

**Washington City Justice Court
County of Washington, State of Utah**

Judge Lee L. Bunnell

111 North 100 East
Washington, UT 84780
(435)656-6350

Plaintiff

APPLICATION FOR GARNISHMENT

v.
Defendant

Civil Number _____

The Plaintiff hereby applies for a writ of garnishment based upon the following:

1. That a judgment has been entered in the above-entitled action requiring the payment of money and the remaining amount due on the judgment is:_____.

2. That the person sought to be charged as garnishee is:

Garnishee name:_____

Garnishee address:_____

3. [check appropriate box(s)]

That said property consists in whole of earnings from personal services (wages).

That said property consists in part of earnings from personal services.

That said property does not consist of earnings from personal services.

The writ sought is a Continuing Writ of Garnishment for earnings from personal services.

Dated this _____ day of _____, 20_____.

Plaintiff or Attorney for Plaintiff

**Washington City Justice Court
County of Washington, State of Utah**

Judge Lee L. Bunnell

111 North 100 East
Washington, UT 84780
(435)656-6350

Plaintiff	WRIT OF CONTINUING GARNISHMENT
v.	Civil Number _____
Defendant	

THE STATE OF UTAH TO GARNISHEE: _____

You are hereby ordered by the Court to hold a portion of Defendant(s)' pension, wages or other income (not to exceed the outstanding amount owed on the judgment or order and court approved costs in this matter, totaling \$ _____) due at the next payday and continuing at each payday thereafter for a period of 120 days from the date this Writ was served upon you or, in the case of multiple garnishments, from the date this garnishment becomes effective, as calculated pursuant to the attached questions, which are called Interrogatories or the attached Affidavit of Garnishee as to Continuing Garnishment. To determine the income available for garnishment at the next (first) payday, you are required to answer the attached Interrogatories and file your answer (original copy) with the Clerk of the Court within five (5) business days of the date this Writ is served upon you or, in the case of multiple garnishments, within five (5) business days after this Writ becomes effective. For each subsequent payday thereafter until the termination of this Writ, you are required to complete the attached Affidavit of Garnishee as to Continuing Garnishment and file said Affidavit of Garnishee as to Continuing Garnishment, with the court in five (5) days after each payday. Before using the attached Affidavit of Garnishee as to Continuing Garnishment, you should make enough copies to be used for all subsequent paydays while this Writ of Continuing Garnishment is in effect. The address of the Clerk is: Washington City Court, 111 North 100 East Washington City UT 84780. You are also required to send a copy of your initial Interrogatory answers and subsequent Affidavits to the Plaintiff at the address as shown above.

MULTIPLE WRITS OF CONTINUING GARNISHMENT may be served upon you for the same defendant. Only one Writ of Garnishment (continuing or otherwise), may be in effect and satisfied at one time. When more than one Writ of Garnishment is served upon you against earnings due to the same Defendant, the Writs shall be satisfied in the order of service on you. If this Writ of Continuing Garnishment is served upon you while a previous Writ is still in effect, you shall respond to this Writ with a statement that you have been served previously with one or more Writs of Garnishment against earnings and you shall specify the date on which all Writs previously served are expected to terminate (see question #10 of the interrogatories). If you fail to answer the Interrogatories or to file a subsequent Affidavits as set forth above, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you owe or will owe money to the Defendant(s) which are subject to this Writ, you shall immediately mail by first class mail a copy of this Writ and your initial Interrogatory answers, the Notice of Garnishment and Exemptions and two (2) copies of the Request for Hearing form to the Defendant(s) at the last known address of the

Defendant(s) shown on your records at the time of the service of this Writ. In lieu of mailing, you may hand deliver a copy of these documents to the Defendant(s). In the case of multiple garnishments, this mailing or delivery to Defendant(s) shall occur immediately after this Writ becomes effective. You shall provide notice to the Defendant(s) of amounts attached in subsequent pay periods.

At the end of the pay period (for the first pay period only) you may hold the portion of Defendant's earnings to be held as shown by your answers until further order from the Court, or you may deliver the money to Court to be held pending disposition. For each subsequent payday following the initial payday, you must deliver the earnings withheld as shown by your Affidavit of Garnishee as to Continuing Garnishment to the Plaintiff, Plaintiff's Attorney, or the Court.

You must then pay to the employee the portion of the earnings that is not held by this Writ of Continuing Garnishment at the time the same is normally paid to the Defendant.

Issued this _____ day of _____, 20_____.

