

NOTICE TO JUDGEMENT DEBTOR (NON-WAGE GARNISHMENT)

To collect a judgement 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 persons holding your money or property) to transfer your property to the court or to hold it to satisfy the judgement.

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 judgement. 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 advice.

NOTICE TO JUDGEMENT 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 judgement 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 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 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 garnishment by the same creditor upon your paying a certain sum of money weekly, biweekly or monthly, to pay the judgement. If you file this motion, the garnishment of your wages will stop as long as you make the payments ordered by the court.

The court 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.

NAME: DEBBIE MOSS, CLERK
 General Sessions Court _____
 ADDRESS: 115 East High Street _____
Room 103 _____
Lebanon, Tennessee 37087 _____
 TELEPHONE: 615-444-2045 _____

Judgement Debtor's Name and Last Known Address
(Must be provided by Creditor)

SHERIFF'S RETURN

I acknowledge receipt of the garnishment summons on the above mentioned employee on _____, 20____ Executed by serving _____ on _____, 20____
 _____ Employer or Employer's Agent _____ Deputy Sheriff

AFFIDAVIT FOR SHERIFF

I, _____, Deputy Sheriff after being duly 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 judgement debtor at the address provided by the judgement creditor.

_____ D.S.
 _____ Notary

My commission expires _____

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.

Judgement Creditor's Address For Mailing Notices Required by TCA, Title 26, Section 2:

Judgement Debtor's Last Known Address:

By: _____

_____ Judgement Creditor/Agent
 Sworn to and subscribed before me on _____, 20____

_____ Deputy Clerk/Notary Public

My Commission Expires _____

DESCRIPTION OF PROPERTY:

EXECUTION / GARNISHMENT / LEVY

WILSON COUNTY COURT OF GENERAL SESSIONS

DOCKET No. _____

To: _____
 Garnishee

Address: _____

PLAINTIFF

VS

DEFENDENT

Judgement Balance \$ _____

Court Cost \$ _____

Interest \$ _____

Clerk's Fee \$ _____

Officer's Fee \$ _____

Commission \$ _____

Total \$ _____

Date of Judgement _____

Issued this _____

Debbie Moss, Clerk

BY _____

D.C.

EXECUTION AND GARNISHMENT

STATE OF TENNESSEE
COURT OF GENERAL SESSIONS
WILSON COUNTY

WRIT OF EXECUTION
TO ANY LAWFUL OFFICER
OF WILSON COUNTY

YOU ARE COMMANDED TO MAKE THE DEFENDANTS PROPERTY THE BALANCE OF THE BELOW JUDGEMENT PLUS COSTS AND INTEREST THEREON AND THEREBY SATISFY A JUDGEMENT BY THIS COURT IN FAVOR OF PLAINTIFF.

HAVE YOU SAID MONIES, TOGETHER WITH THIS WRIT, READY TO RENDER BEFORE THIS COURT 30 DAYS FROM 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:

- 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;
- Whether you had in your possession, or under your control, any property, debts, or effects belonging to the defendant at the time of services 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;
- 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;
- Such other questions appearing on or attached to the original execution put to you by the Court or the judgement creditor as may tend to elicit the information sought.

YOU ARE FURTHER NOTIFIED AND REQUIRED to pay no debt 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 judgement 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 FOR FAILURE TO PAY THESE MONIES TO THE COURT. TO ENSURE PROPER CREDIT, INCLUDE THE DEFENDANTS NAME AND THE DOCKET NUMBER ON THE PAYMENT AND MAIL TO:

Debbie Moss
General Sessions Court
115 East High Street
Room 103
Lebanon, Tennessee 37087
Phone 615-444-2045

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 garnishments or on the next working day. Determine if you possess or control money or property of the judgement debtor. If so, within that same time period, you shall furnish a copy of the garnishment summons and Notice to Judgement Debtor by mailing them first class, postage prepaid, to the judgement debtors last known address as shown by your records, or by actual delivery to the judgement debtor. If the address shown by your records differs from that shown at the bottom of the Notice of Judgement Debtor, you shall also mail a copy of the garnishment and notice to the latter address.

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:

- Twenty-Five percent (25%) of his/her disposable earnings for that week, minus \$2.50 for each of his/her dependent children under the ages of sixteen (16) who resides in the state of Tennessee, or
- 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 ages 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 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 at the time the earnings for any 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 judgement orders alimony or child support and the person in whose favor the judgement was rendered has remarried, the above exemption applies. If the judgement orders the debtor to support another person (For example: alimony or child support) and the person in whose favor the judgement 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 (65%) respectively, if the support order is for a period more than twelve (12) weeks before the pay period to be garnished.

If the judgement 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 _____, 20____
to _____, 20____

- Gross Earnings \$ _____
- Less Federal Withholding Tax \$ _____
Less Social Security Tax \$ _____
Subtract Total Deductions \$ _____
- Net Disposable Earnings \$ _____
a. 25% of #3 \$ _____
or
b. 30 x minimum hourly wage
set by Federal FLSA \$ _____
- Enter lesser amount (a or b) \$ _____
- Less \$2.50 for each child
under 15 who resides in the
State of Tennessee \$ _____
- Amount Due Court \$ _____

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 _____

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

Garnishee Employer

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.

Debbie Moss, Clerk
Court of General Sessions