

IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

Name: _____
Address: _____

Case No.: _____

Dept. No.: _____

Plaintiff(s)

vs.

WRIT OF GARNISHMENT

Name: _____
Address: _____

Defendant(s)

THE PEOPLE OF THE STATE OF NEVADA SEND GREETINGS TO:

_____, **Garnishee.**

You are hereby notified that you are attached as garnishee in the above entitled action and you are commanded not to pay any debt from yourself to defendant(s) _____, and that you must retain possession and control of all personal property, money, credits, debts, effects, and choses in action of said defendant(s) in order that the same may be dealt with according to law. Where such property consists of wages, salaries, commissions or bonuses the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statute 31.295. Plaintiff believes that you have property, money, credits, debts, effects, and choses in action in your hands and under your custody and control belonging to said defendant(s), more particularly described as:

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and to return your answers to the office of the Sheriff or Constable which issued this Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a Judgment by Default in the amount due the Plaintiff may be entered against you.

IF YOUR ANSWERS TO the interrogatories indicate that you are the employer of said defendant(s), this Writ of Garnishment shall be deemed to **CONTINUE FOR 180 DAYS** or until the amount demanded in the attached Writ of Execution is satisfied.

YOU ARE FURTHER DIRECTED to forward all funds due to said defendant(s) each payday in the future, **UP TO 180 DAYS**, less any amount which is exempt and less \$3.00 per pay period not to exceed \$12.00 per month which you may retain as a fee for compliance. The \$3.00 fee does not apply to the first pay period covered by this Writ.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on plaintiff, or plaintiff's attorney, at the address listed below.

Issued at direction of (*sign and circle one*): SHERIFF/CONSTABLE, _____ COUNTY

Signature of Plaintiff OR Plaintiff's Attorney

By: _____

Title

Date

Address

STATE OF NEVADA)
) ss:
COUNTY OF _____)

The undersigned, being duly sworn, states that I received this WRIT OF GARNISHMENT on _____, 20____, and personally served the same on _____, 20____, by showing the original WRIT OF GARNISHMENT, informing of the contents and delivering and leaving a copy, along with the statutory fee of \$5.00, with _____ located at _____, County of _____, State of Nevada.

By: _____
Title Date

**INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE
AND SIGNED UNDER PENALTY OF PERJURY**

1. Are you in any manner indebted to the defendant(s) _____, or either of them, either in property or money, and is the debt now due? If not due now, when is the debt to become due? State fully all particulars:

Answer: _____

2. Are you an employer of the defendant(s), or either of them? If so, state the length of your pay period and the amount of disposable earnings, as defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the garnishable amount as follows (*check one of the following*):

The defendant/employee is paid: [A] Weekly; [B] Biweekly; [C] Semimonthly; [D] Monthly

- (1) Gross Earnings \$ _____
- (2) Deductions required by law (not including child support) _____
- (3) Disposable Earnings [Subtract line 2 from line 1] _____
- (4) Federal Minimum Wage _____
- (5) Multiply line 4 by 50 _____
- (6) Complete the following directions in accordance with the letter selected above:
 - [A] Multiply line 5 by 1 _____
 - [B] Multiply line 5 by 2 _____
 - [C] Multiply line 5 by 52 and then divide by 24 _____
 - [D] Multiply line 5 by 52 and then divide by 12 _____
- (7) Subtract line 6 from line 3 \$ _____

This amount is the attachable earnings. This amount must not exceed 18% of the disposable earnings from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued was \$770 or less, or 25% of the disposable earnings from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770.

Answer: _____

3. What is the gross weekly salary or wage of the employee? The gross weekly salary or wage of an employee must be determined as follows:

- 1) Except as otherwise provided in numbers 2 and 3 below, by dividing the employee's gross earnings for the current calendar year as of the date the most recent writ of garnishment was issued by the total number of weeks the employee has worked in the current calendar year.
- 2) If the most recent writ of garnishment was issued at the beginning of the current calendar year before the employee received any earnings in the current calendar year, but the employee received earnings in the previous calendar year, by dividing the employee's gross earnings for the previous calendar year by the total number of weeks the employee worked in the previous calendar year.
- 3) If the employee has not been employed long enough to have been paid as of the date the most recent writ of garnishment was issued, or if the provisions of number 1 or 2 above do not otherwise apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of the employee as determined by his or her employer.

For the purpose of determining the total number of weeks the employee has worked in the current calendar year or the total number of weeks the employee worked in the previous calendar year, as applicable, if the total number of weeks is not exact, the number must be rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less, and rounded up if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 4 days or more.

Answer: _____

4. Did you have in your possession, in your charge or under your control, on the date the WRIT OF GARNISHMENT was served upon you any money, property, effects, goods, chattels, rights, credits, or choses in the action of said defendant(s), or either of them, or in which defendant(s) is/are interested? If so, state its value and state fully all particulars.

Answer: _____

5. Do you know of any debts owing to the defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits, or choses in action belonging to the defendant(s), or either of them, or in which Defendant(s) is/are interested, and now in possession or under the control of others? If so, state particulars.

Answer: _____

6. Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer: _____

7. State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer: _____

8. NOTE: If, without legal justification, an employer of the defendant refuses to withhold earnings of the defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the earnings of the defendant, the Court may order the employer to appear and show cause why the employer should not be ordered to pay the plaintiff the amount of arrearages caused by the employer's refusal to withhold or the employer's misrepresentation of the defendant's earnings. In addition, the Court may order the employer to pay the plaintiff punitive damages in an amount not to exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to withhold the defendant's earnings or has misrepresented the earnings.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

Signature of Garnishee

Print Name