

Full Name _____
Street or PO Box _____
Apt # _____
City, State Zip _____
Phone Number _____
Email address _____

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

PLAINTIFF

vs.

Case No. _____

DEFENDANT

REQUEST FOR HEARING

per [K.S.A. 61-3508\(b\)](#)

I request a hearing on the recent garnishment of my bank account granted to the plaintiff. The funds in the account are exempt from attachment and/or garnishment. The funds the plaintiff is attempting to take are my paid wages/earnings. It is improper for the plaintiff to take my paid wages/earnings via an order of garnishment using [K.S.A. 61-3505](#) and [15 U.S.C. 1672\(a\)](#). The only proper procedure to take my wages/earnings is by an order of garnishment of earnings, [K.S.A. 61-3507](#). I am prepared to prove to the Court that the funds in my account are my paid wages/earnings, as required by [K.S.A. 61-3508\(c\)](#). See also [Stormont-Vail Healthcare, Inc. v. Sievers](#), 498 P.3d 1217 (2021), opinion filed November 24, 2021, No. 121,109. The Court should release my paycheck.

Respectfully submitted,

Printed name

Signature

THIS PART IS TO BE COMPLETED BY THE CLERK OF THE DISTRICT COURT

The hearing requested shall be held on the _____ day of _____,
20_____, at _____ (time) o'clock _____ (a.m./p.m.).

THIS PART IS TO BE COMPLETED BY DEFENDANT

CERTIFICATE OF SERVICE

On the _____ day of _____, 20_____, I sent a copy of the
above "Request for Hearing" to the plaintiff as indicated below:

By (either is appropriate):

Hand-delivery

or

First-class mail

To the plaintiff directly at the following address:

To the plaintiff's attorney, if the plaintiff is represented by an attorney, at the
following address:

Signature of the defendant

INSTRUCTIONS

Do not procrastinate. You must file your “Request for Hearing” no later than fourteen days after you were officially notified of the garnishment by your bank. [K.S.A. 61-3508\(b\)](#).

1. Fill in all of the blanks except the section to be filled about a clerk of the court.
2. Fill out your complete address in the top left corner.
3. Fill in the county court’s name and then list the plaintiff and your name as it appeared on past court documents.
4. You must put the case number on the document.
5. Print your name and then sign where indicated on the form.
6. Decide how you will get copies of the document to the plaintiff. If the plaintiff is not represented by an attorney then you must send a copy directly to the plaintiff. If the plaintiff is represented by an attorney then you must send a copy to the plaintiff’s attorney.
7. Fill in the blanks in the last section titled “Certificate of Service”; this section is where you tell the court how you will have notified the plaintiff. You can notify the plaintiff either by hand delivering the document or by First Class Mail. You do not have to send the document using certified mail.
8. If you choose to mail the “Request for Hearing” to the plaintiff then prepare an envelope to put the plaintiff’s copy in.
9. Do not fill in the hearing date; a clerk of the court will do that when you go to the courthouse.
10. Make two copies; mark one copy “My copy”, and then mark the 2nd copy “Plaintiff’s Copy”.
11. Go to the Courthouse and give the completed document (the original) and the two copies to the clerk and ask the clerk to fill in the hearing date. The clerk is required by [K.S.A. 61-3508\(b\)](#) to give you a hearing date seven days after you have filed your request but no later than fourteen days later. The clerk will stamp the original and both copies. The clerk will keep the original and scan it into the court’s electronic filing system. You will then deliver the plaintiff’s copy as you indicated on the “Certificate of Service”.
12. You will show up for Court on the date the clerk gives you.
13. When you come to Court you will explain to the judge and prove to the judge that the funds in your account are your paycheck.

**TIPS ON PROVING THE FUNDS IN
YOUR ACCOUNT ARE WAGES**
UNDER CONSTRUCTION

This information is provided as a courtesy.

Important Exhibits. It is important for you when you go to court that you take with you the following documents...

1. Paystubs.Bank Statements
2. where your paychecks have been deposited.

The “Exit Only” strategy.

The debtor’s testimony.