

TO ANY LAWFUL OFFICER TO EXECUTE AND RETURN:

You are hereby commanded to take from the property of

Defendants name

including the property listed below, the sum of _____

Total amount due

plus costs and interest thereon, as itemized, to satisfy a judgment obtained by the plaintiff(s) in the General Sessions/Circuit Court of Montgomery 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 law.

Description of Property: Ex: Any accounts, wages due or specific description of property

FOR OFFICER

Came to hand same day issued and executed as follows:

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

() By levying this execution on the property listed:

() Unable to serve: _____

Date: _____, 20____.

Sheriff/Constable

Bank Levy Levy

Execution and Garnishment

COURT OF GENERAL SESSIONS/CIRCUIT

Case No. _____

Your name

Plaintiff

Your address

Street Address

vs.

Defendants name

Defendant

Defendants address

Street Address

Defendants Social Security Number (if applicable)

Defendant's SSN#

Defendant's Bank Name and Account #

Defendant VIN & Make of Vehicle

Date of Judgment: _____

Judgment Balance \$ _____

Interest..... \$ _____

Court Cost Balance..... \$ _____

Clerk's Fees..... \$ _____

Officer's Fees \$ _____

Officer's Data Entry Fee..... \$ _____

Total..... \$ _____

To: Employer, Bank or address the Levy on property needs to be served at

Garnishee

Please complete the full address, including city, state and zip code

Address

Address

Date Issued: _____

By: _____
Deputy Clerk

Your Attorney or your name

Attorney/Agent for Plaintiff

Telephone

**NOTICE TO JUDGMENT DEBTOR
(NON-WAGE GARNISHMENT)**

To collect a judgment 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 required your bank (or other person holding your money or property) to transfer your property to the Court or to hold it to satisfy the 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 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 JUDGMENT 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 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 below within twenty (20) days from any improper withholding of you 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 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.

NAME: General Sessions/Circuit Court

**Judgment Debtor's Name and Last Known Address
(Must be provided by creditor)**

ADDRESS: 2 Millennium Plaza, Suite 115

Clarksville, TN 37040

TELEPHONE: (931) 648-5700

OFFICER'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

Sheriff/Constable

NOTICE TO THE GARNISHEE (Employer):

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 Tennessee Code Annotated, Section 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 reside 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 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 (FMW) at the time the earnings for any pay period become due and payable; 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 orders alimony or child support and the person in whose favor the judgment was rendered has remarried, the above exemption applies. If the judgment orders the debtor to support another person (for example, alimony or child support) and the person in whose favor the judgment was rendered has not remarried, different standards apply under 15 U.S.C. § 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 percent (65%), respectively, if the support 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. § 1673(b).

ANSWER OF GARNISHEE FOR WAGES & SALARY

Employee Name: _____

Case No. _____

Pay Period from _____ to _____

The calculation of the amount of wages to withhold to pay a garnishment depends upon whether the judgment is for child support or alimony or for some debt. The two ways to calculate the withholding are:

1. IF THE JUDGMENT IS FOR A DEBT OTHER THAN FOR ALIMONY OR CHILD SUPPORT:

- (a) What is the employee's actual gross pay? \$ _____
- (b) What are the employee's actual total deductions for Social Security and Federal Income Tax? \$ _____
- (c) Subtract (b) from (a). These are disposable earnings \$ _____
- (d) Is the employee paid once every week, every two weeks, two times per month, or once a month? (fmw=federal min hourly wage)
 - If once a week, enter 30 X fmw
 - If once every two weeks, enter 30 X fmw X 2
 - If two times per month, enter 30 X fmw X 2.166667
 - If once per month, enter 30 X fmw X 4.333334
 \$ _____
 (These figures are based upon minimum wage and should be charged accordingly.)
- (e) Subtract (d) from (c) \$ _____
 IF (c) IS \$0 OR LESS, STOP NO WAGES MAY BE WITHHELD. IF (e) IS MORE THAN \$0, GO TO (f)
- (f) Divide (c) by 4 \$ _____
- (g) Enter the lesser of (e) or (f) \$ _____
- (h) How many children does the employee have under the age of sixteen (16) living in Tennessee _____
- (i) Multiply subdivision (h) by \$2.50 per week (\$5.00 if wages are paid every two (2) weeks, \$5.42 if paid two (2) times a month, and \$10.83 is paid once per 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 \$ _____

2. IF THE JUDGMENT IS FOR CHILD SUPPORT OR ALIMONY

- (a) If the judgment is for alimony and the ex-spouse has remarried, withhold the amount in (j) above \$ _____
- (b) If the judgment is for child support, or the judgment is for alimony, and the ex-spouse has not remarried, multiply disposable earnings (c) above by:
 - .50 if the employee is supporting another spouse or child and the arrearage is less than 12 weeks old; \$ _____
 - .55 if the employee is supporting another spouse or child and the arrearage is more than 12 weeks old; \$ _____
 - .60 if the employee is NOT supporting another spouse or child and the arrearage is less than 12 weeks old; \$ _____
 - .65 if the employee is NOT supporting another spouse or child and the arrearage is more than 12 weeks old; \$ _____

Withhold this amount from wages, or the amount actually ordered to be paid for alimony or child support; whichever is less \$ _____

Nothing due to 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.

Wendy Davis, Clerk
General Sessions/Circuit Court
Montgomery County,
Tennessee

EXECUTION and GARNISHMENT

INSTRUCTIONS

- a. Complete the reverse side of this form. Be sure to list each garnishee in the space provided.
 - b. A full set (original and three copies) must be completed for each garnishee.
 - c. If a levy is being requested, describe the property in the space provided.
 - d. File these forms with the appropriate Clerk's office.
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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 working 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. If the address shown by your records differs from that shown on this execution form, you shall also mail a copy of the garnishment and notice to the latter address.

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 ten (10) business 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 the 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 the 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 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 DEFENDANT'S NAME AND THE DOCKET NUMBER ON THE PAYMENT AND MAIL TO:

Wendy Davis, Clerk
General Sessions/Circuit Court
2 Millennium Plaza, Suite 115
Clarksville, TN 37040
(931) 648-5700