

<hr/> Name
<hr/> Address
<hr/> City, State, Zip
<hr/> Phone
Check your email. You will receive information and documents at this email address
<hr/> Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar
#_____)

In the Washington City Justice Court of Utah
Judge Thad D. Seegmiller
111 North 100 East, Washington UT 84780
435-656-6350

<hr/> Plaintiff/Petitioner	Application for Writ of Garnishment
V.	<hr/> Case Number
<hr/> Defendant/Respondent	<hr/> Judge
	<hr/> Commissioner (Domestic Cases)

Instructions: You must attach the following records and forms if they are not already filed with the court.

Continuation pages, if any, to complete paragraphs that don't have enough space. Write the paragraph number on the continuation page.

Writ of Garnishment, and Answers to Interrogatories for Property Other than Earnings (If applicable.).

Writ of Continuing Garnishment, and Answers to Interrogatories for Earnings (If applicable.).

Notice of Garnishment and Exemptions.

Reply and Request for Hearing (2 copies.).

Check payable to the garnishee for the fee required by statute (If this Application is electronically filed, the fee must be delivered to the garnishee when the Writ is served.).

Check payable to the Sheriff, Constable or Private Investigator for serving the Writ.

Check payable to the court for the filing fee.

1. I request a (choose one):
 - Writ of Garnishment
 - Writ of Continuing Garnishment
 - Writ of Continuing Garnishment for Child Support

Be issued and served upon each of the garnishees named below, along with the attached forms.

2. This is an application for Writ of Continuing Garnishment and: (choose one)
 - The garnishee has verified the employment of the debtor.
 - The garnishee has not responded to my Request for Verification of Employment
 - I have not requested Verification of Employment from the garnishee

3. The amount due is:

Amount of original judgement	\$
Post-judgement interest	\$
Cost to file application for writ	\$
Cost to Serve this Writ	\$
Garnishee's fee	\$
Filing, service and garnishees fees for other Writs (Attach receipts)	\$
subtotal	\$
Less payments made	\$
Total Amount Due	\$

4. The person who owes the money (judgement debtor) is:

Name	
Address	
Social Security number (Last 4 digits only, if known)	
Driver's license number and state of issuance (Last 4 digits only, if known.)	
Year and month of birth (if known)	

5. I believe that the following people hold property of the judgement debtor.

Person holding property (Name, address, phone number)	
Property description (If an account, include the location and last 4 digits of account number)	
Estimated value of property	\$
Is the property earnings?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Person holding property (Name, address, phone number)	
Property description (If an account, include the location and last 4 digits of account number)	
Estimated value of property	\$
Is the property earnings?	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. I believe that the following people claim an interest in the property. I request that the Writ of Garnishment be served upon each, along with the attached forms.

Name	
Address	
Phone number	

In the Washington City Justice Court of Utah
 Judge Thad D. Seegmiller
 111 North 100 East, Washington UT 84780
 435-656-6350

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>V.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p>Writ of Continuing Garnishment and Instructions for <input type="checkbox"/> Child Support <input type="checkbox"/> Other</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
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An employer who is served with the Writ of Garnishment can use the Online Court Assistance Program (OCAP - www.utcourts.gov/ocap) to calculate the amount to be withheld and prepare the Answers to Interrogatories form for filing instead of using the fill-in-the-blank Garnishee's Answers to Interrogatories form. Once you have created an OCAP account, login and go to **Garnishment / Answers to Interrogatories**. For more information about writs of garnishment, go to: www.utcourts.gov/resources/forms/garnishment/.

In this document:

A **judgment creditor** is a person or company with a court order saying money is owed to them.

A **judgment debtor** is the person or company who owes the money.

A **writ of garnishment** is an order that property now belonging to the judgment debtor but held by someone else be used to pay the money owed to the judgment creditor.

Interrogatories are written questions which identify the property and the value of the property that might be used to pay the debt.

To:

Garnishee's Name	<p>_____</p> <p>_____</p>
Address	<p>_____</p> <p>_____</p>

- Utah law requires the judgment creditor to include with this Writ of Garnishment a fee to you. If the fee was not included, sign here and return the forms to the judgment creditor, or if they have one, their attorney.

Signature

- A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ _____.

Papers filed with the court show that you may possess or control some of the judgment debtor's property which may include earnings not yet paid.

The property is being garnished (seized) in order to pay the judgment. If you are the garnishee, you are required to take certain steps to deliver the property or to hold and protect it. **If you do not, the court can order you to pay for the harm caused to the judgment creditor.** You should keep for your records a copy of everything that you prepare and everything that is served on you.

