

NOTICE TO JUDGMENT DEBTOR (NON-WAGE GARNISHMENT)

PURSUANT TO T.C.A. § 26-2-404. See Court Clerk information below.*

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

NOTICE TO JUDGMENT DEBTOR (WAGE GARNISHMENT ONLY)

NOTICE TO DEBTOR (EMPLOYEE): Your earnings have been subjected to a garnishment which has been served on 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 first. 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 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 place of the 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 AND YOU WANT TO GET THE GARNISHMENT STOPPED THROUGH A PAYMENT PLAN:

You must 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.

Pursuant to T.C.A. § 26-2-214, see notice to garnishee (Employer) on opposite of form.

*NAME: **Chancery Court Clerk**

Judgment Debtor

ADDRESS: **P.O. Box 1557
Lebanon, TN 37088**

Judgment Debtor's Last Known Street Address

TELEPHONE: **615-444-2835**

Judgment Debtor's Last Known City, State & Zip Code
(Must Be Provided by Creditor)

SHERIFF'S RETURN

I acknowledge receipt of the garnishment summons on the

Executed by serving _____

above mentioned employee on _____, 20__

on _____, 20__

Garnishee or Agent _____ Employee or Employer's Agent _____

Sheriff _____

Deputy Sheriff _____

TO ANY LAWFUL OFFICER TO EXECUTE AND RETURN

You are hereby commanded to take from the property of

including the property listed below, the sum of

plus costs and interest thereon, as itemized, to satisfy a judgment ordered by the plaintiff(s) in the Chancery Court of Wilson County, Tennessee.

You are further commanded to pay such monies, when collected, into this Court and you shall make return as to how you have executed this writ within the time allowed by the law.

Description of Property:

Received _____

_____, Sheriff

FOR SHERIFF

Came to hand same day issued and executed as follows:

() By serving a garnishment on the person(s) listed below:

() By levying this execution on the property listed below:

CASE No.: _____ Book: _____ Page: _____

EXECUTION/GARNISHMENT/LEVY
State of Tennessee, County of Wilson
Chancery Court

PLAINTIFF
Street
Address:

VS.

DEFENDANT

DEFENDANT

Date of Judgment _____

Judgment Balance \$ _____

Interest \$ _____

Clerk's Fees \$ _____

Officer's Fees \$ _____

Commission \$ _____

Court Cost \$ _____

TOTAL \$ _____

To: _____ Garnishee

Date issued _____
Millie Sloan, Clerk & Master

By _____ Deputy Clerk

Attorney/Agent for Plaintiff _____

Telephone _____

EXECUTION AND GARNISHMENT

ATTENTION JUDGMENT CREDITORS, JUDGMENT DEBTORS AND GARNISHEES: Read the entire form carefully. All sections may effect your rights and duties.

INSTRUCTIONS TO JUDGMENT CREDITOR:

1. Complete the reverse side of this form. Be sure to list each garnishee in the space provided.
2. A full set (Original and three copies) must be completed for each garnishee.
3. If a levy is being requested, describe the property in the space provided.
4. File these forms with the appropriate clerk's office.

INSTRUCTIONS TO GARNISHEE:

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 business day. Determine if you possess or control money or property of the judgment debtor. If so, within the 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 debtor's last known address as shown by your records, or by actual delivery to the judgment debtor; you shall also mail a copy of the garnishment and notice to the latter address.

To Employer or Other Garnishee:

By virtue of the above command (or an attached 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 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 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 earnings 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 the service of execution, whichever comes 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 were 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 FOR EACH CALENDAR THIRTY (30) DAYS. YOU ARE LIABLE FOR FAILURE TO WITHHOLD FROM THE EMPLOYERS WAGES AND FOR FAILURE TO PAY THESE MONIES TO THE COURT.

(See T.C.A. § 26-2-203, 26-2-214, and 26-2-216)

TO ENSURE PROPER CREDIT, INCLUDE THE DEFENDANT'S NAME AND THE DOCKET NUMBER ON THE PAYMENT AND MAIL TO:

Millie Sloan, Clerk & Master
P.O. Box 1557
Lebanon, TN 37088

NOTICE TO THE GARNISHEE (Employer):

Pursuant to T.C.A. § 26-2-216, See Court Clerk information on opposite side of form.

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

- (a) Twenty-five percent (25%) of his/her disposable earnings 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 § 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 resides in the state of Tennessee. Whichever is less. Disposable earnings means 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 that pay period so as to exempt an equivalent percentage of disposable earnings. For example, the calculations concerning the federal minimum wage in subsection (b) should be computed as follows: WEEKLY: 30 times the federal minimum pay period become due and payable (FMW); 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 order 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. § 1672(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 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 CALCULATION

T.C.A. § 26-2-404

A. What is total gross pay before any deduction? \$ _____

B. How much is deducted from pay for social security and Federal Income tax? _____

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 per week, enter \$127.50. If once every two weeks, enter \$255.00. If two times per month enter \$276.25. If once per month enter \$552.50. _____

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 sixteen (16) living in Tennessee? _____

I. Multiply H by \$2.50 per week (\$5.00 if wages are paid every two weeks, and \$10.83 if wages are paid once a month.) _____

J. Subtract I from G. This is the amount of wages to withhold. If this amount is \$0 or less nothing should be withheld from wages. _____

This garnishee certifies that this employee has Children under the age of 16 years who reside in the state of Tennessee. _____

Nothing Due Employee _____

No longer employed _____

Other _____
Pursuant to T.C.A. § 26-2-204, by signing below, I certify under oath that the above information is true and correct.

Garnishee/Employer

ANSWER OF GARNISHEE FOR JUDGMENT DEBTOR'S FUNDS OTHER THAN SALARIES, WAGES OR EARNINGS

As of the _____ day of _____, 20____

_____ is _____ Garnishee.

holding the sum of _____

Pursuant to T.C.A. § 26-2-204, by signing below, I certify under oath that the above information is true and correct.

Garnishee

THESE FUNDS ARE CONDEMNED AND SHALL BE PAID INTO COURT WITHOUT FURTHER ORDER.

Millie Sloan
Chancery Court