

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF KENTUCKY
 Division

Case No. _____

AFFIDAVIT FOR ORDER OF WAGE GARNISHMENT (CONTINUOUS OR AS DESIGNATED)

Judgment Debtor:		Date of Judgment:	
		Post Judgment Int Rate:	%
Judgment Creditor:		Amount of Judgment:	\$
		Pre-judgment Interest:	\$
Garnishee (Employer):		Allowed Court Costs:	\$
		Amount Due:	\$

AFFIDAVIT

The undersigned affiant is counsel for Judgment Creditor, or is the Judgment Creditor, and states as follows:

1. The above named Judgment Debtor is not now nor has been at any time during the pendency of this action, in the active military service of the United States of America.
2. The date of the Judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are stated above.
3. The Garnishee (Employer) listed above is believed to be indebted to the Judgment Debtor.
4. The Notice of Rights to Assert Exemption to Wage Garnishment will be sent to the Judgment Debtor within 5 business days of sending this Affidavit to the U.S. Bankruptcy Court Clerk.
5. Any garnished funds will be held by Affiant for a period of 30 days from the issuance date on the employer's garnishment check.

WHEREFORE: The Judgment Creditor prays for garnishment against the Judgment Debtor; that the Garnishee named herein be made a party to this action, and that the Garnishee be required to answer the Garnishment issued hereunder; and for its costs.

 Affiant

Subscribed and sworn to before me by the above affiant this _____ day of _____ 20____.

My commission expires: _____

 Notary Public, State at Large

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Judgment Creditor:		Amount of Judgment:	\$
		Pre-judgment Interest:	\$
Garnishee (Employer):		Allowed Court Costs:	\$
		Amount Due:	\$

To the Garnishee (Employer):

You are hereby (1) **restrained from paying** to the Judgment Debtor, or to anyone for him, money, property, or other evidence of debt in your possession belonging to him or in which he has any interest; and (2) **ordered to continuously withhold** and safely remit all of said nonexempt property of the Judgment Debtor until (a) the amounts due plus interest and costs are paid in full, or (b) for only the following designated succeeding pay periods: _____

NATHAN W. LEE, CLERK By: _____ D.C. Date _____

AFFIDAVIT AND ANSWER OF GARNISHEE (EMPLOYER)

Comes the undersigned Affiant, who after being duly sworn, states:

- A. The name and Social Security Number of the Judgment Debtor ("Employee") is:
Name: _____ SS#: _____
- B. The date on which this Order was originally served was _____
- C. No funds are due employee because _____
- D. If no funds are withheld due to superior (earlier) garnishments, the number of those garnishments is: _____
- E. The pay period of the remittance accompanying this return is from _____ to _____
- F. The pay period of this employee is: (choose one) weekly semi-monthly monthly
- 1. Gross Earnings \$ _____
- 2. Less amounts required by law to be withheld:
 Federal Income Tax: \$ _____
 State Income Tax: \$ _____
 Occupational Tax: \$ _____
 Social Security: \$ _____
 Ordered Child Support: \$ _____
Total Deductions \$ _____
- 3. Disposable earnings (Gross Earnings Total Deductions): \$ _____
- 4. Exempt Earnings:
 (a) 75% of line 3: \$ _____
 (b) **Other Amt** (below): \$ _____
 (c) Enter greater of (a) or (b): \$ _____
- 5. Non-exempt Disposable Earnings
 (Line 3 less Line 4(c)) \$ _____
- G. Remit the amount on Line 5 or the Amount Due shown at the top of this Order plus interest and costs, whichever is less, to the Judgment Creditor or Judgment Creditor's Attorney.**

Affiant

Subscribed and sworn to before me by the above affiant this _____ day of _____ 20____.

My commission expires: _____

Notary Public, State at Large

Other Amount: The other amount referred to in line 4(b) above is: (a) for weekly pay periods, 30 times the federal minimum hourly wage; or (b) for all other pay periods, the multiple of the federal minimum hourly wage as prescribed by the U.S. Department of Labor.

Important Notice to the Judgment Debtor

The Judgment Creditor is garnishing a portion of your wages to pay a judgment entered against you in the above court. You may have a right to recover all or part of the money your employer has withheld from your pay. Carefully review this form and your notice of rights to assert exemption to wage garnishment you previously received. Closely examine your employer's calculations regarding any withholding pursuant to this garnishment. If you believe that your employer has withheld too much money from you, file your objection to this garnishment in the office of the U.S. Bankruptcy Court Clerk which issued this garnishment within 13 days of the date on the payroll check you received from which money was withheld pursuant to this garnishment. **Note:** The Clerk does not have forms.

INSTRUCTIONS TO GARNISHEE (EMPLOYER) FOR COMPLETING AFFIDAVIT AND ANSWER TO ORDER OF WAGE GARNISHMENT (CONTINUOUS OR AS DESIGNATED)

Note: You should make copies of the Order of Wage Garnishment (Continuous or as Designated) and keep them for future use.

