calendar year by the total number of weeks the employee worked*
2 *in the previous calendar year.*

3 *(c) If an employee has not been employed long enough to have*
4 *been paid as of the date the most recent writ of garnishment was*
5 *issued, or if the provisions of paragraph (a) or (b) do not otherwise*
6 *apply, the gross weekly salary or wage of the employee is the*
7 *anticipated gross weekly earnings of the employee as determined*
8 *by his or her employer.*

9 *2. For the purpose of determining the total number of weeks*
10 *an employee has worked in the current calendar year pursuant to*
11 *paragraph (a) of subsection 1 or the total number of weeks an*
12 *employee worked in the previous calendar year pursuant to*
13 *paragraph (b) of subsection 1, if the total number of weeks is not*
14 *exact, the number must be:*

15 *(a) Rounded down if the number of days the employee was on*
16 *the payroll of his or her employer in excess of a whole week is 3*
17 *days or less; and*

18 *(b) Rounded up if the number of days the employee was on the*
19 *payroll of his or her employer in excess of a whole week is 4 days*
20 *or more.*

21 **Sec. 8.** NRS 31.045 is hereby amended to read as follows:

22 31.045 1. Execution on the writ of attachment by attaching
23 property of the defendant may occur only if:

24 (a) The judgment creditor serves the defendant with notice of
25 the execution when the notice of the hearing is served pursuant to
26 NRS 31.013; or

27 (b) Pursuant to an ex parte hearing, the sheriff serves upon the
28 judgment debtor notice of the execution and a copy of the writ at the
29 same time and in the same manner as set forth in NRS 21.076.

30 ➔ If the attachment occurs pursuant to an ex parte hearing, the clerk
31 of the court shall attach the notice to the writ of attachment at the
32 time the writ is issued.

33 2. The notice required pursuant to subsection 1 must be
34 substantially in the following form:

35
36 NOTICE OF EXECUTION

37
38 YOUR PROPERTY IS BEING ATTACHED OR
39 YOUR WAGES ARE BEING GARNISHED

40
41 Plaintiff, (name of person), alleges that you
42 owe the plaintiff money. The plaintiff has begun the
43 procedure to collect that money. To secure satisfaction of
44 judgment, the court has ordered the garnishment of your
45 wages, bank account or other personal property held by third



1 persons or the taking of money or other property in your
2 possession.

3 Certain benefits and property owned by you may be
4 exempt from execution and may not be taken from you. The
5 following is a partial list of exemptions:

6 1. Payments received pursuant to the federal Social
7 Security Act, including, without limitation, retirement and
8 survivors' benefits, supplemental security income benefits
9 and disability insurance benefits.

10 2. Payments for benefits or the return of contributions
11 under the Public Employees' Retirement System.

12 3. Payments for public assistance granted through the
13 Division of Welfare and Supportive Services of the
14 Department of Health and Human Services or a local
15 governmental entity.

16 4. Proceeds from a policy of life insurance.

17 5. Payments of benefits under a program of industrial
18 insurance.

19 6. Payments received as disability, illness or
20 unemployment benefits.

21 7. Payments received as unemployment compensation.

22 8. Veteran's benefits.

23 9. A homestead in a dwelling or a mobile home, not to
24 exceed \$550,000, unless:

25 (a) The judgment is for a medical bill, in which case all of
26 the primary dwelling, including a mobile or manufactured
27 home, may be exempt.

28 (b) Allodial title has been established and not relinquished
29 for the dwelling or mobile home, in which case all of the
30 dwelling or mobile home and its appurtenances are exempt,
31 including the land on which they are located, unless a valid
32 waiver executed pursuant to NRS 115.010 is applicable to the
33 judgment.

34 10. All money reasonably deposited with a landlord by
35 you to secure an agreement to rent or lease a dwelling that is
36 used by you as your primary residence, except that such
37 money is not exempt with respect to a landlord or the
38 landlord's successor in interest who seeks to enforce the
39 terms of the agreement to rent or lease the dwelling.

40 11. A vehicle, if your equity in the vehicle is less than
41 \$15,000.