- The person who owes money (judgment debtor) is:

Name	
Address	
Social Security number (Last 4 digits only, if known)	
Driver's license number and state of issuance (Last 4 digits only, if known)	
Year and month of birth (if known)	

- Within 7 business days after this writ is served on you, you must:
answer the attached Interrogatories;

Serve a copy of your Answers to Interrogatories on the judgment creditor, or if they have one, their attorney or licensed paralegal practitioner;

Serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the property. The papers to be served are:

one copy of this Writ of Continuing Garnishment;

one copy of your Answers to Interrogatories;

one copy of the Notice of Garnishment and Exemptions form; and

two copies of the Reply and Request for Hearing form.

5. You may serve the judgment creditor at this address by hand delivery or by first class mail:

_____ Name
_____ Address
_____ City, State, Zip
_____ Phone
_____ Email

You may serve the judgment debtor at this address by hand delivery or by first class mail.

_____ Name
_____ Address
_____ City, State, Zip
_____ Phone
_____ Email

6. This Writ of Continuing Garnishment is effective for one year after the date it was served on you, or for 120 calendar days if another writ of continuing garnishment is served on you. Within 7 business days after the close of each pay period occurring within the term of continuing garnishment, you must:

answer the attached Interrogatories;

serve a copy of your Answers to Interrogatories on the judgment creditor, or if they have one, their attorney or licensed paralegal practitioner; the judgment debtor and on any other person shown by your records to have an interest in the property.

7. What to do with the property:

DO NOT SEND THE PROPERTY TO THE COURT. You must withhold from the judgment debtor the amount shown in your Answers to Interrogatories. Hold the property for 21 calendar days after you serve the judgment debtor.

Wait 21 days.

If you receive a Reply and Request for Hearing within 21 days, hold the property until you receive further orders from the court directing you how to proceed.

If you do not receive a Reply and Request for Hearing within 21 days, deliver the property to the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner.

8. If you do not take these steps, the court may hold you responsible for the value of the property you should have withheld.

9. You may deliver to the judgment debtor any property greater than you are required to withhold.

10. Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ.

However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first.

A Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Date

Signature _____

Printed name of Court Clerk _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Writ of Continuing Garnishment and Instructions on the following people.

Person's Name	Service Method	Service Address	Service Date
(OTHER PARTY OR ATTORNEY)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
(Person claiming interest in property)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		

Date

Signature ➤ _____

Printed Name _____

3. If there are other Writs of Continuing Garnishment in effect, when will they expire?

ANSWER: _____

4. What is the judgment debtor's pay period?

ANSWER:

Weekly

Biweekly

Semi-monthly

Monthly

Other (Describe): _____

5. What is the pay period to which these answers relate?

ANSWER: Start Date: _____ End Date: _____ *

* The Writ served on you with this form is effective for one year after the date of service, or for 120 days after the date of service of another writ of continuing garnishment. If the days of the garnishment term end before the end date of the pay period, you are not required to withhold money from the debtor. Skip the remaining questions, sign this form, and mail it as indicated. Otherwise calculate the amount to be withheld.

6. Calculate the amount to be withheld from the judgment debtor. (Assume you are calculating this on the last day of the pay period for which these answers apply.)

(a) Gross earnings from all sources payable to the judgment debtor (including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program. Tips are generally not considered earnings for wage garnishment.)	\$
(b) Deductions required by law	
(b)(i) Federal income tax	\$
(b)(ii) State income tax	\$
(b)(iii) Social security tax (FICA)	\$
(b)(iv) Medicare tax (FICA)	\$
(b)(v) Other amounts required by law to be deducted (Describe reason for deduction):	\$
(c) Total deductions (Calculate sum of 4(b)(i) through 4(b)(v).)	\$
(d) Disposable earnings (Calculate line 4(a) minus line 4(c).)	\$
(e) Calculate:	
(e)(i) 25% of the amount in line 4(d); or, if this is a judgment for child support, 50% of the amount in line 4(d)	\$
(e)(ii) The difference between line 4(d) and the federal minimum hourly wage \$7.25) times 30	

times the number of weeks in this pay period for example: (weekly): line 4(d) - \$7.25 x 30 x 1 week (Biweekly): line 4(d) - \$7.25 x 30 x 2 weeks (Semi-monthly): line 4(d) - \$7.25 x 30 x 2.16 weeks (Monthly): line 4(d) - \$7.25 x 30 x 4.33 weeks	\$
(f) Record the lesser amount from Line 4(e)(i) and Line 4(e)(ii)	\$
(g) Amount of any other garnishment or income withholding order	\$
(h) Calculate and record Line 4(f) minus Line 4(g)	\$
(i) Amount deducted for an undisputed debt owed to you by the (Check one, both, or neither) <input type="checkbox"/> judgment creditor <input type="checkbox"/> judgment debtor	\$
(j) Calculate and record Line 4(h) minus Line 4(i)	\$
(k) What is the balance owed on the judgment? (you may contact the judgment creditor or judgment creditor's attorney to obtain the outstanding balance.)	\$
(l) Record the lesser amount from Line 4(j) and Line 4(k). (This is the amount to be withheld)	

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or
country).

