NOTICE TO JUDGEMENT DEBTOR
(NON-WAGE GARNISHMENT)

To collect a judgment against you in this lawsuit, your money or other property has been seized by execution or garnishment. An execution allows the sheriff to sell the property levied upon. A garnishment requires your bank (or other person holding your money or property) to transfer your property to the court or to hold it to satisfy the judgment.

READ THIS CAREFULLY YOU MAY BE ABLE TO KEEP YOUR MONEY OR PROPERTY OR GET IT BACK.

State and federal laws prevent certain types of money or property from being used to pay a judgment. Such money or property is "exempt". Examples of exempt money are: Social Security Benefits, SSI, unemployment benefits, Veteran's benefits, AFDC, and most government pensions. Examples of exempt property are certain health care aids and "tools of trade." These examples of exempt money and property constitute only a partial list, and you may have other exemptions.

If you think you have exempt money or property that has been seized, you have the right to file a motion with the court clerk's office identified below claiming your exemption and asking for the release or return of your money or property.

You can get a form for filing this motion at the clerk's office below, or the clerk may have supplied such a form on the back of this notice. YOU SHOULD ACT QUICKLY. If you file a motion within twenty (20) days from the date this notice was mailed to you or was given to you, the court must hear and decide your motion promptly, and in no event later than fourteen (14) days from filing. The clerk will notify you of the time, date, and place of the hearing.

IF YOU DO NOT UNDERSTAND YOUR RIGHTS OR HOW TO EXERCISE THEM, YOU MAY WISH TO CONSULT WITH A LAWYER. IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR FREE LEGAL ASSISTANCE.

The court clerk's office can provide you with forms and with information about legal services in your area, but the clerk cannot give you legal advise.

NOTICE TO JUDGMENT DEBTOR (AND NOTICE TO GARNISHEE)
(WAGE GARNISHMENT ONLY)

NOTICE TO THE DEBTOR (EMPLOYEE): Your earnings have been subjected to a garnishment which has been served upon your employer. The garnishment creates a lien on a portion of your wages until the judgment is satisfied, or for six (6) months, whichever occurs fist. You have the following rights:

Some of your wages are protected by state and federal law from garnishment. See the notice below to the employer to find out how much of your wages are protected from garnishment.

IF YOUR EMPLOYER IS TAKING TOO MUCH MONEY FROM YOUR WAGES:

You may apply to the court at the clerk's office shown below within twenty (20) days from any improper withholding of your wages for a motion to stop the garnishment. The court clerk identified below shall provide you with a form for making such a motion, or may have supplied a form motion on the back of this notice. You may wish to seek the counsel of a lawyer. If you are unable to afford an attorney, you may be eligible for free legal services to assist you.

PLEASE NOTE: If you file a motion, the court must hear and decide your motion promptly, and in no event later than fourteen (14) days from filing. The clerk will notify you of the time, date, and the place of hearing. The court clerk's office can provide you with forms and with information about legal services in your area, but the clerk cannot give you legal advice.

IF THE RIGHT AMOUNT OF MONEY IS BEING TAKEN FROM YOUR WAGES BUT YOU WANT TO GET THE GARNISHMENT STOPPED THROUGH A PAYMENT PLAN:

You may apply to the court for an order suspending further garnishments by the same creditor upon your paying a certain sum of money weekly, biweekly, or monthly, to pay the judgment. If you file this motion, the garnishment of your wages will stop for as long as you make the payments ordered by the court.

The court clerk shall provide you with the necessary forms to make this application, or you may seek the counsel of a lawyer. If you are unable to afford an attorney, you may be eligible for free legal services to assist you.

KATHY KELLEY, CLERK
GENERAL SESSIONS COURT
PART I
MAURY CO. COURTHOUSE
41 PUBLIC SQUARE
COLUMBIA, TN 38401
931- 381-3690 • Fax 931-375-1115

_____
_____
_____
Judgment Debtor's Name and Last Know Address
(Must be Provided by Creditor)

SHERIFF'S RETURN ON GARNISHMENT

I acknowledge receipt of the garnishment summons on the above mentioned employee

on _____, 20____.

_____
Employer or Employer's Agent

Executed by serving _____

on _____, 20____.

_____
Deputy Sheriff

EXECUTED BY LEVYING THIS EXECUTION ON THE FOLLOWING DESCRIBED PROPERTY: _____

_____

_____

AFFIDAVIT FOR SHERIFF

I, _____, Deputy Sheriff after being sworn, make oath that:

❑ A garnishment summons was served on

_____, garnishee,

on _____, 20____, and that the garnishee refused to sign a receipt acknowledging service of said summons.

❑ A copy of the execution by levy was mailed or delivered in person to the judgment debtor at the address provided by the judgment creditor.

