

WRIT OF GARNISHMENT

Purpose: This form is used by the court to issue an order instructing a third party to withhold earnings or other personal property of a judgment debtor so that a civil court judgment can be satisfied.

How: After the judgment creditor files a petition for a writ of garnishment, the court determines if a writ of garnishment should be issued.

A hearing may be held to determine what type of earnings or personal property, subject to garnishment under the law, is being earned or held by the judgment debtor and to decide if, under the law, the court can issue a writ of garnishment.

Once the court is satisfied that an informal settlement is out of the question and that the judgment debtor does have earnings or personal property available for garnishment, the court will generally issue the writ of garnishment.

The clerk completes the writ according to the judge's instructions and obtains the judge's signature. The writ is then delivered by the tribal police or the process server to the third party (garnishee) with control of the earnings or personal property for execution.

Copies: The original writ is given to the third party with control of the defendant's earnings or personal property for execution.
A copy is stored in the court case file.
A copy is given to the judgment debtor and judgment creditor.

FORT PECK TRIBAL COURT
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR/WOLF POINT, MONTANA

_____,
PLAINTIFF,)
Vs.) WRIT OF GARNISHMENT
_____,)
_____,) CASE NO. _____
DEFENDANTS.)

TO: _____, Garnishee.

1. Judgment in the above-entitled action was entered against defendant in the amount of \$_____.
2. Defendant has failed to satisfy the judgment.
3. Therefore, you are ordered to retain an amount from that due and owing to the defendant, according to the attached schedule. Such amount is to be paid to the Tribal Court for each pay period until the judgment amount has been paid in full.

Dated this _____ day of _____, 20__.

TRIBAL COURT JUDGE

ATTEST: _____
Clerk of Court

THE FEDERAL LAW RESTRICTING WAGE GARNISHMENTS

The garnishee is to complete and return this form, with payment, to Tribal Court in the amount on line #3 or #5, which is less.

1. \$ _____ Total earnings per pay period
 - a. \$ _____ less Federal tax
 - b. \$ _____ less State tax
 - c. \$ _____ less Social Security

2. \$ _____ Disposable earnings

3. \$ _____ 25% of #2

4. \$ _____ Amount exempt
 - a. \$100.50 if weekly pay period
 - b. \$201.00 if biweekly
 - c. \$217.75 if semi-monthly
 - d. \$435.50 if monthly

5. \$ _____ Disposable earnings (#2) minus exempt earnings (#4).