42 12. ~~Seventy-five~~ *Eighty-two* percent of the take-home
43 pay for any workweek ~~if~~ *if your gross weekly salary or wage*
44 *on the date the most recent writ of garnishment was issued*
45 *was \$770 or less, or seventy-five percent of the take-home*



1 *pay for any workweek if your gross weekly salary or wage*
2 *on the date the most recent writ of garnishment was issued*
3 *exceeded \$770*, unless the weekly take-home pay is less than
4 50 times the federal minimum hourly wage, in which case the
5 entire amount may be exempt.

6 13. Money, not to exceed \$500,000 in present value,
7 held in:

8 (a) An individual retirement arrangement which conforms
9 with the applicable limitations and requirements of section
10 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408
11 and 408A;

12 (b) A written simplified employee pension plan which
13 conforms with the applicable limitations and requirements of
14 section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

15 (c) A cash or deferred arrangement that is a qualified plan
16 pursuant to the Internal Revenue Code;

17 (d) A trust forming part of a stock bonus, pension or
18 profit-sharing plan that is a qualified plan pursuant to sections
19 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
20 seq.; and

21 (e) A trust forming part of a qualified tuition program
22 pursuant to chapter 353B of NRS, any applicable regulations
23 adopted pursuant to chapter 353B of NRS and section 529 of
24 the Internal Revenue Code, 26 U.S.C. § 529, unless the
25 money is deposited after the entry of a judgment against the
26 purchaser or account owner or the money will not be used by
27 any beneficiary to attend a college or university.

28 14. All money and other benefits paid pursuant to the
29 order of a court of competent jurisdiction for the support,
30 education and maintenance of a child, whether collected by
31 the judgment debtor or the State.

32 15. All money and other benefits paid pursuant to the
33 order of a court of competent jurisdiction for the support and
34 maintenance of a former spouse, including the amount of any
35 arrearages in the payment of such support and maintenance to
36 which the former spouse may be entitled.

37 16. Regardless of whether a trust contains a spendthrift
38 provision:

39 (a) A present or future interest in the income or principal
40 of a trust that is a contingent interest, if the interest has not
41 been satisfied or removed;

42 (b) A present or future interest in the income or principal
43 of a trust for which discretionary power is held by a trustee to
44 determine whether to make a distribution from the trust, if the
45 interest has not been distributed from the trust;



1 (c) The power to direct dispositions of property in the
2 trust, other than such a power held by a trustee to distribute
3 property to a beneficiary of the trust;

4 (d) Certain powers held by a trust protector or certain
5 other persons; and

6 (e) Any power held by the person who created the trust.

7 17. If a trust contains a spendthrift provision:

8 (a) A present or future interest in the income or principal
9 of a trust that is a mandatory interest in which the trustee does
10 not have discretion concerning whether to make the
11 distribution from the trust, if the interest has not been
12 distributed from the trust; and

13 (b) A present or future interest in the income or principal
14 of a trust that is a support interest in which the standard for
15 distribution may be interpreted by the trustee or a court, if the
16 interest has not been distributed from the trust.

17 18. A vehicle for use by you or your dependent which is
18 specially equipped or modified to provide mobility for a
19 person with a permanent disability.

20 19. A prosthesis or any equipment prescribed by a
21 physician or dentist for you or your dependent.

22 20. Payments, in an amount not to exceed \$16,150,
23 received as compensation for personal injury, not including
24 compensation for pain and suffering or actual pecuniary loss,
25 by the judgment debtor or by a person upon whom the
26 judgment debtor is dependent at the time the payment is
27 received.

28 21. Payments received as compensation for the wrongful
29 death of a person upon whom the judgment debtor was
30 dependent at the time of the wrongful death, to the extent
31 reasonably necessary for the support of the judgment debtor
32 and any dependent of the judgment debtor.

33 22. Payments received as compensation for the loss of
34 future earnings of the judgment debtor or of a person upon
35 whom the judgment debtor is dependent at the time the
36 payment is received, to the extent reasonably necessary for
37 the support of the judgment debtor and any dependent of the
38 judgment debtor.

39 23. Payments received as restitution for a criminal act.

40 24. Personal property, not to exceed \$1,000 in total
41 value, if the property is not otherwise exempt from execution.

42 25. A tax refund received from the earned income credit
43 provided by federal law or a similar state law.