_____
Deputy Sheriff

_____
Notary

My commission exp.: _____

AFFIDAVIT FOR EXECUTION

Having first been duly sworn according to law, I hereby make oath that the following information is true to the best of my knowledge and belief:
Judgment Creditor's Address for mailing notices required by TCA, Title 26, Section 2:

_____

_____

_____

Telephone No.: _____

Judgment Debtor's Last Known Address:

_____

_____

_____

Telephone No.: _____

By: _____
Judgment Creditor/Agent

Sworn to and subscribed before me on

_____, 20____

_____
Deputy Clerk/Notary Public

My Commission Expires: _____

EXECUTION

❑ Garnishment ❑ Levy

MAURY COUNTY
GENERAL SESSIONS COURT PART I

Case No. _____

_____
Plaintiff

VS.

_____
Defendant

Social Security No. _____

Garnishee _____

Address _____

Levy On _____

Judgment Balance ..... $_____

Pre-Paid Cost ..... $_____

Interest ..... $_____

Clerk's Fee ..... $_____

Officer's Fee ..... $_____

Total ..... $_____

Date of Judgment _____

Issued this _____

By _____ **KATHY KELLEY**
Clerk

By _____
Deputy Clerk

_____
Plaintiff's Attorney

If you have a disability & require assistance, please Call 931-375-1100

G.S.I-27R

EXECUTION and GARNISHMENT

STATE OF TENNESSEE
GENERAL SESSIONS COURT PART I
MAURY COUNTY

WRIT OF EXECUTION
TO ANY LAWFUL OFFICER
OF MAURYCOUNTY

You are commanded to take from the defendant's property the balance of the Judgment on reverse side, hereof, plus costs and interest thereon and thereby satisfy a judgment by this Court in favor of plaintiff. Have you said monies, together with this writ, ready to render before this court 30 days from the date hereof, or within.

GARNISHMENT

To Employer or Other Garnishee:

By virtue of the above command (or an attachment in my hands), any funds or property in your hands owing to defendant are hereby sequestered.

You are summoned to answer, in person or by mail, within 10 days after the date of service of this garnishment: (1) Whether you are, or were, at the time of the service of this garnishment indebted to the defendant; if so, how and in what amount; (2) Whether you had in your possession, or under your control, any property, debts, or effects belonging to the defendant at the time of service of this notice, or at the time of answering, or at any time between the date of service and the time of answering; if so, the kind and amount. (3) Whether there are, to your knowledge and belief, any and what property, debts, and effects in the possession or under the control of any other, and what person; (4) Such other questions appearing on or attached to the original execution put to you by the Court or the judgment creditor as may tend to elicit the information sought.

YOU ARE FURTHER NOTIFIED AND REQUIRED to pay no debt due by you, or to become due, to said defendant, and to retain possession of all property of the defendant, **EXCEPT** as to earnings in excess of the amount to be retained by this garnishment. This lien shall continue as to subsequent earning until the total amount due upon the judgment and cost is paid or satisfied, **OR** until the expiration of the employer's payroll period immediately prior to **SIX (6) CALENDAR MONTHS** after service of the execution, whichever occurs first. A lien obtained hereunder shall have priority over any subsequent liens obtained hereunder. Subsequent execution shall be effective for the successive calendar month periods in the order in which they are served.

YOU ARE REQUIRED TO WITHHOLD THE GARNISHMENT AMOUNT, OR PART THEREOF, FROM THE EMPLOYEE'S WAGES AND TO PAY THESE MONIES TO THE COURT NOT LESS THAN ONE TIME EACH CALENDAR THIRTY (30) DAYS. YOU ARE LIABLE FOR FAILURE TO WITHHOLD FROM THE EMPLOYEE'S WAGES AND FAILURE TO PAY THESE MONIES TO THE COURT, TO ENSURE PROPER CREDIT, INCLUDE THE DEFENDANT'S NAME AND THE DOCKET NUMBER ON THE PAYMENT AND MAIL TO:, **KATHY KELLEY, CLERK**
GENERAL SESSIONS COURT PART I
41 PUBLIC SQUARE
COLUMBIA, TN 38401
931- 381-3690 • Fax 931-375-1115

NOTICE: Although you have a longer time in which to answer the court concerning this garnishment, **you must do the following on the same day you receive the garnishment, or on the next working day.** Determine if you possess or control money or property of the judgment debtor. If so, within that same time period, you shall furnish a copy of the garnishment summons and Notice to Judgment Debtor by mailing them first class, postage prepaid, to the judgment debtors last known address as shown by your records, or by actual delivery to the judgment debtor. If the address shown by your records differs from that shown at the bottom of the Notice to Judgment Debtor, you shall also mail a copy of the garnishment and notice to the latter address.

ANSWER OF GARNISHEE FOR DEBTS OTHER THAN SALARIES, WAGES OR EARNINGS

As of the _____ day of _____, 20_____, _____,

Garnishee is holding the sum of $_____.

TO ALL BANKS:
THESE FUNDS ARE CONDEMNED AND SHALL BE PAID INTO COURT WITHOUT FURTHER ORDER.

