

SENATE BILL No. 269

April 16, 1991, Introduced by Senators CHERRY, O'BRIEN
and HART and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961,
entitled as amended

"Revised judicature act of 1961,"

as amended, being sections 600.101 to 600.9947 of the Michigan
Compiled Laws, by adding section 4012.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 4012 to read as
4 follows:

5 SEC. 4012. IF AN OBLIGATION TO PAY WAGES OR SALARY TO THE
6 PRINCIPAL DEFENDANT IS GARNISHEED, THE WRIT OF GARNISHMENT
7 REMAINS EFFECTIVE AND SHALL NOT BE DISSOLVED UNTIL 1 OR MORE OF
8 THE FOLLOWING OCCURS:

1 (A) THE AMOUNT WITHHELD BY THE GARNISHEE DEFENDANT AND PAID
2 OVER TO THE CLERK OF THE COURT EQUALS OR EXCEEDS THE AMOUNT OF
3 THE JUDGMENT, INTEREST, AND COSTS OR, IF THE GARNISHEE DEFENDANT
4 DOES NOT PAY THE INDEBTEDNESS TO THE COURT, THE AMOUNT REQUIRED
5 TO BE WITHHELD BY THE GARNISHEE DEFENDANT EQUALS OR EXCEEDS THE
6 AMOUNT OF THE JUDGMENT, INTEREST, AND COSTS.

7 (B) THE CHANGED FINANCIAL CONDITION OF THE PRINCIPAL
8 DEFENDANT WARRANTS THE DISSOLUTION OF THE WRIT OF GARNISHMENT.
9 THE PRINCIPAL DEFENDANT HAS THE BURDEN OF PROVING TO THE COURT
10 HIS OR HER CHANGED FINANCIAL CONDITION FOR PURPOSES OF THIS
11 SUBDIVISION.

12 (C) THE EXPIRATION OF 90 DAYS AFTER THE DATE ON WHICH THE
13 WRIT OF GARNISHMENT IS ISSUED.