

Moved by Barbieri

Seconded by Chaney(10)

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 460

AMENDMENT TO SECTION 3

1  
2 On page 3 of the printed bill, in line 47, following "creditor." insert:  
3 "If an execution is issued to the judgment creditor, he must use a serving  
4 attorney. "Serving attorney" means an attorney who is an active member of  
5 the Idaho state bar, as defined in section 3-405, Idaho Code.".

AMENDMENT TO SECTION 4

6  
7 On page 5, in line 1, delete "plaintiff" and insert: "the plaintiff's  
8 serving attorney as defined in section 11-107, Idaho Code,"; and in line 4,  
9 delete "plaintiff" and insert: "serving attorney".

AMENDMENT TO SECTION 13

10  
11 On page 11, in line 21, delete "sixty-four (640) day" and insert: "sixty-  
12 four two (642) day month"; delete lines 24 and 25; and in line 26, delete  
13 "ment" and insert: "any balance in the accounts on the sixty-fourth day im-  
14 mediately preceding the date of service upon the financial institution of  
15 the garnishment corresponding date of the month two (2) months earlier, or on  
16 the last date of the month two (2) months earlier if the corresponding date  
17 does not exist,".

18 On page 12, following line 16, insert:

19 "(6) (a) If the financial institution has filed an answer and no fur-  
20 ther filing concerning the writ of garnishment is made within one hun-  
21 dred twenty (120) days after the filing of the answer, the garnishee may  
22 file, at any time thereafter, a notice of intent to terminate the writ of  
23 garnishment. The notice shall:

24 (i) Contain a statement that a party may object to termination of  
25 the writ by filing a response within thirty (30) days after ser-  
26 vice; and

27 (ii) Be served on the judgment debtor and the judgment creditor.

28 (b) If no response is filed within thirty (30) days after service, the  
29 financial institution may file a termination of the garnishment, which  
30 shall release the financial institution from any further obligation to  
31 hold property of the debtor.".

CORRECTION TO TITLE

32  
33 On page 1, in line 7, delete "EXECUTIONS AND TO" and insert: "EXECUTIONS,  
34 TO"; in line 8, following "EXECUTIONS" insert: ", AND TO DEFINE A TERM"; and  
35 in line 31, following "GARNISHMENT" insert: "AND TO PROVIDE FOR THE FIL-  
36 ING OF A NOTICE OF INTENT TO TERMINATE A WRIT OF GARNISHMENT IN CERTAIN IN-  
37 STANCES".