

Approved, SCAO

<ul style="list-style-type: none"> <li>• <b>STATE OF MICHIGAN</b></li> <li>    _____ <b>JUDICIAL DISTRICT</b></li> <li>    _____ <b>JUDICIAL CIRCUIT</b></li> </ul>	<b>REQUEST AND WRIT FOR GARNISHMENT (PERIODIC)</b>	<ul style="list-style-type: none"> <li>• <b>CASE NUMBER</b></li> </ul>
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Court address • Zip Code Court telephone number

Plaintiff's name and address (judgment creditor)
Plaintiff's attorney, bar number, and address
Telephone number

v

Defendant's name and address (judgment debtor)	
Social security number	Employee ID or account number
Garnishee name and address	

**REQUEST** See separate instructions.

1. Plaintiff received judgment against defendant for \$ \_\_\_\_\_ on \_\_\_\_\_ .
2. The total amount of judgment interest accrued to date is \$ \_\_\_\_\_ . The total amount of postjudgment costs accrued to date is \$ \_\_\_\_\_ . The total amount of postjudgment payments made and credits to date is \$ \_\_\_\_\_ .  
**The amount of the unsatisfied judgment now due (including interest and costs) is • \$ \_\_\_\_\_ .**
3. Plaintiff knows or with good reason believes the garnishee indebted to or possesses or controls property belonging to defendant.
4. **Plaintiff requests** a writ of periodic garnishment be paid to  plaintiff,  plaintiff's attorney,  the court, and mailed to  plaintiff.  plaintiff's attorney.  the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff/Agent/Attorney signature

**WRIT OF GARNISHMENT IT IS ORDERED:**

**TO THE PLAINTIFF:** Have all copies of the Garnishee Disclosure (MC 14), two copies of this writ, and the disclosure fee (\$6 if the State of Michigan is the garnishee; \$35 for all others) served on the garnishee within 182 days from the date of issue. If not properly served, the writ of garnishment is invalid. After receiving your first payment under the garnishment, provide the garnishee and defendant a statement of the balance remaining on the judgment, including interest and costs, at least once every 6 months. Within 21 days after the judgment has been paid, including all interest and costs, provide the garnishee and defendant a garnishment release (MC 50).

**TO THE DEFENDANT: See separate instructions.** You have 14 days after this writ is mailed or delivered to you to file objections with the court. If you do not file objections within this time, periodic payments (money) owed to you by the garnishee may be withheld and paid directly to the plaintiff until the judgment is satisfied.

**TO THE GARNISHEE:**

1. Within 7 days after you are served with this writ, deliver a copy of this writ to the defendant in person or mail a copy to his or her last-known address by first-class mail.
2. Within 14 days after you are served with this writ, deliver or mail copies of your completed Garnishee Disclosure (MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to disclose.
3. Do not pay any obligations to the defendant unless allowed by statute or court rule.
4. If indebted to the defendant, withholding must begin according to court rule and continue until the judgment is satisfied. Unless notified that an objection has been filed, begin forwarding withheld payments 28 days after you are served with this writ.
5. Make all payments withheld under this writ payable and mailed as specified in the request.
6. Within 14 days after the judgment is satisfied or you are no longer obligated to make periodic payments to the defendant, file a final statement of the total amount paid on this writ with the court and mail or deliver copies to the plaintiff/attorney and defendant.

\_\_\_\_\_  
Date of issue

\_\_\_\_\_  
Date of deadline for service  
(182 days from date of issue)

\_\_\_\_\_  
Clerk of the court/Deputy



## INSTRUCTIONS

### Definitions

- A periodic garnishment lets the plaintiff (creditor) take money from a source that pays you on a regular basis such as your earnings or income from rental properties.
- A “garnishee” is a person who has control over some or all of the money that is paid to the defendant. For example, an employer could be a garnishee.
- Periodic payments are payments made by the garnishee to the defendant on a regular basis. These payments could be paychecks, rent payments, land contract payments, or other contract payments.

### Instructions for the Plaintiff for Item 2:

If a civil judgment does not include judgment interest in the “total judgment” field, the interest amount reported in item 2 should be accrued from the date the complaint was filed.

If a civil judgment includes judgment interest in the “total judgment” field (as in the forms in use before the 5/07 revisions), the interest amount reported in item 2 should not include any postfiling interest already included in the judgment.

### Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you that you have not paid. In order to collect on this judgment, income to be paid to you may be garnished.
2. You may object to this garnishment if:
  - a. your income is exempt from garnishment by law (see examples below),
  - b. you have a pending bankruptcy proceeding,
  - c. the maximum withheld exceeds the amount allowed by law,
  - d. you have an installment payment order,
  - e. you have paid the judgment in full,
  - f. the garnishment was not properly issued or is otherwise invalid,
  - g. you believe the balance on the statement the creditor sent to you is wrong.
3. Certain income is exempt from garnishment and the law gives you the right to claim this income as exempt to prevent it from being used to collect on this judgment. You may want to contact your lawyer or legal aid agency for further assistance.
4. You may send the plaintiff a written request to review postjudgment costs and fees listed in item 2 of the request. Within 28 days after receiving your request, the plaintiff must send an itemized list of the postjudgment costs and fees to you and the court. Within 28 days after receiving the itemized list, you may file a motion with the court to review the postjudgment costs and fees if you believe they are wrong. If the judge rules in your favor, the judge may order the motion fee to be deducted from the judgment balance.
5. For more information on garnishments and debt collection, visit [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org).

### EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** types of income that are exempt from garnishment and the citations where each type may be found in the law. **Please note that this is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.**

- Individual Retirement Account (IRA) - [MCL 600.6023(1)(k)]
- Social Security Benefits - [42 USC, Section 407]
- Supplemental Security Income Benefits (SSI) - [42 USC, Section 1383(d)]
- Aid to Families with Dependent Children (AFDC) - [MCL 400.63]
- General Assistance Benefits (GA) - [MCL 400.63]
- Unemployment Compensation Benefits - [MCL 421.30]
- Veterans Assistance Benefits - [38 USC, Section 3101]
- Workers’ Compensation Benefits - [MCL 418.821]
- Cash value or proceeds of life insurance or annuity, payable to the spouse or children of the insured - [MCL 500.2207(1)]
- Income benefits under the Michigan Civil Service Act - [MCL 38.40]
- Income benefits under the Michigan Retirement Act - [MCL 421.30]
- U.S. Civil Service Retirement Benefits - [5 USC, Section 8346]

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the request and writ for garnishment and file proof of service with the court clerk before the deadline for service. If you are unable to complete service, you must return this original and all copies to the court clerk.

**CERTIFICATE OF SERVICE / NONSERVICE**

- I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the garnishee (copy of return receipt attached) two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and the attachments listed below, on:
- I served the Michigan Department of Treasury electronically pursuant to MCR 3.101(F)(3) as follows:
- I have attempted to serve two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and the attachments listed below, and have been unable to complete service on:

Garnishee's name	Date and time of service
Place or address of service	
Attachments (if any)	

- I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.
- I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	<b>TOTAL FEE</b> \$

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and \_\_\_\_\_  
Attachments (if any)

on \_\_\_\_\_ .  
Date and time

\_\_\_\_\_  
Signature on behalf of \_\_\_\_\_

\_\_\_\_\_  
Name (type or print)