1 26. Stock of a corporation described in subsection 2 of
2 NRS 78.746 except as set forth in that section.

3 ↳ These exemptions may not apply in certain cases such as
4 proceedings to enforce a judgment for support of a child or a
5 judgment of foreclosure on a mechanic's lien. You should
6 consult an attorney immediately to assist you in determining
7 whether your property or money is exempt from execution. If
8 you cannot afford an attorney, you may be eligible for
9 assistance through (name of organization in
10 county providing legal services to the indigent or elderly
11 persons). If you do not wish to consult an attorney or receive
12 legal services from an organization that provides assistance to
13 persons who qualify, you may obtain the form to be used to
14 claim an exemption from the clerk of the court.
15

16 PROCEDURE FOR CLAIMING EXEMPT PROPERTY
17

18 If you believe that the money or property taken from you
19 is exempt or necessary for the support of you or your family,
20 you must file with the clerk of the court on a form provided
21 by the clerk an executed claim of exemption. A copy of the
22 claim of exemption must be served upon the sheriff,
23 the garnishee and the judgment creditor within 10 days after
24 the notice of execution or garnishment is served on you by
25 mail pursuant to NRS 21.076 which identifies the specific
26 property that is being levied on. The property must be
27 released by the garnishee or the sheriff within 9 judicial days
28 after you serve the claim of exemption upon the sheriff,
29 garnishee and judgment creditor, unless the sheriff or
30 garnishee receives a copy of an objection to the claim of
31 exemption and a notice for a hearing to determine the issue of
32 exemption. If this happens, a hearing will be held to
33 determine whether the property or money is exempt. The
34 objection to the claim of exemption and notice for the hearing
35 to determine the issue of exemption must be filed within 8
36 judicial days after the claim of exemption is served on the
37 judgment creditor by mail or in person and served on the
38 judgment debtor, the sheriff and any garnishee not less than 5
39 judicial days before the date set for the hearing. The hearing
40 must be held within 7 judicial days after the objection to the
41 claim of exemption and notice for a hearing is filed. You may
42 be able to have your property released more quickly if you
43 mail to the judgment creditor or the attorney of the judgment
44 creditor written proof that the property is exempt. Such proof
45 may include, without limitation, a letter from the government,



1 an annual statement from a pension fund, receipts for
2 payment, copies of checks, records from financial institutions
3 or any other document which demonstrates that the money in
4 your account is exempt.
5

6 IF YOU DO NOT FILE THE EXECUTED CLAIM OF
7 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR
8 PROPERTY MAY BE SOLD AND THE MONEY GIVEN
9 TO THE JUDGMENT CREDITOR, EVEN IF THE
10 PROPERTY OR MONEY IS EXEMPT.
11

12 If you received this notice with a notice of a hearing for
13 attachment and you believe that the money or property which
14 would be taken from you by a writ of attachment is exempt or
15 necessary for the support of you or your family, you are
16 entitled to describe to the court at the hearing why you
17 believe your property is exempt. You may also file a motion
18 with the court for a discharge of the writ of attachment. You
19 may make that motion any time before trial. A hearing will be
20 held on that motion.
21

22 IF YOU DO NOT FILE THE MOTION BEFORE
23 THE TRIAL, YOUR PROPERTY MAY BE SOLD AND
24 THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE
25 PROPERTY OR MONEY IS EXEMPT OR NECESSARY
26 FOR THE SUPPORT OF YOU OR YOUR FAMILY.

27 **Sec. 9.** NRS 31.060 is hereby amended to read as follows:

28 31.060 Subject to the requirements of NRS 31.045, the sheriff
29 to whom the writ is directed and delivered shall execute it without
30 delay, and if the undertaking mentioned in NRS 31.040 is not given,
31 as follows:

32 1. Real property must be attached by leaving a copy of the writ
33 with the occupant of the property or, if there is no occupant, by
34 posting a copy in a conspicuous place on the property and recording
35 the writ, together with a description of the property attached, with
36 the recorder of the county.

