

**United States District Court
District of Utah**

Garnishment Packet

**Personal Services (Wage)
Continuing Garnishment**

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

_____ DIVISION

Plaintiff,

*

* APPLICATION FOR
* GARNISHMENT

*

vs.

*

* Case No.

Defendant,

*

*

*

*

The Plaintiff hereby applies for a writ of garnishment on the following grounds:

1. That judgment has been entered in the above-cited action requiring the payment of money. The amount that remains due on the judgment is \$_____.
2. That the property to be garnished consists of :

(If known, list the nature, location, account number and estimated value of the property)
held by:

(List name, address and phone number of the person holding the property)

3. That the business or person to be charged as garnishee is:

3. That: (check one of the following)

a. Said property consists in whole of earnings from personal services.

b. Said property consists in part of earnings from personal services.

c. Said property does not consist of earnings from personal services.

4. That the following persons are known to claim an interest in property:

5. That the garnishee fee established by Utah Code Section 78A-2-216 is attached.

DATED this ____ day of _____, 20____.

Plaintiff/Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Plaintiff,

vs.

Defendant

:
:
:
:
:
:
:
:
:
:
:

**WRIT OF CONTINUING
GARNISHMENT (Wage)**

Civil No. _____

THE UNITED STATES OF AMERICA TO GARNISHEE:

You are hereby ordered by the Court to hold a portion of Defendant(s)' pension, wages or other income (not to exceed the outstanding amount owed on the judgment or order and court approved costs in this matter, being \$ _____) due at the next payday and continuing at each payday thereafter for a period of 120 days from the date this Writ was served upon you or in the case of multiple garnishments, from the date this garnishment becomes effective, as calculated pursuant to the attached questions, which are called Interrogatories or the attached Affidavit of Garnishee as to Continuing Garnishment. To determine the income available for garnishment at the next(first) payday, you are required to answer the attached Interrogatories and file your answer with the Clerk of Court within five (5) business days of the date this Writ is served upon you or, in the case of multiple garnishments, within five (5) business days after this Writ becomes effective. For each subsequent payday thereafter until the termination of this Writ, you are required to complete the attached Affidavit as to Continuing Garnishment (*copy the attached Affidavit Form for completion each payday*) and file such affidavit with the Clerk of Court within five(5) business days after such payday. The address of the Clerk is **Clerk, US District Court, 351 S. West Temple St., Room 1.100, Salt Lake City, Utah 84101**. You are also required to send a copy of your initial Interrogatory answers and subsequent Affidavits to the Plaintiff at the following address:

_____.

MULTIPLE WRITS OF CONTINUING GARNISHMENT may be served upon you for the same Defendant. Only one Writ of Garnishment (continuing or otherwise) may be in effect and satisfied at one time. When more than one Writ of Garnishment is served upon you against earnings due to the same defendant, the Writs shall be satisfied in the order of service on you. If this Writ of Continuing Garnishment is served upon you while a previous Writ is still in effect, you shall respond to this Writ with a statement that you have been served previously with one or more Writs of Garnishment against earnings and you shall specify the date on which all Writs previously served are expected to terminate.

If you fail to answer the Interrogatories or to file subsequent Affidavits as set forth above, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you owe or will owe money to the Defendant(s) which are subject to this Writ, you shall immediately mail by first class mail a copy of the Writ and your initial Interrogatory answers, the Notice of Garnishment and Exceptions and two(2) copies of the Request for hearing to the Defendant(s) at the last known address of the Defendant(s) shown on your records at the time of the service of this Writ. In lieu of mailing, you may hand deliver a copy of these documents to the Defendant(s). In the case of multiple garnishments, this mailing or delivery to Defendant(s) shall occur immediately after this Writ becomes effective. You shall provide notice to the Defendant(s) of amounts attached in subsequent pay periods.

YOU MAY DELIVER to the officer serving this Writ the portion of Defendant(s)' earnings or income to be held at the next payday as shown by your answers. You may, in the alternative, hold the money. If you do not receive a copy of a request for hearing within 20 days of service of your answer to the Interrogatories on the defendant or any other person claiming an interest in the property, you shall pay the money to the plaintiff or plaintiff's attorney. If you receive a copy of a request for hearing within the 20 days, you must hold the money and any money held for a subsequent payday until further order of the court. If no request for hearing is filed or if the court has issued an order following a request for hearing, the portion of Defendant(s) earnings or income held at each subsequent payday as shown by the applicable Affidavit may be sent to Plaintiff or to Plaintiff's attorney.

YOU SHALL PAY to Defendants(s) the portion of Defendant(s)' earnings or income which are not held by this Writ of Garnishment at the time the same is normally paid to Defendant(s).

