

**DOCUMENTS AND FEES NEEDED TO ISSUE WRIT OF GARNISHMENT
(NON-WAGE)**

This list is for your information only. The court does not need this returned.

Application for Garnishment (1)

Writ of Garnishment (1 original, 1 copy)

Instructions to Garnishee (1)

Interrogatories to Garnishee (1 original, 1 copy)

Notice of Garnishment and Exemptions Notice (1)

Request for Hearing (2)

\$35 Civil Fee (Make Check payable to Washington City Justice Court)

\$10 Garnishee Fee (Make check payable to Garnishee)

Include a self-addressed stamped envelope for the return of your copy of the interrogatories.

Any further instructions to the Garnishee if needed.

INSTRUCTIONS TO THE PLAINTIFF (Please type or print legibly)

1. Fill out the heading of each and every page. Make sure the Defendant's name and case number is on each page.
2. Fill out the Application of Garnishment completely and sign it.
3. Fill in the amount of the remaining judgment on each of the two copies of the Writ of Garnishment (this amount will be the same as the amount on the Application). DO NOT date the last page of the writs. To the remaining amount of judgment, you can add the following:
 - a. The cost of the Writ of Garnishment filing fee - \$35
 - b. The cost of the Garnishee Fee - \$10
 - c. The cost of the service fees - if you know in advance what they will be. The court does not know how much it will cost to serve a Garnishee. You may contact your local process server to find out this information.
4. The remaining pages are for the Garnishee to fill out. You just need to make sure that the heading is complete with Plaintiff, Defendant and case number.

If you have any questions regarding this garnishment you may contact the court at:

**Washington City Justice Court
111 North 100 East
Washington UT 84780
435-656-6350, Fax 435-656-6372**

**Washington City Justice Court
111 North 100 East
Washington UT 84780
435-656-6350
Honorable Judge Lee L. Bunnell**

**Application for Garnishment
(Post Judgment)**

vs.	Case No. _____
Plaintiff	
Defendant	

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
 That the said property consists in whole or in part of earnings from personal services (wages).
 That said property does not consist of earnings from personal services.

Dated

Plaintiff or Attorney for Plaintiff

**Washington City Justice Court
111 North 100 East
Washington UT 84780
435-656-6350
Honorable Judge Lee L. Bunnell**

<p style="text-align:center">Plaintiff</p> <p style="text-align:center">vs.</p> <p style="text-align:center">Defendant</p>	<p style="text-align:center">Writ of Garnishment (Not For Garnishment of earnings for personal services)</p> <p>Case No. _____</p>
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THE STATE OF UTAH TO THE GARNISHEE:

You are hereby ordered by the Court to hold, until further order of this Court, and not pay to Defendant all money and other personal property of the Defendant(s) in your possession or under your control, whether now due or hereafter to become due, which are not exempt from execution, up to the amount remaining due on the judgment or order plus court approved costs in this matter (or in the case of a prejudgment writ, the amount claimed to be due), being \$_____.

You are required to answer the attached questions called interrogatories, and file your answer with the Clerk of the Court within five business days of the date this Writ was served upon you. The address of the Clerk is 111 NORTH 100 EAST, WASHINGTON, UTAH 84770. You are also required to send a copy of your answers to the Plaintiff at the above listed address of the plaintiff.

If you fail to answer, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you are indebted to or hold property or money belonging to the Defendant, you shall immediately mail by first class mail a copy of the Writ of Garnishment, the Interrogatories, the Notice of Garnishment and Exemptions and two (2) copies of the Request for Hearing to the Defendant and to anyone else who, according to your records, may have ownership or other interest in the property or money at the last known address of the Defendant or such other persons shown on your records at the time of the service of this Writ. In lieu of mailings, you may hand-deliver a copy of these documents to the Defendant and other persons entitled to copies.

You may deliver to the officer serving this Writ the portion of the Defendant(s)' earnings or income to be held as shown by your answers. You will then be relieved from further liability in this case unless your answers are successfully disputed. You may, in alternative, hold the money until further order of the Court

If you do not receive an order from the Court regarding this Writ and the property you held pursuant to this Writ within sixty (60) days after filing your answers to the attached Interrogatories, this Writ shall

expire and you may ignore it.

Dated

Clerk of the Court

INSTRUCTIONS TO THE GARNISHEE

You are required to answer in detail the Interrogatories (questions) following the Writ of Garnishment, to file your Verified Answers with the Clerk of the Court whose address appears on this Writ of Garnishment. You are also required to mail a copy of your answers to the to the judgment creditor in the self-addressed, stamped envelope delivered with these materials within five (5) business days from the date this Writ was served upon you. In the event you fail to answer the Interrogatories, the judgment creditor may apply to the Court for relief against you.

If you have any property subject to Garnishment in your possession, custody or control, you must also hand-deliver or mail, by first class mail, a copy of the Writ of Garnishment, your answers to the accompanying Interrogatories, the Notice of Garnishment and exemptions (delivered herewith), and two (2) copies of the Request for Hearing (delivered herewith) to the judgment debtor at the last known address of the judgment debtor shown on your records at the time of service of the Writ of Garnishment, within five (5) business days from the date of service of the Writ.

If you have any property Subject to garnishment in your possession, custody or control, you must also hand-deliver or mail, by first class mail a copy of the Writ of Garnishment, your answers to the accompanying Interrogatories, the Notice of Garnishment and exemptions and two (2) copies of the Request for Hearing to any other person shown upon your records to be a co-owner or having an interest in the property or money garnished at the last known address of the co-owner or other interested person as shown on your records at the time the Writ of Garnishment was served on you.