Clerk of the Court

By: _____
Court Clerk

INSTRUCTIONS TO GARNISHEE
(For Writ of Continuing Garnishment)

You are required to answer in detail the interrogatories (questions) and file the original copy of your answers with the Clerk of the Court whose address appears on this Writ of Continuing Garnishment. You are also required to mail a copy of your answers to each addressee appearing on the stamped envelope(s) attached within five (5) days following the last day of the pay period in which this Writ of Continuing Garnishment was served upon you, or in the case of multiple garnishments, from the date this garnishment becomes effective. When more than one Writ of Continuing Garnishment is served upon you for the same defendant, the Writs shall become effective in the order served upon you. In addition, for each subsequent pay period of the defendant for a period of 120 days from the date this Writ was served upon you or becomes effective, you are required to fill out the attached Affidavit of Garnishee as to Continuing Garnishment (questions regarding the current pay day) and file the same with the Clerk of the Court and to mail a copy to the plaintiff. Before using the attached Affidavit of Garnishee as to Continuing Garnishment, you should make enough copies to be used for all subsequent paydays while this Writ of Continuing Garnishment is in effect. In the event you fail to answer the interrogatories for the initial pay period, or fail to file an Affidavit of Garnishee as to Continuing Garnishment to any subsequent pay period, the plaintiff may apply to the court for relief against you.

If at any time you are served with this Writ of Continuing Garnishment any previous writs are still in effect, when answering the interrogatories you must make a statement that you have been served previously with one or more Writs of Garnishment against the defendant's earnings and specify the date on which all such liens previously served are expected to terminate (see question #10 of the interrogatories).

If at the end of the pay period (for the first pay period only), you owe money to the defendant, at the time you file your answers you are required to immediately deliver or mail by first class mail a copy of the Writ of Garnishment and your Answers to the Interrogatories, the Notice of Garnishment and Exemption, and two (2) copies of the Request for Hearing to the Defendant at the last known address shown on your records at the time of service of this Writ. Also for the first pay period only, if you wish, you may hold the portion of Defendant's earnings that is required as shown by your answers until you receive further order from the Court, or you may deliver the money to the Court to be held pending disposition. For each subsequent payday following the initial payday, you must deliver the earnings withheld as shown by your Affidavit of Garnishee as to Continuing Garnishment to the Plaintiff, Plaintiff's Attorney or the Court. You must then pay to the Defendant the portion of the earnings that is not held by this Writ of Continuing Garnishment at the time the same is normally paid.

Case Number: _____
Defendant: _____

INTERROGATORIES TO GARNISHEE
(Earnings for Personal Services- Continuing Garnishment)
(RETURN ORIGINAL TO THE COURT)

(Give your answers in the spaces provided and attach additional sheets if necessary.)

1. Is (are) the defendant(s) employed by you or does (do) defendant(s) render services for you?
Yes _____ No _____

2. (a) What is (are) defendant(s)' pay period(s)?
Weekly _____; Semi-Monthly _____; Monthly _____; Other _____
(b) What is defendant(s) hourly or periodic rate of pay or other manner of compensation?
ANSWER: _____
(c) What is the date of the Defendant's next payday?
ANSWER: _____
(d) On what date(s) of the month does Defendant receive regular pay?
ANSWER: _____
(e) On what date(s) of the month does Defendant receive other payment(s) from you (for example, bonus commission, per diem, reimbursement of expenses, vacation pay, etc.)?
Identify the type of payment associated with each such payment date.
ANSWER: _____

3. Are you indebted to the defendant(s), either in property or money, for PERSONAL SERVICES, (WORK) whether due or to become due?
ANSWER: Yes _____ No _____

4. If your answer is yes, figure out as explained below the amount of Defendant's pay that must be held. Assume that you are calculating this on the last day of the pay period.
 - a. Gross earnings or income for the pay period or income period, if any, during which this writ of garnishment was served. \$ _____

 - b. Less deductions for taxes and other items REQUIRED BY LAW to be deducted from above amount:

Federal income tax	\$ _____
FICA	\$ _____
State income tax	\$ _____
Any other amounts required by law to be deducted:	\$ _____

(Identify)

 - c. Total of these deductions \$ _____

 - d. Disposable earnings or income (Item a minus Item c) \$ _____

 - e. Exempted amount (to be paid to the employee) : greater of 1, 2 or 3 below.
 1. Seventy-Five (75%) percent of the defendant(s) total disposable earnings

- or \$ _____
 2. \$190.00 time the number of weeks in the pay period
 or \$ _____
 3. Defendant's disposable earnings or income (Item d) minus the amount
 owed on the judgment as shown on the Writ of Garnishment
 \$ _____
 f. AMOUNT ATTACHED BY THIS GARNISHMENT (Item d minus Item e)
 \$ _____

5. Do you know of any other employment, income or income-producing activities of the defendant(s)? If so, state the full particulars thereof.

ANSWER: _____

6. Other than as set forth above, are you indebted to defendant(s)?

ANSWER: _____

DESCRIPTION: _____ VALUE _____

7. Do you know of any debts owing or which may be owing from any other person to defendant(s)?

ANSWER: _____

DESCRIPTION: _____ VALUE _____

8. Have you retained or deducted from the property or money in which you are indebted to Defendant(s) any amount in payment, in full or in part, of a debt owed by Defendant(s) or Plaintiff(s) to you?

ANSWER: _____

9. If so, state the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

10. At the time you were served with this Writ of Continuing Garnishment is there any Writs served previously that are now in effect? If so specify the date on which all such liens are expected to terminate.

ANSWER: _____

I do swear or affirm that I am the garnishee or person authorized to execute this instrument and make this verification on behalf of garnishee and that these answers to the foregoing interrogatories are true.