KATHY KELLEY, CLERK
GENERAL SESSIONS COURT PART I
MAURY COUNTY, TENNESSEE

❑ **Nothing due employee**
❑ **No longer employed**
❑ **Other**_____

I certify under penalty of perjury that this information is true and correct.

Date _____

_____
Garnishee/Employer

NOTICE TO THE GARNISHEE (Employer):

THE MAXIMUM PART OF THE AGGREGATE DISPOSABLE EARNINGS OF AN INDIVIDUAL FOR ANY WORK WEEK WHICH IS SUBJECTED TO GARNISHMENT MAY NOT EXCEED:

(a) Twenty-five percent (25%) of his/her disposable earning for that week, minus $2.50 for each of his/her dependent children under the age of sixteen (16) who resides in the state of Tennessee as provided in Tennessee Code Annotated, Section 26-2-107; or(b) The amount by which his/her disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, minus $2.50 for each of his/her dependent children under the age of sixteen (16) who reside in the state of Tennessee, as provided in TCA, section 26-2-107, whichever is less. "Disposable earnings" earns that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

In the case of earnings for a pay period other than a week, the weekly formula must be changed to apply to that pay period so as to exempt an equivalent percentage of disposable earnings. For example, the calculation concerning the federal minimum wage in subsection (b) should be computed as follows: WEEKLY: 30 times the federal minimum hourly wage (fmw) at the time the earnings for any pay period become due and payable; BI-WEEKLY: 2 times 30 fmw; SEMI-MONTHLY: 2 and one-sixth (2 1/6) times 30 fmw; and MONTHLY: 4 and one-third (4 1/3) times 30 fmw equals the amount to be subtracted from disposable earnings for that pay period.

If the judgment orders alimony and the person in whose favor the judgment was rendered has remarried, the above exemption applies. If the judgment orders the debtor to pay support for his/her minor child or children, or alimony and the person in whose favor the alimony judgment was rendered has not remarried, different standards apply under 15 U.S.C. Section 1673(b). If the debtor is supporting a spouse or dependent child other than those for whom the order was entered, then fifty percent (50%) of his/her disposable earnings may be garnished. If the debtor is not supporting such additional dependents, a maximum of sixty percent (60%) may be garnished. These figures rise to fifty-five percent (55%) and sixty-five percent (65%), respectively, if the support order is for a period more than twelve (12) weeks before the pay period to be garnished.

If the judgment is for state or federal taxes, no disposable earnings are exempt under 15 U.S.C., Section 1673(b).

ANSWER OF GARNISHEE FOR WAGES & SALARY

Pay period from _____ to _____

The calculation of the amount of wages to withhold to pay a garnishment depends upon whether the judgment is for child support or alimony or for some debt.

I. IF THE JUDGMENT IS FOR ANY DEBT OTHER THAN FOR ALIMONY OR CHILD SUPPORT
- (a) What is the total gross pay before any deductions? ..... $_____
- (b) How much is deducted from pay for Social Security, Federal Income Tax and Child Support if applicable? ..... $_____
- (c) Subtract (b) from (a). This is disposable earnings ..... $_____
- (d) Are wages paid once every week, once every two weeks, once a month, or two times per month?
  - If once every week, enter $175.50 -If once every two weeks, enter $351.00
  - If two times per month, enter $380.25 -If once per month, enter $760.50 ..... $_____
- (e) Subtract (d) from (c). If (e) is $0 or less, STOP. NO WAGES MAY BE WITHHELD. If (e) is more than $0, go on to (f) ..... $_____
- (f) Divide (c) by 4 ..... $_____
- (g) Enter the lesser of (e) or (f) ..... $_____
- (h) How many children does the debtor have under the age of (16) living in Tennessee .... _____
- (i) Multiply (h) by $2.50 per week ($5.00 if wages are paid every two weeks; $5.42 if paid two times per month; and $10.83 if paid once per month) ..... $_____
- (j) Subtract (i) from (g). This is the amount of wages to withhold. If this amount is $0 of less, nothing should be withheld from wages ..... $_____

II. IF THE JUDGMENT IS FOR CHILD SUPPORT OR ALIMONY.
- (a) If the judgment is for alimony and the ex-spouse has remarried, withhold the amount in (j) above ..... $_____
- (b) If the judgment is for child support, or the judgment is for alimony and the ex-spouse has not remarried, multiply disposable earnings (c above) by: .50 if the employee is supporting another wife or child and the arrearage is less than 12 weeks old; .55 if the employee is supporting another wife or child and the arrearage is more than 12 weeks old; .60 if the employee is NOT supporting another wife or child and the arrearage is less than 12 weeks old; .65 if the employee is NOT supporting another wife or child and the arrearage is more than 12 weeks old ..... $_____

  Withhold this amount from wages, or the amount actually ordered to be paid foralimony or child support, which ever is less.....