

If the defendant fails to make such payments, the creditor can then obtain an execution.⁷⁵ Michigan provides a similar procedure: The defendant, at the time of judgment or later, may obtain an order permitting him to pay the judgment in installments, and the creditor cannot garnish as long as the defendant complies with the order.⁷⁶

Not part of the exemption statutes, but closely related to them, are procedures in a few states, notably Ohio and Wisconsin, for the appointment of a trustee by the court at the request of the debtor, amortization through the trustee of the defendant's debts, and protection of the defendant from garnishments during the functioning of the trusteeship.⁷⁷ In Ohio this procedure is available to any debtor facing garnishment. In some Ohio courts the clerk serves as trustee without compensation; in others the court appoints a suitable person who receives two per cent of the debtor's payments as full compensation. The debtor lists his creditors in the application and is required to pay only the nonexempt portion of his earnings to the trustee who distributes the money to the creditors. The creditors are required to accept the trusteeship; they are barred from garnishing wages as long as the debtor regularly pays the nonexempt portion.⁷⁸

The Wisconsin procedure is of less help to debtors. Only debtors with incomes of 5,000 dollars a year or less may use it.⁷⁹ The trustee must determine whether an amortization plan under which creditors will be paid off within two years is feasible, and creditors may object to any proposed plan.⁸⁰ Thus in Wisconsin, unlike Ohio, a debtor who can only

defendant, any order for payments by the defendant may, at any time, be set aside or altered upon the motion of either party after notice and hearing."

⁷⁵ CONN. GEN. STAT. REV. § 52-361(b) (Supp. 1964). The court issues such execution *ex parte*. In New York, the income execution is first served on the defendant; if he defaults for 20 days it is served on the garnishee. N.Y. CIV. PRAC. LAWS & RULES §§ 5231(c), (d). Siegel, note 72 *supra*, comments that the purpose is to enable "the judgment debtor to avoid embarrassment and possibly the more serious consequence of dismissal by making the 10% payments himself." Siegel further notes that only between 11% and 20% of judgment debtors have made the payments themselves, and questions whether the system should be continued. Compare OHIO REV. CODE ANN. § 1911.40 (1953).

⁷⁶ MICH. STAT. ANN. §§ 27A.6201-27A.6251 (1962). This procedure apparently is not widely used except in Wayne County. Even there it is not very successful; in 1957, more than 70% of partial payment orders were vacated because of nonpayment. FUSEFELD, *op. cit. supra* note 55, at 17.

⁷⁷ OHIO REV. CODE ANN. §§ 2329.70, 2329.71 (Supp. 1964); WIS. STAT. ANN. § 128.21 (1958).

⁷⁸ OHIO REV. CODE ANN. § 2329.70 (Supp. 1964); Note, *Garnishment of Wages in Ohio*, 21 U. CINC. L. REV. 263 (1952).

⁷⁹ WIS. STAT. ANN. § 128.21(1) (1958).

⁸⁰ WIS. STAT. ANN. § 128.21(3) (1958). The Wisconsin proceeding is part of a comprehensive system for the voluntary and involuntary administration of insolvent assets for the benefit of creditors. This system has been sustained against a claim that it is in competition with and hence superseded by the federal bankruptcy law. In the Matter of Wisconsin Builders Supply Co., 239 F.2d 649 (7th Cir. 1956), *cert. den.*, 353 U.S. 985 (1957).