

REQUIRED

CC 3:8B Rev. 06/15

Neb. Rev. Stat. § 25-1011

NOTICE TO JUDGMENT DEBTOR

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

Case No. _____

Judgment Debtor

NOTICE TO JUDGMENT DEBTOR

The enclosed summons and order of garnishment has been issued by this court at the request of the person who has a judgment against you. That person is called the judgment creditor. A garnishment is a method of collecting money from you by withholding funds due you by your employer, your bank, or some other third person holding your funds. This notice informs you as judgment debtor of the rights you have.

- Some funds are exempt from garnishment if they are from certain government benefits and other sources. Your bank account cannot be garnished by a creditor if your bank account consists solely of direct deposited funds from the federal government such as Social Security, SSI, Veterans', Black Lung and/or Railroad Retirement benefits. If the garnishment is based on a judgment for support of a person, such as child support or alimony, federal exemptions may not apply. Bank accounts that mingle federal benefits and other money may be subject to garnishment. **UPON RECEIVING THIS NOTICE CONTACT YOUR BANK OR FINANCIAL INSTITUTION IMMEDIATELY TO SEE WHETHER THERE IS A HOLD ON THE FUNDS IN YOUR ACCOUNT.**
- Wages are exempt up to a certain level and the amount that can be garnished varies depending on whether or not you are the head of a family.
- If the person holding your funds or wages says they owe you money or will owe you money within the next 60 days, and if the judgment creditor makes application, the court will order the person who is holding your money to keep withholding funds for the next 90 days. This is called "continuing lien". The lien can be extended for a second 90 days by the judgment creditor.
- If you believe the court should not allow a garnishment either because the funds sought are exempt or because you do not owe the amount on the judgment, you are entitled to a hearing to determine those issues. However, the original judgment will not be reopened, set aside or the case tried again.
- If you wish a hearing, you must complete the request for hearing form below and file it with the court **within 3 business days** of receiving this notice.
- If you request a hearing, the court will set a hearing date. That hearing date will be set within 10 days after the court receives your request. The court will notify you of the hearing date and time.

IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCEDURE, YOU SHOULD CONTACT YOUR ATTORNEY.

REQUEST FOR HEARING

Case No. _____

I request a hearing on this garnishment proceeding as I believe that (check all applicable boxes):

- (1) the funds asked for are exempt from garnishment,
- (2) because I do not owe the amount of the judgment,
- (3) my status as "not the head of a family" is incorrect.

I understand that the judgment against me will not be set aside or the case reopened or tried again.

Signature

Date

Name

Street Address/P.O. Box

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code

1 copy to the judgment debtor 1 copy to the garnishee (Information only) _____
Phone

E-mail Address

Do not return this request to the court unless you want a court hearing.