You Are Summoned and Ordered to Do the Following:

1. Complete the Affidavit and Answer on the bottom of Order under oath and send copies as directed in paragraph 2 below
 - (a) within 20 days from your receipt of this Order; AND
 - (b) when you first withhold as required by this Order; AND
 - (c) whenever the amount withheld from any later paycheck differs from the amount withheld from the last paycheck.
2. Send copies of each completed Affidavit and Answer to:
 - (a) the Judgment Debtor-Employee; AND
 - (b) the Judgment Creditor's Attorney or to the Creditor (if no attorney is named); AND
 - (c) the Clerk, U.S. Bankruptcy Court (see kyeb.uscourts.gov for address); AND
 - (d) retain a copy for your records.
3. The following provisions apply to money or property of the Judgment Debtor consisting of earnings (compensation for personal services):
 - (a) This Order creates a lien on all non-exempt earnings of the Judgment Debtor earned during the pay period in which this Order is served and during all succeeding pay periods until the entire judgment balance is paid in full or for the pay periods designated on the front of this Order. At a later date, the Creditor or Creditor's Attorney may provide you with notice of any remaining unpaid principal, interest and court costs due.
 - (b) Orders of Wage Garnishment shall have priority according to the date of service on you. If you receive more than one Order of Wage Garnishment against a Judgment Debtor, honor the first Order you receive until the amount due, plus interest and costs, is paid in full (or for the pay periods designated on the front of that Order). The second Order received then automatically takes effect.
 - (c) You may be notified by the Creditor's Attorney, the Judgment Creditor, or the Court to discontinue withholding pursuant to this Order. The second Order received then automatically takes effect.
 - (d) Calculate the amount of non-exempt earnings on the Order or on a copy of it. It is based on a certain portion of disposable earnings, determined as follows:
 - i. "Disposable Earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld. Amounts required by law to be withheld include income taxes, occupational license taxes, social security, ordered child support, railroad retirement and retirement for teachers and state and county employees.
 - ii. The percentage of disposable earnings exempted from this Order is the greater of
 - (a) 75% of disposable earnings, or
 - (b) the other amount set forth in subparagraph iii. below.
 - iii. The other amount referred to in subparagraph ii.(b) above is:
 - (a) for weekly pay periods, 30 times the federal minimum hourly wage; or
 - (b) for all other pay periods, the multiple of the federal minimum hourly wage as prescribed by the U.S. Department of Labor.
4. Include a copy of the Notice to Judgment Debtor (Employee) of Right To Assert Exemption to Wage Garnishment with each completed Affidavit and Answer sent to the Judgment Debtor (Employee).

Note: Contact your attorney, the creditor's attorney or the creditor if you need assistance to determine the amount to withhold. **Do not contact the Clerk's Office.** The Clerk's Office cannot give you advice on completing the Affidavit and Answer of the Garnishee, and cannot provide legal advice.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
Division

Case No.

**NOTICE TO JUDGMENT DEBTOR (EMPLOYEE) OF RIGHT
TO ASSERT EXEMPTION TO WAGE GARNISHMENT**

Judgment Debtor:		Date of Judgment:	
		Post Judgment Int Rate:	%
Judgment Creditor:		Amount of Judgment:	\$
		Pre-judgment Interest:	\$
Garnishee (Employer):		Allowed Court Costs:	\$
		Amount Due:	\$
Creditor's Attorney			

To Judgment Debtor:

The Judgment Creditor is garnishing a portion of your wages to satisfy a judgment entered against you, which includes the Amount Due shown above, plus interest and costs. You may have a right to recover all or part of the money your employer will withhold, but you must follow the instructions given below.

IMPORTANT LEGAL NOTICE OF RIGHTS TO ASSERT EXEMPTION

If you are not the actual Judgment Debtor named above, or if the judgment has been paid, immediately notify the Creditor's Attorney (or the Creditor if no attorney is named above) to avoid garnishment, or request a hearing from the Court (see below).

You are entitled to receive a copy of the first Affidavit and Answer of Garnishee (Employer) to be prepared by your employer in response to the garnishment of your wages. Read it carefully. Your employer is required to send you a copy of the Affidavit and Answer of Garnishee each time garnished funds have been withheld from your paycheck if the amount withheld is different from the amount previously withheld from your last paycheck. If you do not receive a copy, request one from your employer. If refused, request a hearing from the Court (see below). The percentage of disposable earnings exempted from each garnishment, where the pay period is weekly, is the greater of (A) 75% of disposable earnings or (B) 30 times the federal minimum hourly wage.

If you believe that your employer has completed the form incorrectly and withheld wages which are properly exempt, you must take the following step: Within 13 days of the date on the payroll check from which funds have been withheld as a result of this garnishment, you must file an objection to the garnishment in the U.S. Bankruptcy Court Clerk's office which issued this garnishment (see kyeb.uscourts.gov for address).

You may request a hearing. If a hearing is granted, you will be notified of the date. The judge will check the withholding made by your employer to determine if a mistake has been made. If a portion of your wages was improperly seized, the judge will order that it be returned to you. Otherwise, the judge will order that the garnishment proceed as planned. If you do not request a hearing within 13 days of the date on the payroll check, the wages withheld will be later sent to the Judgment Creditor's Attorney or the Judgment Creditor (if there is no Creditor's Attorney) who will hold the garnished money received from your employer for 30 days from the issuance date on the employer's garnishment check. This is to allow you to assert any exemption you may have.

Note: The Clerk does not have legal forms for your use. The Clerk cannot give you legal advice.