If the property subject to Garnishment is an account, such as a bank account or the like, the copies of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and the Request for Hearing shall be served at the address maintained in your records for that account.

**INTERROGATORIES TO GARNISHEE
(Not for Earnings for Personal Services)
(RETURN ORIGINAL TO THE COURT)**

INTERROGATORIES TO GARNISHEE
(Not for Earnings for Personal Services)
(RETURN ORIGINAL TO THE COURT)

1. Are you indebted to the Defendant(s) either in property or money?

ANSWER:

2. What is the nature of the indebtedness?

ANSWER:

3. What is the total amount of the indebtedness?

ANSWER:

4. Is the indebtedness now due?

ANSWER:

5. If not, when is it to become due?

ANSWER:

6. Have you in your possession, in your charge or under your control any property or money in which Defendant(s) has/have an interest other than as set forth in your answers above?

ANSWER:

7. If so, identify or describe such property or money and value of Defendant's interest in it.

Identification or description:

Amount or value of Defendant's Interest:

8. Do you know of any debts owing or which may be owing from any other person to Defendant(s) whether due or not, or of any property of Defendant(s) or in which Defendant(s) has/have an interest in any other person's possession or control?

ANSWER:

9. If so, state the full particulars thereof. Identification or Third Party Value of Amount or Description of Debt Debtor, Holder Defendant's Right or Item Location or Custodian Interest.

ANSWER:

**INTERROGATORIES TO GARNISHEE
(Not for Earnings for Personal Services)
(RETURN ORIGINAL TO THE COURT)**

10. 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:

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

ANSWER:

Defendant Name: _____

Case Number: _____

STATE OF UTAH

COUNTY OF WASHINGTON

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 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, on _____ (date) to the defendant at the following location: _____.

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.

Authorized Signature

Subscribed and sworn to before me this

_____.

(date)

NOTARY PUBLIC
Residing

at: _____

My commission

expires: _____

NOTICE OF GARNISHMENT AND EXEMPTIONS

The attached Writ of Garnishment and Answers to Garnishee Interrogatories have been issued in request of a creditor (the Plaintiff) who sued you, won and got a judgment against you or a prejudgment Writ of Garnishment has been issued against you. This means that money held for you by the Garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this notice too.

The law provides that certain money cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

1. Social Services Benefits
2. Supplemental Security Income Benefits (SSI)
3. Veteran's Benefits
4. Unemployment Benefits
5. Workers' Compensation Benefits
6. Public Assistance (welfare)
7. Alimony or Child Support
8. Certain pensions
9. Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
10. Property or money of a person who did not have a judgment entered against them

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts.

The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property taken belongs to you but the judgment is not against you, your money should not be taken.

If you are a co-owner of the property taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE

TAKEN, YOU
MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the Plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, **DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the Plaintiff mailed or delivered this notice to you to request a hearing.** If the writ served is a Writ of Continuing Garnishment against your wages, you are only entitled to a hearing for the first payday. Any request for hearing after the initial payday must be made by motion to the Court and held within the Judge's sole discretion.

1. If funds in your account were garnished, on the attached ***Request for Hearing*** form check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached ***Request for Hearing*** check the appropriate box(es) in paragraph two.
3. Sign your name in the space indicated and write the address where the Court Clerk is to notify you of the hearing.

**A KNOWINGLY MADE FALSE STATEMENT ON THE FORM MAY
SUBJECT YOU TO CRIMINAL PENALTIES**

4. Mail or take the ***Request for Hearing*** to the Court Clerk within ten (10) days from the date this notice was mailed or delivered to you. The address of the Court is: Washington City Justice Court, 111 North 100 East, Washington, UT 84780. Keep the second copy of ***Request for Hearing*** for your records. The Court Clerk will set the matter for hearing and notify you. You have the right to a hearing within ten (10) days from the date the Court Clerk receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may want to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court at the designated time and prove that the garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but believe that the garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

**Washington City Justice Court
111 North 100 East
Washington UT 84780
435-656-6350
Honorable Judge Lee L. Bunnell**

Request for Hearing

Case No. _____

Plaintiff
vs.

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 Services Benefits
- Supplemental Security Income Benefits (SSI)
- Veteran's Benefits
- Unemployment Benefits
- Workers' Compensation Benefits
- Public Assistance (welfare)
- Alimony or Child 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

\$_____.

e. Check if applicable:

- I claim ownership of all or part of the money or property taken and one of the persons against whom a judgment has been entered.

I am not

f. Check if applicable:

- I have attached copies of the documents that show that my 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 HEARING. THE
STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

Name: _____

Address: _____

Phone: _____

Dated

Authorized Signature

**Washington City Justice Court
111 North 100 East
Washington UT 84780
435-656-6350
Honorable Judge Lee L. Bunnell**

Plaintiff vs. Defendant	Request for Hearing Case No. _____
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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 Services Benefits
- Supplemental Security Income Benefits (SSI)
- Veteran's Benefits
- Unemployment Benefits
- Workers' Compensation Benefits
- Public Assistance (welfare)
- Alimony or Child 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

\$_____.

e. Check if applicable:

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

f. Check if applicable:

I have attached copies of the documents that show that my 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 HEARING. THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Name: _____

Address: _____

Phone: _____

Dated

Authorized Signature