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's Answers to Interrogatories for Earnings on the following people.

Person's Name	Service Method	Service Address	Service Date
(Judgment Creditor or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
(Judgment debtor or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
(Person claiming interest in property)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		

_____ Date

Signature > _____
 Printed Name _____

NOTICE OF GARNISHMENT AND EXEMPTIONS

Please read this carefully.

Your property may be taken to pay a creditor.

You have a deadline of 14 days in which to object.

1. A judgment for money has been entered against the judgment debtor, and the creditor has taken steps to garnish (seize) their money or property to pay the judgment.
2. If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.
3. If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.
4. The court has ordered the garnishee to hold your money or property. This means that you cannot get the property and it may be used to pay a judgment creditor.
5. Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

Declaration of Homestead. (The Declaration must be filed with the county recorder before the auction of the property. (Utah Code 78B-5-504.))

A burial plot for you and your family.

Health aids.

Benefits because of disability, illness or unemployment.

Medical care benefits.

Veteran's benefits.

Money or property for child support, alimony or separate maintenance.

Social security benefits.

Supplemental security income benefits (SSI).

Workers' compensation benefits.

Certain retirement benefits.

Public assistance.

Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.

Provisions for 12 months.

Wearing apparel, not including jewelry or furs.

Beds and bedding.

Certain works of art.

Compensatory damages from bodily injury or wrongful death.

The proceeds of certain life insurance contracts and trusts.

Certain books, implements and tools of a trade.

A personal motor vehicle up to a specified amount.

A motor vehicle used in trade or business.

Part of your wages.

Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

See the HYPERLINK "<https://le.utah.gov/xcode/Title78B/Chapter5/78B-5-P5.html>"Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

6. If you think your property should not be taken because:
- the Writ of Garnishment was not issued correctly,
 - the Answers to Interrogatories are wrong,
 - the judgment creditor owes you money, or
 - you are entitled to an exemption,

do the following immediately. You have a deadline of **14 days** from the date the garnishee mailed or delivered this notice to you.

Complete the attached Reply and Request for Hearing form.
Sign your name in the space provided.

Mail or deliver a copy of the form to:

- the court,
- the judgment creditor or, if they have one, their attorney, and
- the garnishee.

Keep a copy for your records. The name and address of the court, and the garnishee are on the first page of the Writ of Garnishment. The address for the judgment creditor or, if they have one, their attorney is:

Name

Address

City, State, Zip

Phone
Check your email. You will receive information and documents at this email address

Email

1. The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.
2. If you do not take these steps, the property being held may be used to pay a judgment creditor.
3. You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: www.utcourts.gov/howto/legalassist/.
4. The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:

an appeal. See the court's Appeals page for more information about the process and forms:

www.utcourts.gov/howto/appeals/.

a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms:

www.utcourts.gov/howto/judgment/set_aside/.

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.

_____ Name
_____ Address
_____ City, State, Zip
_____ Phone
<div style="text-align: right; font-size: small;"> Check your email. You will receive information and documents at this email address </div> _____ Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar
 # _____)

In the Washington City Justice Court of Utah
 Judge Thad D. Seegmiller
 111 North 100 East, Washington UT 84780
 435-656-6350

_____ Plaintiff/Petitioner V. _____ Defendant/Respondent	<div style="text-align: center; font-weight: bold; font-size: 1.2em;"> Reply and Request for Hearing </div> _____ Case Number _____ Judge _____ Commissioner (Domestic Cases)
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1. I have read the Notice of Garnishment and Exemptions form. I understand that I cannot use this form to challenge why the judgment was entered against the judgment debtor. I believe that the creditor has improperly garnished money or property to pay the judgment.
2. The garnished property is:

- Funds in an account
- Wages
- Other property (Describe): _____

3. The Writ of Garnishment was not issued correctly because:

4. The Answers to Interrogatories are wrong because:

5. All or part of the property is exempt because it is:

- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Retirement benefits.
- Public assistance.
- Money for child support, alimony or separate maintenance.
- Compensatory damages from bodily injury or wrongful death.
- The proceeds of a life insurance contract or trust.
- Exempt wages.
- Owned by another person.
- Other. (Explain):

6. This amount is exempt: \$ _____.

7. The judgment creditor owes me money because:

8. I claim ownership of all or part of the money or property taken, but I am not the judgment debtor. (Explain.)

9. I request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's Answers to Interrogatories for Earnings on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (with person in charge or in receptacle for deliveries) <input type="checkbox"/> Left at home (with person of suitable age and discretion residing there)		

Date

Signature > _____

Printed Name _____