

**GARNISHMENT PROCEEDINGS  
FOR LITIGANTS NOT REPRESENTED BY AN ATTORNEY**

**EARNINGS GARNISHMENTS**

**A GARNISHMENT CANNOT BE ISSUED BEFORE 14 DAYS FOLLOWING THE DATE OF JUDGMENT. THIS IS THE AMOUNT OF TIME THE JUDGMENT DEBTOR HAS TO FILE AN APPEAL.**

**EARNINGS GARNISHMENT:** You must fill out the forms before filing with the clerk. Information you will need includes case title, case number, names and addresses of all parties including the employer. It may be helpful to refer to the list of terms at the end of this document.

There is a \$12.50 surcharge fee, payable to the district court, for each garnishment issued. There is a \$5.00 fee payable to the sheriff where the papers are to be served.

File with the Clerk of the District Court:

Form #1 - <b>Request for Garnishment</b>	1 original
Form #2 - <b>Order of Garnishment</b>	1 original and 1 copy
Form #3 - <b>Answer of Garnishee</b>	1 original
Form #4 - <b>Instructions to Garnishee</b>	1 original

The party having requested the garnishment must provide the garnishee the unsatisfied balance of the judgment at the time of issuance of the garnishment.

The Clerk of the District Court will issue the garnishment papers to whomever you indicated on your Request for Garnishment (usually the sheriff). The person delivering the papers to the garnishee (employer) must file a return with the clerk indicating when and how the garnishee received the papers. The Clerk of District Court will send a copy to you.

**When you receive the Return of Service that says the garnishee was served, you must mail by first class mail to the judgment debtor the following documents:**

Form #5 - <b>Notice to the Judgment Debtor</b>
Form #6 - <b>Request for Hearing</b>
Form #7 - <b>Certificate of Service</b>

You should receive the completed **Answer of Garnishee** from the employer within 14 days following the date of service of the Order of Garnishment on the garnishee. Once the garnishee has distributed the answer to the initial Order of Garnishment, no further answer is required. A party or the court may request a written explanation of the garnishee's computations of earnings withheld during any pay period, and the explanation must be submitted by affidavit with 14 days after such request. Service of the request must be in the same manner as process is to be served. If the sheriff is to serve the request, there is a \$5.00 fee payable to the sheriff.

The garnishee may indicate the following:

1. Judgment debtor is not employed by garnishee
2. Judgment debtor's employment was terminated by garnishee

If this happens, you must file with the Clerk of the District Court:

**Form #8 -Release of Garnishment**

If the garnishee, within 14 days of mailing the answer to you, does not receive notice that the withholding is being contested, the money being held will be sent to you. The **Answer of Garnishee** and any money will be sent to you (**not the Clerk of the District Court**).

**THIS GARNISHMENT WILL REMAIN IN EFFECT UNTIL THE JUDGMENT IS PAID OR UNTIL THE JUDGMENT DEBTOR IS NO LONGER EMPLOYED BY THE GARNISHEE.**

**YOU MUST KEEP AN ACCOUNTING OF MONEY RECEIVED, INTEREST ACCRUED AND BALANCE DUE.** The court may require you to produce your records in the event that an objection is filed to the garnishment or Answer of Garnishee. A sample accounting form is attached for your convenience. (**Form 9**)

- ✓ Once the judgment has been paid, you are required by the law to file with the Clerk of the District Court:

**Satisfaction of Judgment and/or  
Release of Garnishment**

- ✓ **YOU MUST ALSO MAIL COPIES TO THE GARNISHEE.**

**FORM PACKET ATTACHED:**

1. Request for Garnishment
2. Order of Garnishment with return
3. Answer of Garnishee
4. Instructions to Garnishee
5. Notice to the Judgment Debtor
6. Request for Hearing
7. Certificate of Service
8. Release of Garnishment
9. Accounting Form
10. Satisfaction of Judgment

**TERMS:**

Judgment Creditor - person to whom money is owed  
Judgment Debtor - person who owes money  
Litigant - person who is participating in a legal action  
Clerk - Clerk of the District Court  
Garnishee - person, company, or bank who holds money belonging to the judgment debtor