

United States Bankruptcy Court  
Western District of Missouri

**POST JUDGMENT INSTRUMENTS**

**CERTIFICATION OF JUDGMENT FOR REGISTRATION  
IN ANOTHER DISTRICT: BR 9021**

**AO Form B 265:** There is no fee for the preparation of AO Form B 265 which will accompany the certified copy of the Judgment from our court to be registered in another district. (Attachment G)

**Fees:** Current copy and certification fees apply to preparation of the Judgment.

**REGISTRATION OF A FOREIGN JUDGMENT  
IN OUR COURT: 28 USC § 1963**

**Judgment:** A certified copy of the judgment from the other district court.

**Form AO B 265:** Form AO B 265 (Certification of Judgment for Registration in Another District) from the other district where judgment was entered.

**Filing Fee:** Current filing fee for a District Court miscellaneous case.

**Case No:** Filed as a miscellaneous case in District Court, with a miscellaneous civil case number assigned.

**EXECUTION ON JUDGMENTS: FRCP 62(a); 64; 69**

**Process:** A process to enforce a judgment for the payment of money shall be called a Writ of Execution. The purpose of the writ is to demand satisfaction of the payment entered.

**Fee:** No filing fee is required, however there are costs for service payable to the U.S. Marshal or other process server (28 USC § 1921).

**Time:** After a judgment has been entered, the prevailing party cannot attempt to execute on the judgment for a period of ten (10) days. Executions can be made after the ten (10) day period and even throughout an appeal, provided the appellant has not filed a supersedeas bond and motion for stay pending appeal.

**Execution:** Execution on a judgment is accomplished by filing a general writ of execution or writ initiating garnishment proceedings.

**Local Forms:** To initiate executions on a judgment, a local forms packet must be submitted by the prevailing party. All forms should be captioned in pleading form. The packet received from the prevailing party should contain an original plus copies of each of the following:

**Forms Packet:**

**Praecipe:** Original and return copy. The execution process is initiated with a praecipe which requests the clerk to issue a particular writ. The praecipe must state the date and amount of judgment as well as the unsatisfied amount and the period for which the execution is to be effective (30, 60, 90 days). Include stamped envelope for return.

**Motion and Order for Appointment of Special Process Server:** As required, original and return copy.

**Writ of Execution:** Original and three copies. Prepared by requesting party for the Clerk's signature. Must specify the judgment amount, accrued costs and fees, amount paid and unsatisfied balance, as well as the return date.

**Summons:** If garnishment proceedings are being initiated, a summons of garnishee is also submitted and prepared for the U.S. Marshal's signature (original and three). The summons tells the garnishee the correct Missouri Statutes which authorize the garnishment and also explains what can be garnished (salary, bank account, etc.).

**Notice to Garnishee:** Provides instructions to garnishee/employer. Original and 3 copies.

**Interrogatories to Garnishee:** Usually served with the Summons of Garnishee. To be answered within ten (10) days of the return date of the summons.

**Marshal's Form:** If the U.S. Marshal effects service, a Form 285, available from the clerk's office, must accompany the Writ of Execution. If service is effected by the sheriff, the sheriff's procedures should be followed.

**Motion and Order for Payment of Garnishment Proceeds:** Completed after garnishment period has run and answers to interrogatories have been received. Original and three copies, accompanied by addressed, stamped envelopes.







within ten (10) days after the return date of the Writ of Execution (\_\_\_ days from the date of the issuance of the Writ), also the return date of the Notice of Garnishment and Summons, to the Clerk of the said Court at:

Paige Wymore-Wynn  
Clerk of U.S. Bankruptcy Court  
U.S. Courthouse, Room 1510  
400 East 9th Street  
Kansas City, MO 64106

and mail a copy of the answer to plaintiff's attorney at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

otherwise, **YOU ARE HEREBY SUMMONED** to be and appear before the said court on said day, then and there to answer upon oath such allegations and interrogatories as have been exhibited to you by Plaintiff, and abide by the further order of the Court.

Given under my hand at Kansas City, Missouri, on the date first below written.

Mark James  
United States Marshal

By: \_\_\_\_\_  
Deputy  
\_\_\_\_\_  
Date





2. At the time of service of the garnishment, or at an time thereafter until the return date stated in the Summons of Garnishment, did you owe the defendant any money (including wages, salary, and commissions), or do you owe defendant any now?

**ANSWER:**

**IF NOT YET DUE, WHEN WILL IT BECOME DUE?**

If the amount owed defendant is for wages, salary or commission, state:

(a) Amount owed after deductions required by law:  
\$\_\_\_\_\_ (Deductions required by law are limited to federal, state, and city income and earnings taxes and FICA taxes).

(b) Amount withheld pursuant to the garnishment:  
\$\_\_\_\_\_.

3. Is the defendant still within your employ? If not, state the date his employment terminated.

**ANSWER:**

4. At the time of service of the garnishment, or at any time thereafter until the return date stated in the Summons of Garnishment, will you or have you since become or are you now bound in any contract to pay the judgment debtor money not yet due? If so, state the amount to be paid out and when due and payable.

**ANSWER:**

STATE OF MISSOURI            )  
  ) §  
COUNTY OF \_\_\_\_\_ )

The undersigned, being duly sworn on oath states that he/she has read the foregoing interrogatories and the answers given are true to the best of affiant's knowledge and belief.

\_\_\_\_\_  
Signature of Garnishee

The foregoing answers to interrogatories were subscribed and sworn to before me on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
(Attorney for Garnishor/Judgment Creditor)





