

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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 served 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. The execution may be
12 directed to the sheriff of any county. A transcript of the judgment need not be filed in the county
13 of the sheriff to whom the execution is directed. Upon receipt, the third party shall remit the
14 amount due under the garnishment to the sheriff or the attorney who shall proceed in all other
15 respects like the sheriff making a similar execution. If the judgment debtor files a claim of
16 exemptions under section 32-09.1-22 on or before twenty days after service of the garnishment
17 summons, no execution may be made against moneys claimed as exempt and retained
18 pursuant to the garnishment summons until the court determines that the moneys being
19 garnished are not exempt.