ISSUED this _____ day of _____, 20 _____

D. MARK JONES
Clerk of Court

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NOTICE OF GARNISHMENT AND EXEMPTIONS

YOUR MONEY MAY BE TAKEN TO PAY A CREDITOR.
PLEASE READ THIS NOTICE CAREFULLY

The attached *Writ of Garnishment* and *Answers to Garnishee Interrogatories* have been issued on request of a creditor (the plaintiff) who sued you and won and got a judgment against you (or a prejudgment Writ of Garnishment has been issued against you). This means that money held for you by the garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this Notice too.

The law provides that certain monies cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

- * Social Security Benefits
- * Supplemental Security Income (SSI)
- * Certain Pensions
- * Unemployment Benefits
- * Public Assistance (Welfare)
- * Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
- * Property or money of a person who did not have a judgment entered against them.
- * Alimony or Child Support
- * Veterans' Benefits
- * Workers' Compensation benefits

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts. The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property that are to be taken belong to you, but the judgment is not against you, your money should not be taken.

If you are a co-owner of property that is taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE TAKEN, YOU MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the plaintiff mailed or delivered this notice to you.

1. If funds in your account were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached "Request for Hearing" check the appropriate boxes in paragraph two.
3. Sign your name in the space indicated and provide the address where the Court Clerk is to notify you of the hearing.

A KNOWINGLY-MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

4. Mail or take the *Request for Hearing* to the Court Clerk within ten (10) days from the date this notice was mailed or delivered to you. Mail a copy of the Request for Hearing to the garnishee. Keep the second copy of the "Request for Hearing" for your records. The Clerk of Court will set the matter for hearing and notify you. You have a right to a hearing within ten (10) days from the date the Clerk of Court receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may wish to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court on the designated time and prove that the garnishment was issued improperly, that the answers to the interrogatories are inaccurate, or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but you believe that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

E. Check if applicable

I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

F. Check if applicable

I have attached copies of the documents that show that my money is exempt.

II. Respond to these items if all or part of your wages were garnished.

A. I believe that the writ of garnishment was issued improperly. (Explain)

B. I believe that the Answers to Interrogatories are inaccurate. (Explain)

C. I believe that all or part of my wages are exempt from garnishment. (Explain)

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I HEREBY REQUEST THAT THIS MATTER BE SET FOR A HEARING. I HAVE SENT A COPY OF THIS REQUEST FOR HEARING TO THE GARNISHEE.

DATED THIS _____ DAY OF _____, 20____.

*(Please
type or
print)*

Name: _____

Address: _____

Telephone: _____

Signature: _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

**INTERROGATORIES TO GARNISHEE
(Earnings for Personal Services)**

Garnishee Name

Case Title

Case Number

(Give your answers in the spaces provided and attach additional sheets if necessary.)

1. Is the Defendant employed by you or does Defendant render services for you?

ANSWER Yes ___ No ___

2. (a) What is Defendant's pay period?

ANSWER Weekly___ Biweekly___ Semi-monthly___ Monthly___ Other ___

- (b) What is Defendant's hourly or periodic rate of pay or other manner of compensation?

ANSWER: _____

- (c) What is the date of the Defendant's next payday?

ANSWER _____

3. Do you owe the Defendant compensation for personal services (work)?

ANSWER Yes ___ No ___

4. If your answer is yes, figure out, as explained below, the amount of defendant's pay that must be held. Assume you are calculating this on the last day of the pay period.

ANSWER (a) Gross earnings or income for the pay period during which this writ was served

\$ _____

(b) Less deductions for taxes and other items **REQUIRED BY LAW** to be deducted from above amount:

Federal Income Taxes \$ _____

FICA \$ _____

State Income Taxes \$ _____

Other amounts required by law to be deducted (Identify)

_____ \$ _____

(c) Total of these deductions \$ _____

(d) Disposable earnings or income (Item (a) minus Item (c)) \$ _____

(e) Exempt amount (to be paid to the employee) Greater of 1, 2 or 3 below

(1) 75% of Defendant's total disposable earnings or income (Item d):

\$ _____

(2) \$175.50 times the number of weeks in the pay period:

\$ _____

(3) Defendant's disposable income as calculated in item (d)

minus the amount owed on the judgment as shown on the
Writ of Garnishment:

\$ _____

(f) AMOUNT ATTACHED BY THIS GARNISHMENT

(Item (d) above minus the exempt amount as determined in Item
(e) above)

\$ _____

5. Do you know of any other employment, income or income-producing activities of the Defendant? If so, please explain.

ANSWER: _____

6. Other than as set forth above, are you indebted to Defendant?

ANSWER: _____

7. Do you know of any debts owing from any other person to Defendant?

ANSWER: _____

DESCRIPTION: _____

VALUE: _____

8. Have you retained or deducted from the property or money in which you are indebted to Defendant(s) any amount in payment, in full or in part, of a debt owed by Defendant(s) or Plaintiff(s) to you?

