

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

**NON-WAGE 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.**

**NON-WAGE 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 garnishee (usually a bank). 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 and 2 copies
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 must file a return with the Clerk, indicating when and how service was made. 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>

The garnishee should file an answer with the Clerk of the District Court within 10 days of service of the order of garnishment. The Clerk of the District Court will send you and the judgment debtor a copy of the answer of garnishee.

✓ **No sooner than 10 business days following the filing of the answer of garnishee you should complete and present to the Clerk of the District Court:**

## Form #11 - Order to Pay Money Into Court

After the judge signs the Order to Pay, the Clerk of the District Court shall issue a copy to the garnishee. The garnishee will then send the money to the Clerk of the District Court, who will forward it to you.

**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 objections is filed to the garnishment or Answer of Garnishee. A sample accounting form is attached for your convenience. **(Form 9)**

✓ When the judgment has been paid in full, please file:

Form #10 - **Satisfaction of Judgment**

### FORM PACKET ATTACHED:

1. Request for Garnishment
2. Order of Garnishment w/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
11. Order to Pay

### 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