

[] In the [] District [X] Justice Court of Utah

FIFTH Judicial District **IRON** County

Court Address **82 North 100 East, Suite 101, Cedar City, UT 84720**

Plaintiff/Petitioner

v.

Defendant/Respondent

**Writ of Continuing Garnishment and
Instructions for**

[] **Child Support**

[] **Other**

Case Number _____

Judge _____

Commissioner _____

If you are an employer who is garnishing earnings, you can use the Online Court Assistance Program (OCAP - <http://www.utcourts.gov/ocap/>) to calculate the amount to be withheld and prepare the Answers to Interrogatories form ready for filing. Once you have created an OCAP account, login in and go to **Garnishment / Answers to Interrogatories**.

For more information about writs of garnishment, go to the court's website at:
<http://www.utcourts.gov/resources/forms/garnishment/>.

To:

Garnishee Name's _____

Address _____

- (1) Under the Utah State Code, the judgment creditor should have included with this Writ of Garnishment a fee to you. If the fee was not included, sign here and return the forms to the judgment creditor (or judgment creditor's attorney).

▶ _____

- (2) A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ _____. Papers filed with the court show that you may possess or control some of the judgment debtor's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. If you are the Garnishee (holder of the property), you

are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

(3) The judgment debtor is:

Name	
Address	
Social security number (Last 4 digits only, if known)	
Driver's license number and state of issuance (Last 4 digits only, if known)	
Date of birth (if known)	

(4) Within 7 business days after this writ is served on you, you must:

- (A) answer the attached Interrogatories;
- (B) serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment creditor's attorney);
- (C) serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the property.
The papers to be served are:

- one copy of this Writ of Continuing Garnishment;
- one copy of your Answers to the Interrogatories;
- one copy of the Notice of Garnishment and Exemptions form; and
- two copies of the Reply and Request for Hearing form.

(5) You may serve the judgment creditor (or judgment creditor's attorney), the judgment debtor and any other person by hand delivery or by first class mail. The address of the judgment creditor (or judgment creditor's attorney) is at the top of the first page of this writ.

(6) This Writ of Continuing Garnishment is effective for one year after the date on which it was served on you, or for 120 calendar days if a second or subsequent writ of continuing garnishment is served on you. Within 7 business days after the close of each pay period occurring within the term of continuing garnishment, you must:

- (A) answer the attached Interrogatories;

- (B) serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment creditor's attorney); the judgment debtor and on any other person shown by your records to have an interest in the property.
- (7) What to do with the property.
- (A) DO NOT SEND THE PROPERTY TO THE COURT. You are to withhold from the judgment debtor the amount shown in your Answers to Interrogatories. You are to hold the amount for 21 calendar days after you serve the judgment debtor, but you may pay to the defendant the balance of his or her wages.
 - (B) If you do not receive from the judgment debtor a Reply and Request for Hearing within 21 days after serving the judgment debtor, you are to deliver the property to the judgment creditor (or judgment creditor's attorney). You are then relieved from any liability unless it is shown that your Answers to the Interrogatories are incorrect.
 - (C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.
- (8) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.
- (9) You may deliver to the judgment debtor any property greater than you are required to withhold.
- (10) Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Date _____

Clerk of Court _____

By _____

Certificate of Service

I certify that I served a copy of this Writ of Garnishment and Instructions on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Garnishee)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Person Claiming Interest in Property)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____

Sign here ► _____
 Typed or printed name _____