

RE: Designation of Garnishment Summons Service Location

To implement the provisions of LB 195 (2015) regarding the designation of a location for the service of a garnishment summons on a financial institution (“FI”) where deposits are received within this state, the Nebraska Department of Banking and Finance (“Department”) has adopted the form, “Service of Garnishment Summons Designation Form.” This information will also be available on the Department’s website, ndbf.nebraska.gov on November 16, 2015.

Per amendments to Neb. Rev. Stat. §§ 25-1010 and 25-1056, a FI is to designate its main chartered office for the service of summons if its main chartered office is located in Nebraska. If the FI’s main chartered office is located in another state, the FI may designate any one of its offices, branches or its agent in Nebraska for the service of summons. The Department is required to post the list of such designated locations on its web site for access by the public.

Starting on November 16, 2015, for any FI with its main chartered office in Nebraska, whether chartered by the Department or a federal chartering agency, the Department will post the chartered office as the statutorily required location since no other location is an option for these institutions. Therefore, the designation form is optional for these FIs.

The operative date for the designation is January 1, 2016; however, financial institutions chartered by an agency other than the Department may begin submitting the designation form any time after November 16, 2015, by either email or U.S Mail as indicated on the bottom of the form. After January 1, 2016, any main office address change for a FI must be reported using the designation form.