

**United States District Court
District of Utah**

**Garnishment Packet
Not for Personal Services**

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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:

4. 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.

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

6. 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 FOR THE DISTRICT OF UTAH
_____ DIVISION

	*	
	*	WRIT OF GARNISHMENT
Plaintiff,	*	(For garnishment of non-personal
	*	services, income, or property)
vs.	*	
	*	Civil No.
	*	
Defendant,	*	
	*	
	*	
Garnishee,	*	
	*	

THE UNITED STATES OF AMERICA TO: _____,
Garnishee.

You are hereby ordered and commanded by the Court to hold, until further order of this Court, and not pay to defendant all money and other personal property of the Defendant(s) in your possession or under your control, whether now due or hereafter to become due, which are not exempt from execution, up to the amount remaining due on the judgment or order plus court approved costs in this matter (or in the case of a prejudgment writ, the amount claimed to be due), being \$ _____.

You are required to answer the attached questions or interrogatories and to file your answer with the Clerk of this Court, within five business days of the date this Writ is served upon you, at the following address:

Clerk, U.S. 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 answers to the plaintiff at the following address:

Name: _____
Address: _____

If you fail to answer, the judgment creditor may ask the Court to order you to pay the amount you should have withheld.

If you are indebted to, or if you hold property or money belonging to the Defendant, you shall mail immediately by first class mail a copy of the Writ of Garnishment and your answer to the Interrogatories, the Notice of Garnishment and Exemptions, and two copies of the Request for Hearing to the Defendant and to anyone else who, according to your records, may have an ownership or other interest in the property or money at the last known address of the Defendant or such other persons shown on your records at the time of the service of this Writ. In lieu of mailings, you may hand-deliver a copy of these documents to the Defendant and other persons entitled to copies.

YOU MAY DELIVER to the officer serving this Writ the portion of Defendant's earnings or income to be held as shown by your answers. You then will be relieved from further liability in this case unless your answers are successfully disputed. You may, in the alternative, hold the money. If you do not receive a copy of a request for hearing withing 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 until further order of the court.

DATED this _____ day of _____, 20_____.

D. MARK JONES
CLERK OF COURT

By: _____
Deputy Clerk

FOR PREJUDGMENT WRITS ONLY:

Date and Time of Expiration of Writ:

Date: _____

Time: _____

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.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
DIVISION

Plaintiff,	*	
	*	REQUEST FOR
	*	HEARING
	*	
vs.	*	
	*	CIVIL NO. _____
Defendant,	*	
	*	

I. Respond to these items if funds in your account 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. The funds in my account are exempt from garnishment because they are: (Check applicable boxes):

- | | |
|--|--|
| <input type="checkbox"/> Social Security Benefits | <input type="checkbox"/> Pensions |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Alimony/child support |
| <input type="checkbox"/> Veterans' Benefits | <input type="checkbox"/> Public Assistance (welfare) |
| <input type="checkbox"/> Unemployment Benefits | <input type="checkbox"/> Owned by another person |
| <input type="checkbox"/> Workers' Compensation Benefits | <input type="checkbox"/> Partly owned by me |
| <input type="checkbox"/> Wages/income from personal services | |
| <input type="checkbox"/> Other (describe) _____ | |

D. Check one box:

- All funds in my account are exempt.
- I believe that \$ _____ of the amount in my account is exempt. (Fill in the dollar amount you believe is exempt.)

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**

_____ **DIVISION**

INTERROGATORIES TO GARNISHEE

(Not for earnings for personal services)

Garnishee Name	Case Title
	Case Number

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

1. Are you indebted to the Defendant(s) either in property or money?

ANSWER: _____

2. What is the nature of the indebtedness?

ANSWER: _____

3. What is the total amount of the indebtedness?

ANSWER: \$ _____

4. Is the indebtedness now due?

ANSWER: _____

5. If not, when is it to become due?

ANSWER: _____

6. Have you in your possession, in your charge or under your control any property or money in which Defendant(s) has (have) an interest other than as set forth in your answers above?

ANSWER: _____

7. If so, identify or describe such property or money and value of defendant's interest in it.

ANSWER: _____

Identification
or Description

Amount or Value of
Defendant's Interest

8. Do you know of any debts owing or which may be owing from any other person to Defendant(s) whether due or not, or of any property of Defendant(s) or in which Defendant(s) has (have) an interest in any person's possession or control?

ANSWER: _____

9. If so, state the full particulars thereof, including the amount, identification of any Third Party with interest, and description of the debt and/or location of the custodian.

ANSWER: _____

10. Have you retained or deducted from the property or money you owe in debt to Defendant any amount in payment, whether full or in part, of a debt owed in debt to you by either the Defendant or Plaintiff?

ANSWER: _____

11. If so, please indicate the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

Signature of Garnishee

STATE OF UTAH)

:

COUNTY OF)

I do swear or affirm that: I am the garnishee or person authorized to execute this document;

I make this verification on behalf of garnishee; and the answers to the foregoing interrogatories are true to the best of my knowledge 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 a Request for Hearing, to the Defendant at:

Defendant's name: _____

Street address: _____

City: _____ State: _____ Zip: _____

on this date: _____

I also swear or affirm that I also mailed by first class mail or hand-delivered one copy each of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and Request for Hearing to the following person(s).

<u>Name</u>	<u>Address</u>	<u>Date Mailed</u>	<u>or</u>	<u>Date Hand-Delivered</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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
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