37 2. Personal property must be attached:

38 (a) By taking it into immediate custody, and, if directed by the
39 plaintiff, using the services of any company which operates a tow
40 car, as defined in NRS 706.131, or common motor carrier, as
41 defined in NRS 706.036, to transport it for storage in a warehouse or
42 storage yard that is insured or bonded in an amount not less than the
43 full value of the property; or

44 (b) By placing a keeper in charge of a going business where the
45 property is located, with the plaintiff prepaying the expense of the



1 keeper to the sheriff, during which period, the defendant, by order of
2 the court or the consent of the plaintiff, may continue to operate in
3 the ordinary course of business at the defendant's own expense if all
4 sales are for cash and the full proceeds are paid to the keeper for the
5 purpose of the attachment.

6 ➤ If the property is stored pursuant to paragraph (a), the property
7 must be segregated from other property and marked by signs or
8 other appropriate means indicating that it is in the custody of the
9 sheriff.

10 3. Any mobile home, as defined in NRS 40.215, must be
11 attached by:

12 (a) Posting a copy of the writ in a conspicuous place on the
13 mobile home;

14 (b) Taking it into immediate custody, subject to the provisions
15 of subsection 2; or

16 (c) Placing a keeper in charge of the mobile home for 2 days,
17 with the plaintiff prepaying the expense of the keeper to the sheriff:

18 (1) During which period, the defendant may continue to
19 occupy the mobile home; and

20 (2) After which period, the sheriff shall take the mobile home
21 into the sheriff's immediate custody, subject to the provisions of
22 subsection 2, unless other disposition is made by the court or the
23 parties to the action.

24 4. Debts and credits, due or to become due, and other personal
25 property in the possession or under the control of persons other than
26 the defendant must be attached by service of a writ of garnishment
27 as provided in NRS 31.240 to 31.460, inclusive **H**, *and sections 6*
28 *and 7 of this act.*

29 **Sec. 10.** NRS 31.260 is hereby amended to read as follows:

30 31.260 1. The writ of garnishment must:

31 (a) Be issued by the sheriff.

32 (b) Contain the name of the court and the names of the parties.

33 (c) Be directed to the garnishee defendant.

34 (d) State the name and address of the plaintiff's attorney, if any,
35 otherwise the plaintiff's address.

36 (e) Require each person the court directs, as garnishees, to
37 submit to the sheriff an answer to the interrogatories within 20 days
38 after service of the writ upon the person.

39 2. The writ of garnishment must also notify the garnishee
40 defendant that, if the garnishee defendant fails to answer the
41 interrogatories, a judgment by default will be rendered against the
42 garnishee defendant for:

43 (a) The amount demanded in the writ of garnishment or the
44 value of the property described in the writ, as the case may be; or



1 (b) If the garnishment is pursuant to NRS 31.291, the amount of
2 the lien created pursuant to that section,
3 ↪ which amount or property must be clearly set forth in the writ of
4 garnishment.

5 3. Execution on the writ of garnishment may occur only if the
6 sheriff mails a copy of the writ with a copy of the notice of
7 execution to the defendant in the manner and within the time
8 prescribed in NRS 21.076. In the case of a writ of garnishment that
9 continues for ~~120~~ 180 days or until the amount demanded in the
10 writ is satisfied, a copy of the writ and the notice of execution need
11 only be mailed once to the defendant.

12 **Sec. 11.** NRS 31.290 is hereby amended to read as follows:

13 31.290 1. The interrogatories to be submitted with any writ
14 of execution, attachment or garnishment to the garnishee may be in
15 substance as follows:

16
17 INTERROGATORIES

18
19 Are you in any manner indebted to the defendants...

20

21

22 or either of them, either in property or money, and is the debt
23 now due? If not due, when is the debt to become due? State
24 fully all particulars.

25 Answer:.....

26

27 Are you an employer of one or all of the
28 defendants? If so, state the length of your pay period and the
29 amount of disposable earnings, as defined in NRS 31.295,
30 that each defendant presently earns during a pay period. State
31 the minimum amount of disposable earnings that is exempt
32 from this garnishment, which is the federal minimum hourly
33 wage prescribed by section ~~16(a)(1)~~ 206(a)(1) of the federal
34 Fair Labor Standards Act of 1938, 29 U.S.C. ~~16(a)(1)~~ ~~§§~~
35 201 et seq., in effect at the time the earnings are payable
36 multiplied by 50 for each week of the pay period, after
37 deducting any amount required by law to be withheld.