ANSWER: _____

9. If so, state the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

UNITED STATES OF AMERICA ss.

I do swear, or affirm, that I am the garnishee, or person authorized to execute this instrument and make this verification on behalf of garnishee, and that the answers to the foregoing interrogatories are true to the best of my information and belief.

I also swear or affirm that I mailed by first class mail or hand-delivered a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and two (2) copies of the Request for Hearing, to the Defendant at:

Street address: _____

City: _____ **State:** _____ **Zip:** _____

date mailed: _____

or hand-delivered to _____ **, at** _____ **on** _____
(Person) (Place) (Date)

I also swear or affirm that the following other persons were also provided a copy of the

Writ of Garnishment. Answers to the Interrogatories, Notice of Garnishment and Exemptions,
and Request for Hearing.

Person _____ Date Mailed or Date Hand-Delivered _____

Address (if mailed): _____

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20 ____

(SEAL)

NOTARY PUBLIC
Residing at: _____

My Commission Expires on _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

_____ **DIVISION**

**AFFIDAVIT OF THE GARNISHEE AS TO
CONTINUING GARNISHMENT (Wages)
(Not for earnings for personal services)**

Garnishee Name

Case Title

Case Number

The undersigned, being duly sworn, hereby states the following:

1. The undersigned is the garnishee or person authorized to execute this document and make this verification on behalf of the garnishee.
2. The garnishee is indebted to the defendant for personal services (work) rendered during the period of _____ to _____ (the "Pay Period").
3. The garnishee was served with a Writ of Continuing Garnishment in the above-referenced matter on _____ and said Writ was in effect as of the last day of the Pay Period.
4. The garnishee previously mailed by first class mail or hand delivered a copy of the Answers to Interrogatories, Notice of Garnishment and Exemptions and two (2) copies of the Request for Hearing to the Defendant.
5. The following computation details the amount of the defendant's pay that has been held for the Pay Period:
 1. Gross Earnings or income for the Pay Period \$ _____

2. Less deductions for taxes and other items
REQUIRED BY LAW to be deducted from the
above amount;

Federal income tax \$ _____

FICA \$ _____

State Income tax \$ _____

Any other amounts required by law
to be deducted \$ _____

(Identify) _____

3. Total of these deductions \$ _____

4. Disposable earnings or income (Item (a) minus
Item (c)) \$ _____

(e) Exempt amount (to be paid to employee):
greater of 1,2 or 3 below.

1. 75% of Defendant's total disposable
earnings or income (Item d) \$ _____

or

2. \$175.50 times the number of weeks
in the Pay Period \$ _____

or

3. Defendant's disposable earnings or
income (Item d) minus the amount
owed on the judgment as shown on the
Writ of Garnishment: \$ _____

(f) AMOUNT ATTACHED BY THIS GARNISHMENT
(Item (d) above minus exempt amount as determined
in Item (e) above) \$ _____

6. The garnishee () has () has not retained or deducted from the amount attached
above any amount in payment, in full or in part, of a debt owed by the defendant
or plaintiff to garnishee. If an amount has been retained, the amount is \$ _____.

7. The garnishee will provide notice to the defendant of the amount attached by this
garnishment.

8. The garnishee provided a copy of this Affidavit to the following other persons:

Person	Address	Date mailed or hand delivered
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9. The amount attached for the Pay Period by this garnishment has been mailed by first class mail or hand delivered to (mark one):

Plaintiff Plaintiff's Attorney the Court

Signature of Garnishee or Authorized Signature on
Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____

Notary Public

My commission expires

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
OFFICE OF THE CLERK OF COURT**

INSTRUCTIONS FOR COMPLETING GARNISHMENT FORMS

1. Provide all required information on the Writ of Garnishment, including the address of the plaintiff or the plaintiff's attorney to which the answers to the Interrogatories will be mailed.
2. Indicate the case name and number where required on all forms.
3. Indicate the name of the garnishee on the Interrogatories.
4. Bring the check for the garnishee to the court for attachment to the Writ of Garnishment at the time that it is issued.
5. Complete the Application for Garnishment. Be certain to include on it the amount remaining on the judgment.

Thank you for your cooperation