

PETITION FOR WRIT OF GARNISHMENT

Purpose: This form is used by a judgment creditor to request 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: The party requesting the writ of garnishment (petitioner/judgment creditor) completes the information on the petition and then signs the petition. If the petitioner is seeking garnishment of wages, the employer must be named as a defendant.

The petitioner must attach interrogatories to the petition to determine what interest(s) of the judgment debtor the garnishee (third party) has in her or his possession.

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.

Copies: The original petition is stored in the court case file.
A copy of the petition is given to the judgment creditor and judgment debtor.

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

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

Plaintiff states that:

1. This Court issued judgment against defendant on the _____ day of _____, 20____, in the amount of \$_____;
2. With due notice of the judgment, defendant has failed to pay the judgment or to commence making satisfactory installment payments; and
3. Defendant is employed by _____ (name and address of the employer), and receives approximately \$_____ each pay period.

Plaintiff requests this Court to issue a writ of garnishment against the wages of the defendant; that the writ be directed to the above-named employer of defendant; and that an amount permitted by law be paid to plaintiff in satisfaction of the judgment issued by this Court, plus an amount of \$_____ incurred by plaintiff in seeking this action.

Dated this _____ day of _____, 20_____.

PLAINTIFF