

## Checklist for Writ of Garnishment Forms

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- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

### (1) To verify the debtor's employment

- Note to judgment creditor: If you serve a writ of garnishment to garnish earnings without first verifying that the garnishee employs the debtor, you may be liable to the garnishee for up to \$1,000. Utah Code Section 78A-2-216.
- Complete the entire Request for Verification of Employment form.
- Include all attachments. One of the attachments is a Judgment Information Statement. The courts do not have a Judgment Information Statement form, but a sample form used in the Third Judicial District courts is available at [http://www.utcourts.gov/courts/dist/dist/sites/3rd/docs/3rd\\_AbstractofJudgment.pdf](http://www.utcourts.gov/courts/dist/dist/sites/3rd/docs/3rd_AbstractofJudgment.pdf)
- Complete the heading of the Response to Request for Verification of Employment form.
- It is not necessary to file the forms with the court, but keep a copy for yourself, including a copy of the certificate of service.
- Serve one set of forms on the presumed employer. Serve another set of forms on the other party (or lawyer). You may serve the documents yourself or have someone else do so by any method of service authorized by [URCP 5](#).

### (2) To garnish periodic payments to the debtor

- Complete an Application for Writ of Garnishment. Complete the entire form.
- On Page 2, check "Writ of Continuing Garnishment" or, if the debt is child support, check "Writ of Continuing Garnishment for Child Support."
- Attach two Writs of Continuing Garnishment and Instructions. Complete only these parts:
  - Complete the heading. In the heading, check "child support" if the judgment is for child support. Otherwise, check "other."

- Include the garnishee's name and address.
  - Complete Paragraphs (2) and (3).
- Attach the Garnishee's Answers to Interrogatories for Earnings form and complete the heading.
- Attach the Notice of Garnishment and Exemptions form.
- Attach 2 copies of the Reply and Request for Hearing form and complete the heading.
- Attach a check payable to the garnishee for the garnishee's fee. See [Section 78A-2-216](#) for the amount of the fee.
- Unless service fees have been waived, attach a check payable to the sheriff, constable or private investigator for the service fee. (Under [Section 78B-8-302](#) the writ must be served on the garnishee by a sheriff, constable or private investigator. The person who serves the documents will complete a proof of service form and file it with the court.) Contact your county sheriff's office or your investigator for the amount of the fee. If the fee has been waived, attach a copy of the order waiving the fee.
- Unless filing fees have been waived, attach a check payable to the court for the filing fee. See the court's webpage on [Fees](#) for the amount of the fee. If the fee has been waived, attach a copy of the order waiving the fee.
- File the forms with the court.
  - The clerk will sign both of the Writs of Continuing Garnishment with an original signature and file one in the court's records.
  - The other original writ will be forwarded to the process server (sheriff or constable) or returned to you for delivery to the process server (private investigator). The sheriff, constable or private investigator will serve the documents on the garnishee (debtor's employer) and file proof of service with the court.
  - Make one set of copies for your own records and a second set of copies for serving on the other party.
- Serve one set of copies of the forms on the other party (or lawyer if the other party is represented by a lawyer). You may serve the documents yourself or have someone else do so by any method of service authorized by [URCP 5](#). Complete the Certificate of Service and file it with the court.
- For more information about service, see the court's webpage on [Serving Papers](#).
- Attend any hearings that are scheduled.

**(3) To garnish the debtor's other personal property**

- Complete two Applications for Writ of Garnishment. Complete the entire form.
- On Page 2, check "Writ of Garnishment."
- Attach two Writs of Garnishment and Instructions. Complete only these parts:
  - Complete the heading.
  - Include the garnishee's name and address.

- Complete Paragraphs (2) and (3).
- Attach the Garnishee's Answers to Interrogatories for Property other than Earnings form and complete the heading.
- Attach the Notice of Garnishment and Exemptions form.
- Attach 2 copies of the Reply and Request for Hearing form and complete the heading.
- Attach a check payable to the garnishee for the garnishee's fee. See [Section 78A-2-216](#) for the amount of the fee.
- Unless service fees have been waived, attach a check payable to the sheriff or constable or private investigator for the service fee. (Under [Section 78B-8-302](#) the writ must be served on the garnishee by a sheriff, constable or private investigator. The person who serves the documents will complete a proof of service form and file it with the court.) Contact your county sheriff's office or your investigator for the amount of the fee.
- Unless filing fees have been waived, attach a check payable to the court for the filing fee. See the court's webpage on [Fees](#) for the amount of the fee.
- File the forms with the court.
  - The clerk will sign both of the Writs of Garnishment with an original signature and file one in the court's records.
  - The other original writ will be forwarded to the process server (sheriff or constable) or returned to you for delivery to the process server (private investigator). The sheriff, constable or private investigator will serve the documents on the garnishee and file proof of service with the court.
  - Make one set of copies for your own records and a second set of copies for serving on the other party.
- Serve one set of copies of the forms on the other party (or lawyer). You may serve the documents yourself or have someone else do so by any method of service authorized by [URCP 5](#). Complete the Certificate of Service and file it with the court.
- For more information about service, see the court's webpage on [Serving Papers](#).
- Attend any hearings that are scheduled.

**(4) To request that the garnishee be held in contempt of court for failure to follow the Writ of Garnishment**

- Before requiring the garnishee to appear and show cause why they should not be held in contempt, the creditor must try to meet with the garnishee and try to resolve the problem without further court involvement.
- Complete the entire Motion for Order to Garnishee to Show Cause.
- Attach the Order to Garnishee to Show Cause form and complete these parts:
  - Complete the heading.
  - Complete Paragraph (2).

- Attach the Certificate or Proof of Service showing that the garnishee was served with the Writ of Garnishment and the correct accompanying documents.
- Take the forms to the court, and the clerk will schedule a hearing and complete Paragraph (4) of the Order to Garnishee to Show Cause form.
- Serve one set of copies of the forms on the other party (or lawyer if the other party is represented by a lawyer). You may serve the documents yourself or have someone else do so by any method of service authorized by [URCP 5](#). Complete the Certificate of Service and file it with the court.
- Deliver the forms to the sheriff, constable or private investigator for service on the garnishee. Unless service fees have been waived, attach a check payable to the sheriff, constable or private investigator for the service fee. Under [Section 78B-8-302](#) the order must be served on the garnishee by a sheriff, constable or private investigator. The person who serves the documents will complete a proof of service form and file it with the court. Contact your county sheriff's office or your investigator for the amount of the fee.
- Attend any hearings that are scheduled.