

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

**EARNINGS GARNISHMENTS**

**A GARNISHMENT CANNOT BE ISSUED BEFORE 10 BUSINESS 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 \$10.00 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 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 - **Notice to the Judgment Debtor**  
Form #6 - **Request for Hearing**  
Form #7 - **Certificate of Service**

You should receive the completed **Answer of Garnishee** from the employer within 15 days following the end of each month. The garnishee may indicate the following:

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

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

Form #8 - **Release of Garnishment**

The garnishee may return to you the **Answer of Garnishee** stating the amount of money held 15 days following the end of the month. If the garnishee, within 10 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 monthly **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**)