

Rule 186

SATISFACTION OF MONEY JUDGMENT

- (a) **Applicability.** In a case in which a money judgment has been entered and is accruing interest, under the judgment or K.S.A. 16-204, the judgment debtor may obtain under this rule a final settlement amount to satisfy the judgment to a particular date. An interested party may utilize the procedures made available to a judgment debtor under this rule.
- (b) **Filing; Form.** A judgment debtor may file in the district court in which the judgment is pending a proffer of satisfaction of money judgment, stating a dollar amount to satisfy the judgment and specifying a payment date. The proffer is sufficient if it is on the judicial council form, with the computation required under subsection (c) attached.
- (c) **Computation.** A party filing a proffer under this rule must compute the amount of principal, interest, and court costs to the specified date to satisfy the judgment, together with interest per day after that date until paid, and attach the computation to the proffer filed under subsection (b). The amount of court costs, including the docket fee, must be included in the computation regardless of which party paid the court costs or docket fee at the time the case was filed.
- (d) **Service.** A party filing a proffer under this rule must serve a copy of the proffer and attached computation on all counsel of record and unrepresented parties not in default for failure to appear.
- (e) **Objections.** An objection to a proffer under this rule—including the objecting party’s computation under subsection (c)—must be filed and served on the proffering party no later than 14 days after service of the proffer unless the court orders a longer time. If an objection is filed and the parties do not agree on the amount needed to satisfy the judgment, the court must settle the amount. To avoid accruing additional interest while an objection is pending, the judgment debtor may pay to the judgment creditor the amount of principal, interest, and costs the judgment debtor believes to be due and owing, filing a notice of payment together with a copy of each party’s computation. If the court determines that the judgment debtor’s computation and amount paid were correct, no additional interest may be charged to the judgment debtor.
- (f) **Settling of Amount Due.** If no objection is filed before the expiration of the time under subsection (e) for filing objections, the amount stated in the proffer of satisfaction of judgment is the amount that entitles the judgment debtor to a satisfaction and release of the judgment under K.S.A. 60-2803.

(g) **Payment; Court Costs.** On receipt from the judgment debtor of the amount ordered under subsection (e) or specified under subsection (f) to satisfy the judgment, including any court costs, the judgment creditor must file a satisfaction and release of judgment. If the payment included court costs, the judgment creditor must:

- (1) state in the satisfaction and release of judgment that court costs, including the docket fee if applicable, have been satisfied; and
- (2) tender to the clerk payment of the amount of any court costs paid to the judgment creditor if the judgment creditor did not make an advance cost deposit when the case was filed.

[History: New rule effective April 26, 2000; Am. effective September 8, 2006; Am. (b) and (f) effective March 5, 2008; Restyled rule and amended effective July 1, 2012.]