

# Order

Michigan Supreme Court  
Lansing, Michigan

May 19, 2009

Marilyn Kelly,  
Chief Justice

ADM File No. 2008-41

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

Adoption of the Amendments  
of Rule 3.101 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments are adopted, effective September 1, 2009.

[The present language is amended as indicated below by underlining to indicate new text and strikeover to indicate where text has been deleted.]

## Rule 3.101 Garnishment After Judgment

(A)-(G)[Unchanged.]

(H) Disclosure. The garnishee shall mail or deliver to the court, the plaintiff, and the defendant, a verified disclosure within 14 days after being served with the writ.

(1) Nonperiodic Garnishments.

(a)-(b)[Unchanged.]

(c) If the garnishee is indebted to the defendant, but claims that withholding is exempt under MCR 3.101(I)(6), the garnishee shall indicate on the disclosure the specific exemption. If the garnishee is indebted, but claims that withholding is exempt for some reason other than those set forth in MCR 3.101(I)(6), the garnishee shall indicate on the disclosure the basis for its claim of exemption and cite the legal authority for the exemption.

(2) [Unchanged.]

- (I) Withholding. This subrule applies only if garnishee is indebted to or obligated to make periodic payments to the defendant.

(1)-(5)[Unchanged.]

- (6) A bank or other financial institution, as garnishee, shall not withhold exempt funds of the debtor from an account into which only exempt funds are directly deposited and where such funds are clearly identifiable upon deposit as exempt Social Security benefits, Supplemental Security Income benefits, Railroad Retirement benefits, Black Lung benefits, or Veterans Assistance benefits.

(J)-(T)[Unchanged.]

Staff Comment: The amendments of MCR 3.101 add language to protect exempt funds from garnishment and require financial institutions to provide authority stating why certain funds are exempt.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 19, 2009

*Corbin R. Davis*

Clerk