

Employers' Instructions for Garnishment Type D

Case No. _____ JUDGMENT DEBTOR: _____

GARNISHEE: _____

1. The term earnings means compensation for personal services owing, whether due or not, to the judgment debtor at the time of service of the Summons and Interrogatories, whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. The term "nonexempt earnings" means the portion of the judgment debtor's earnings that are subject to this garnishment, as determined in accordance with the Interrogatories and these instructions
2. If from your answer to the Interrogatories it appears to the court that the judgment debtor is your employee and that you now owe the judgment debtor wages or will owe wages the next 60 days, the judgment creditor may make an application with the court to have the nonexempt earnings transferred to the court for payment to the judgment creditor. You must hold the nonexempt earnings of the judgment debtor until you receive further order from the court.
3. The amount you are required by law to deduct from the judgment debtor's earnings include FIT, SIT, and FICA.
4. Calculate the judgment debtor's disposable earnings subject to a garnishment in accordance with the following schedule.

Enter 55% of line 7 of the Interrogatories on line 8 of the Interrogatories.

This form is provided as a public service but should be reviewed by your attorney. Effective Sept. 1, 1997.

5. If the judgment debtor's wages are already being withheld under a different court order, you must compute the amount that is subject to garnishment under this order.

Enter the amount shown on line 8 of the Interrogatories; this is the portion of the judgment debtor's earnings that are subject to this garnishment.

Add the amounts shown on lines 9A, 9B, 9C, and 9D of the Interrogatories to determine the total amount withheld from the judgment debtor's disposable earnings under all other orders.

Subtract the total amount withheld under all other orders from the amount subject to this garnishment. If the amount withheld under all other orders equals or exceeds the amount subject to the garnishment, enter Zero.

Enter this amount on line 10 of the Interrogatories.

\$	_____
\$	_____
\$	_____

CAUTION: If you entered an amount on line 9D, because you have been withholding a portion of the judgment debtor's earnings under a different Garnishment Order or Order of Continuing Lien that is not for the support of a person, you should recalculate the proper amount, if any, that you should continue to withhold under that order.

Effective: _____

GARNISHEE COPY

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Document number on the mailed copy received: _____

_____ Case No. _____
vs. _____ Plaintiff,
_____ Defendant.

**INTERROGATORIES
FOR GARNISHMENTS**

JUDGMENT CREDITOR: _____

ATTORNEY: _____

JUDGMENT DEBTOR: _____

GARNISHEE: _____

WAGES

1. Is the judgment debtor currently in your employ? ____ Yes ____ No.
2. Did you owe the judgment debtor any money for wages on the date and time you were served with this garnishment? ____ Yes ____ No.
3. Will you owe earnings to the judgment debtor within the next 60 days?
____ Yes ____ No.
4. How often is the judgment debtor paid? ____ Weekly or more often;
____ Biweekly; ____ Semimonthly; ____ Monthly;
____ Other (Explain: _____).
5. What are the judgment debtor's earnings for the pay period?
6. What amount are you required by law to deduct from the judgment debtor's earnings? *See part 3 of the Employer's Instruction Sheet.*
7. What are the judgment debtor's disposable earnings for the pay period? *(Subtract line 6 from line 5.)*
8. What portion of the judgment debtor's disposable earnings are subject to this garnishment order?

5.	_____
6.	_____
7.	_____
8.	_____

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Calculate the amount according to part 4 of the Employer's Instruction Sheet.

9. Is any portion of the judgment debtor's earnings currently withheld pursuant to any Withholding and Transmit Order, Income Withholding Order, or Garnishment Order, including an Order of Continuing Lien? _____ Yes _____ No.

If you answer No, enter the amount shown on line 8 on line 10 and answer the remaining interrogatories. The amount subject to garnishment under this order for each pay period cannot exceed the amount on line 8.

If you answer Yes, you must answer the questions in this interrogatory and calculate the amount subject to garnishment under this order in accordance with part 5 of the Employer's Instruction Sheet. Is any portion of the judgment debtor's earnings currently withheld pursuant to:

- A. A Withhold and Transmit Order for support of a person?

_____ Yes _____ No.

If **Yes**, what is the amount withheld for this pay period under the order?

- B. An order requiring Income Withholding for the support of a person? _____ Yes _____ No.

If **Yes**, what is the amount withheld for this pay period under the order?

- C. A Garnishment order (including an Order of Continuing Lien) for support of a person? _____ Yes _____ No

If **Yes**, what is the amount withheld for this pay period under the order?

- D. A Garnishment order (including an Order of Continuing Lien) that is not for the support of a person? _____ Yes _____ No

If **Yes**, what is the amount withheld for this pay period under the order?

If you have entered any amount on lines 9A to 9D, consult part 5 of the Employer's Instruction Sheet and enter the amount determined according to those instructions on line 10.

9A. _____
9B. _____
9C. _____
9D. _____

10. The amount of wages subject to garnishment under this order for the pay period cannot exceed the amount shown on line **10**. Pay the judgment debtor the wages not subject to garnishment.
11. Based upon the above answers, the amount of wages being withheld on this garnishment is:

10. _____
\$ _____

12. Was any portion of the wages of the judgment debtor already being withheld pursuant to an Order of Continuing Lien at the time this garnishment was served? (This does not include a Withhold and Transmit Order or an Income Withholding Order.) _____ Yes _____ No.
What is the date of termination of that continuing lien?

13. If you answered **Yes to 9A, 9B, 9C, 9D, or 12**, what is the court, case number and title of all cases?

OTHER THAN WAGES

1. Do you have property belonging to the judgment debtor, or credits or monies owed to the judgment debtor, whether due or not, other than the earnings described above? _____ Yes _____ No.
2. If **Yes**, specify:
- a. Property of the judgment debtor in your possession: _____
 - b. Amount of money or credits you owe the judgment debtor, other than earnings: _____
 - c. Date the money or credits were due, or will be due: _____

Dated: _____

Prepared by: _____

RETURN TO COURT