38 Calculate the garnishable amount as follows:

39 (Check one of the following) The employee is paid:

40 [A] Weekly: ___ [B] Biweekly: ___ [C] Semimonthly: ___

41 [D] Monthly: ___

42 (1) Gross Earnings \$ _____

43 (2) Deductions required by law (not
44 including child support) \$ _____



- 1 (3) Disposable Earnings [Subtract line
- 2 2 from line 1] \$ _____
- 3 (4) Federal Minimum Wage \$ _____
- 4 (5) Multiply line 4 by 50 \$ _____
- 5 (6) Complete the following directions in
- 6 accordance with the letter selected above:
- 7 [A] Multiply line 5 by 1 \$ _____
- 8 [B] Multiply line 5 by 2 \$ _____
- 9 [C] Multiply line 5 by 52 and then
- 10 divide by 24 \$ _____
- 11 [D] Multiply line 5 by 52 and then
- 12 divide by 12 \$ _____
- 13 (7) Subtract line 6 from line 3 \$ _____

14 This is the attachable earnings. This amount must not
 15 exceed ~~25%~~ 18% of the disposable earnings from line 3 ~~H~~
 16 *if the employee's gross weekly salary or wage on the date*
 17 *the most recent writ of garnishment was issued was \$770 or*
 18 *less, or 25% of the disposable earnings from line 3 if the*
 19 *employee's gross weekly salary or wage on the date the most*
 20 *recent writ of garnishment was issued exceeded \$770.*

21 Answer:.....

22
 23 *What is the gross weekly salary or wage of the employee?*
 24 *The gross weekly salary or wage of an employee must be*
 25 *determined as follows:*

26 1. *Except as otherwise provided in numbers 2 and 3*
 27 *below, by dividing the employee's gross earnings for the*
 28 *current calendar year as of the date the most recent writ of*
 29 *garnishment was issued by the total number of weeks the*
 30 *employee has worked in the current calendar year.*

31 2. *If the most recent writ of garnishment was issued at*
 32 *the beginning of the current calendar year before the*
 33 *employee received any earnings in the current calendar*
 34 *year, but the employee received earnings in the previous*
 35 *calendar year, by dividing the employee's gross earnings for*
 36 *the previous calendar year by the total number of weeks the*
 37 *employee worked in the previous calendar year.*

38 3. *If the employee has not been employed long enough*
 39 *to have been paid as of the date the most recent writ of*
 40 *garnishment was issued, or if the provisions of number 1 or*
 41 *2 above do not otherwise apply, the gross weekly salary or*
 42 *wage of the employee is the anticipated gross weekly*
 43 *earnings of the employee as determined by his or her*
 44 *employer.*



For the purpose of determining the total number of weeks the employee has worked in the current calendar year or the total number of weeks the employee worked in the previous calendar year, as applicable, if the total number of weeks is not exact, the number must be rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less, and rounded up if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 4 days or more.

Answer:.....

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in whichis interested? If so, state its value, and state fully all particulars.

Answer:.....

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to or in whichis interested, and now in the possession or under the control of others? If so, state particulars.

Answer:.....

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.



1 Answer:.....
2

3 State your correct name and address, or the name
4 and address of your attorney upon whom written notice of
5 further proceedings in this action may be served.

6 Answer:.....
7

8
9 Garnishee

10 I (insert the name of the garnishee), declare under
11 penalty of perjury that the answers to the foregoing
12 interrogatories by me subscribed are true and correct.

13
14 (Signature of garnishee)
15

16 2. The garnishee shall answer the interrogatories in writing
17 upon oath or affirmation and submit the answers to the sheriff
18 within the time required by the writ. The garnishee shall submit his
19 or her answers to the judgment debtor within the same time. If the
20 garnishee fails to do so, the garnishee shall be deemed in default.

21 **Sec. 12.** NRS 31.295 is hereby amended to read as follows:
22 31.295 1. As used in this section:

23 (a) "Disposable earnings" means that part of the earnings of any
24 person remaining after the deduction from those earnings of any
25 amounts required by law to be withheld.