 Signature of Garnishee or Authorized Signature on Behalf of Garnishee

Case Number _____
Defendant _____

AFFIDAVIT OF GARNISHEE
(Must be Attached to Interrogatories)

I do swear or affirm that I am the garnishee or person authorized to execute this document and make this verification on behalf of garnishee and that the answers to the foregoing interrogatories are true to the best of my information and belief.

I also swear or affirm that I mailed by first class mail, or hand-delivered a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and two (2) copies of a Request for Hearing form to the Defendant at:

Full address: _____
date mailed: _____

or hand-delivered to the Defendant at:

Place: _____
date delivered: _____

I also swear or affirm that the following other persons were also provided a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and Request for Hearing:

Person: _____	_____
Address: _____	_____
_____	_____
Date mailed: _____	_____
or delivered	

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20_____.

NOTARY PUBLIC
My commission expires: _____

**Washington City Justice Court
County of Washington, State of Utah**

Judge Lee L. Bunnell

111 North 100 East
Washington, UT 84780
(435)656-6350

Plaintiff v. Defendant	Affidavit of Garnishee as to Continuing Garnishment Civil Number _____
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Garnishee: Make Copies of this form before using!

The undersigned, begin duly sworn, hereby states the following:

1. The undersigned is the garnishee or person authorized to execute this document and make this verification on behalf of the garnishee.
2. The garnishee is indebted to the defendant for personal services (work) rendered during the period of _____ to _____ (the pay period)
3. The garnishee was served with a Writ of Continuing Garnishment in the above-referenced matter on _____, 19____ and said Writ was in effect as of the last day of the pay period.
4. The garnishee previously mailed by first class mail or hand delivered a copy of the Answers to Interrogatories, Notice of Garnishment and Exemptions and two (2) copies of the Request for Hearing to the Defendant.
5. The following computation details the amount of the defendant's pay that has been held for the pay period:

a.	Gross earnings or income for the pay period	\$ _____
b.	Less deductions for taxes and other items REQUIRED BY LAW to be deducted from the above amount:	
	Federal income tax	\$ _____
	FICA	\$ _____
	State Income tax	\$ _____
	Any other amounts required by law to be deducted	\$ _____
	Identify _____	
c.	Total of these deductions	\$ _____
d.	Disposable earnings or income (Item a minus c)	\$ _____
e.	Exempt amount to be paid to employee (greater of 1, 2, or 3 below)	
	1. 75 % of Defendant's total disposable income (item d)	\$ _____
or	2. \$190 times the number of weeks in the pay period	\$ _____
or	3. Defendant's disposable earnings or income (item d) minus the amount owed on the judgment as shown on the Writ of Garnishment:	\$ _____
6. The garnishee [] has [] has not retained or deducted from the amount attached above any amount in payment, in full or in part, or a debt owed by the defendant or plaintiff to garnishee. If an amount has been

retained, such amount is \$_____.

- 7. The garnishee will provide notice to the defendant of the amount attached by this garnishment.
- 8. The garnishee provided a copy of the Affidavit to the following other persons:

Person: _____
Address: _____

Date mailed: _____
or delivered _____

- 9. The amount attached for the pay period by this garnishment has been mailed by first class mail or hand delivered to: (check one)

- the Plaintiff in this action
- the Plaintiff's Attorney
- the Court

Signature of Garnishee or Authorized Signature
on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

NOTARY PUBLIC
My commission expires: _____

**Washington City Justice Court
County of Washington, State of Utah**

Judge Lee L. Bunnell

111 North 100 East
Washington, UT 84780
(435)656-6350

Plaintiff

REQUEST FOR HEARING

v.

Civil Number _____

Defendant

1. Complete paragraph one if funds in your account were garnished.

a. I believe that the Writ of Garnishment was issued improperly. (Explain)

b. I believe that the Answers to Interrogatories are inaccurate. (Explain)

c. The funds in my account are exempt from garnishment because they are:
(Check applicable boxes)

- Social Security Benefits
- Supplemental Security Income (SSI)
- Veterans' Benefits
- Unemployment Benefits
- Worker's Compensation Benefits
- Public Assistance (welfare)
- Alimony or Child's Support
- Pensions
- Wages or other earnings from personal services
- Owned by another person
- Partly owned by me
- Other (describe)

d. Check one box:

- All funds in my account are exempt
- I believe the following amount of money in my account is exempt \$ _____
(Fill in amount of funds you believe to be exempt)

e. Check if applicable: I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

REQUEST FOR HEARING - CONTINUED

[] f. Check if applicable: I have attached copies of the documents that show the money is exempt.

2. Complete paragraphs two if all or part of your wages were garnished.

[] a. I believe that the Writ of Garnishment was issued improperly. (Explain)

[] b. I believe that the Answers to Interrogatories are inaccurate. (Explain)

[] c. I believe that all or part of my wages are exempt from garnishment (Explain)

I REQUEST THAT THIS MATTER BE SET FOR A HEARING. THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Name: _____

Address: _____

Phone: _____