

## INSTRUCTIONS FOR FILING GARNISHMENT

1. You must have a judgment against someone to garnish their wages. You are the judgment creditor and the person you are garnishing is the judgment debtor. The employer is the garnishee.
2. Send the *Notice of Court Proceeding to Collect Debt* (15 day demand) to the judgment debtor by certified mail or certificate of mailing. **Keep a copy of this form along with your proof of mailing.**
3. If there is no response to the notice after 15 days, bring your copy of the *Notice of Court Proceeding to Collect Debt* along with the proof of mailing to the Court. The *Notice of Court Proceeding to Collect Debt* expires 45 days after the date of mailing so you must bring it to the Court during the 15 to 45 day time period.
4. You will then complete another form, *Affidavit, Order and Notice of Garnishment and Answer of Garnishee*. You must know the name and address of the employer. You will also need to know the amount of the judgment plus interest and Court costs due at that time (this should be the same amount you put on the *Notice of Court Proceeding to Collect Debt*).
5. The cost of filing a garnishment is \$100.00. The employer may deduct up to \$3.00 from the withheld amount as a processing fee. Also effective April 1, 2010, the Court will deduct 2% commission from all amounts collected by the Court on a judgment. If the employer ends the garnishment before you receive your total balance due you may file a *Notice and Affidavit to the Judgment Debtor of Current Balance due on Garnishment Order*. You can get this form along with instructions from the Court.
6. The Court will process the *Order and Notice of Garnishment* and send it to the employer along with other necessary forms. The employer should return their answer to the Court immediately as to whether or not the person is their employee. Then they must answer within 30 days with any money that is withheld from the judgment debtors pay. The first payment is held at least 2 weeks to give the debtor a chance to request a hearing on the matter. After that the payments will be issued on a regular basis, the Court issues checks 2 times per month.
7. The garnishment order will remain in effect, with the employer withholding from every pay period, until the judgment is satisfied in full unless one of the following happens: 1) a trusteeship is appointed or an order to stay is filed; 2) bankruptcy is filed; 3) a higher priority garnishment (support order or IRS) is received; 4) another order of garnishment from a different creditor is received (in this case you would need to start the procedure over by sending the *Notice of Court Proceeding to Collect Debt*).

If another creditor files a garnishment order on the same debtor that you have a pending garnishment on, your order will revert to 182 day length. The employer is responsible for stacking orders as they are received. If your order is received after one or more orders, you could wait 6, 12 or 18 months, etc, for your turn.

8. A judgment creditor cannot file a garnishment order on the same judgment debtor while they have a pending order on the debtor for the same judgment.

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