

LAR 115. PROCESS FOR ATTACHMENT AND GARNISHMENT

(a) Verification of Complaint. The affidavit verifying a complaint which includes a prayer for process under Supplemental Rule B, if made by a person who does not have personal knowledge of the facts alleged as grounds for plaintiff's claim, shall state the circumstances making it necessary for that person to make the verification and shall also state the sources of that person's information.

(b) Affidavit Showing Defendant's Absence. The affidavit required by Supplemental Rule B, accompanying the complaint, shall state with particularity the efforts made to locate the defendant in the district.

(c) Order Authorizing the Clerk to Issue Process. Before the clerk will issue a summons and process of attachment and garnishment under Supplemental Rule B, the complaint and accompanying affidavit must be reviewed by a judicial officer. If the judicial officer finds that probable cause has been shown, he or she will sign an order authorizing the clerk to issue process. Alias process may thereafter be issued by the clerk upon application without further order. If the plaintiff or his attorney certifies that exigent circumstances make review by a judicial officer impracticable, and state with particularity the nature of such exigent circumstances, the clerk shall issue a summons and process of attachment and garnishment.

(d) Hearing. Whenever property is attached, any person claiming an interest in the property shall be entitled to a hearing before a judicial officer on not less than 3 days' written notice to plaintiff. The person claiming the interest shall be entitled to an order vacating the attachment forthwith and granting other appropriate relief unless plaintiff shows cause at the hearing why such an order should not be granted.

[Effective May 1, 1992; amended effective July 1, 1997.]