26 (b) "Earnings" means compensation paid or payable for personal
27 services performed by a judgment debtor in the regular course of
28 business, including, without limitation, compensation designated as
29 income, wages, tips, a salary, a commission or a bonus. The term
30 includes compensation received by a judgment debtor that is in the
31 possession of the judgment debtor, compensation held in accounts
32 maintained in a bank or any other financial institution or, in the case
33 of a receivable, compensation that is due the judgment debtor.

34 2. The maximum amount of the aggregate disposable earnings
35 of a person which are subject to garnishment may not exceed:

36 (a) *Eighteen percent of the person's disposable earnings for*
37 *the relevant workweek if the person's gross weekly salary or wage*
38 *on the date the most recent writ of garnishment was issued was*
39 *\$770 or less;*

40 (b) Twenty-five percent of the person's disposable earnings for
41 the relevant workweek ~~if~~ *if the person's gross weekly salary or*
42 *wage on the date the most recent writ of garnishment was issued*
43 *exceeded \$770;* or

44 ~~(b)~~ (c) The amount by which the person's disposable earnings
45 for that week exceed 50 times the federal minimum hourly wage



1 prescribed by section ~~16(a)(1)~~ 206(a)(1) of the federal Fair Labor
2 Standards Act of 1938, 29 U.S.C. ~~16(a)(1)~~ §§ 201 et seq., in
3 effect at the time the earnings are payable,

4 ↪ whichever is less.

5 3. The restrictions of subsection 2 do not apply in the case of:

6 (a) Any order of any court for the support of any person.

7 (b) Any order of any court of bankruptcy.

8 (c) Any debt due for any state or federal tax.

9 4. Except as otherwise provided in this subsection, the
10 maximum amount of the aggregate disposable earnings of a person
11 for any workweek which are subject to garnishment to enforce any
12 order for the support of any person may not exceed:

13 (a) Fifty percent of the person's disposable earnings for that
14 week if the person is supporting a spouse or child other than the
15 spouse or child for whom the order of support was rendered; or

16 (b) Sixty percent of the person's disposable earnings for that
17 week if the person is not supporting such a spouse or child,

18 ↪ except that if the garnishment is to enforce a previous order of
19 support with respect to a period occurring at least 12 weeks before
20 the beginning of the workweek, the limits which apply to the
21 situations described in paragraphs (a) and (b) are 55 percent and 65
22 percent, respectively.

23 **Sec. 13.** NRS 31.296 is hereby amended to read as follows:

24 31.296 1. Except as otherwise provided in subsection 3, if the
25 garnishee indicates in the garnishee's answer to garnishee
26 interrogatories that the garnishee is the employer of the defendant,
27 the writ of garnishment served on the garnishee shall be deemed to
28 continue for ~~120~~ 180 days or until the amount demanded in the
29 writ is satisfied, whichever occurs earlier.

30 2. In addition to the fee set forth in NRS 31.270, a garnishee is
31 entitled to a fee from the plaintiff of \$3 per pay period, not to exceed
32 \$12 per month, for each withholding made of the defendant's
33 earnings. This subsection does not apply to the first pay period in
34 which the defendant's earnings are garnished.

35 3. If the defendant's employment by the garnishee is
36 terminated before the writ of garnishment is satisfied, the garnishee:

37 (a) Is liable only for the amount of earned but unpaid, disposable
38 earnings that are subject to garnishment.

39 (b) Shall provide the plaintiff or the plaintiff's attorney with the
40 last known address of the defendant and the name of any new
41 employer of the defendant, if known by the garnishee.

42 4. The judgment creditor who caused the writ of garnishment
43 to issue pursuant to NRS 31.260 shall prepare an accounting and
44 provide a report to the judgment debtor, the sheriff and each
45 garnishee every ~~120~~ 180 days which sets forth, without limitation,



1 the amount owed by the judgment debtor, the costs and fees allowed
2 pursuant to NRS 18.160 and any accrued interest and costs on the
3 judgment. The report must advise the judgment debtor of the
4 judgment debtor's right to request a hearing pursuant to NRS 18.110
5 to dispute any accrued interest, fee or other charge. ~~The judgment~~
6 ~~creditor must submit this accounting with each~~ *Any* subsequent
7 application for writ made by the judgment creditor concerning the
8 same debt ~~+~~ *must not be approved unless such an accounting and*
9 *report are submitted with the application.*

⑩



