

EXECUTION: GARNISHMENT or LEVY

STATE OF TENNESSEE

Williamson

WRIT OF EXECUTION

TO ANY LAWFUL

OFFICER OF

COUNTY

COURT

You are commanded to take and levy the judgment debtor's property, the balance of the below judgment, plus costs and interest thereon and hereby satisfy a judgment by this court, in favor of the judgment creditor. Have you said monies, together with this writ, ready to render this court 30 days from the date hereof, or within.

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 judgment debtor are hereby sequestered.

You are summoned to answer in writing within 10 days of service of this garnishment: [TCA 26-2-203(a), TCA 26-2-204, TRCP 69.]

(1) Whether you are, or were, at the time of the service of this garnishment indebted to the judgment debtor; 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 judgment debtor 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 judgment debtor, and to retain possession of all property of the judgment debtor, 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 costs 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. [TCA 26-2-214(b)(1).]

NOTICE: TO EMPLOYER

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 FAILURE TO PAY THESE MONIES TO THE COURT. TO ENSURE PROPER CREDIT, INCLUDE THE JUDGMENT DEBTOR'S NAME AND THE DOCKET NUMBER ON THE PAYMENT AND MAIL TO: [TCA 26-2-216(b)(1)(C) & TCA 26-2-215.]

Debbie McMillan Barrett

Circuit Court Clerk

Clerk Title

135 4th Avenue South Franklin, TN.

Address

37064

NOTICE TO GARNISHEE [TCA 26-2-203(b)] 615-790-5454

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 that 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.

ANSWER OF GARNISHEE (Non-Wage) Docket/Case#

As of the _____ day of _____, 20____, _____, Garnishee, who is NOT AN EMPLOYER, is holding the sum of \$_____ owed or belonging to Judgment Debtor. I certify under penalty of perjury that the above information is true and correct.

Garnishee [one holding asset(s) owed or belonging to Judgment Debtor]

NOTICE TO THE GARNISHEE (EMPLOYER)

[TCA 26-2-216(b)(2)]

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 the garnishee's [sic "debtor's"] disposable earnings for that week, minus \$2.50 for each of the garnishee's [sic "debtor's"] dependent children under the age of sixteen (16) who resides in the State of Tennessee as provided in TCA 26-2-107: or

(b) The amount by which the garnishee's [sic "debtor's"] 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 the garnishee's [sic "debtor's"] dependent children under the age of sixteen (16) who resides 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; BIWEEKLY: 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 and the person in whose favor the judgment was rendered has remarried, the above exemption applies. If the judgment orders the debtor to pay support for the debtor's minor child or children, or alimony and the person in whose favor the alimony judgment was rendered has not remarried, different standards apply under 15 USCS § 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 the debtor's 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 order 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 USCS § 1673(b).

Send Funds To

DEBBIE MCMILLAN BARRETT

CIRCUIT COURT CLERK

135 4TH AVENUE SOUTH

FRANKLIN, TN 37064

615.790.5454

GARNISHMENT CALCULATION FOR:

(Name of employee)

ANSWER OF GARNISHEE (Employer) Docket/Case

(Garnishment Calculation: TCA 26-2-404(b), as defined in TCA 26-2-216)

Pay period from _____ to _____

(1) IF THE JUDGMENT IS FOR ANY DEBT OTHER THAN FOR ALIMONY OR CHILD SUPPORT:

- (A) What is the total gross pay before any deductions? \$ _____ (b)(1)(A)
(B) How much is deducted from pay for social security and federal income tax? _____ (b)(1)(B)
(C) Subtract subdivision (b)(1)(B) from subdivision (b)(1)(A).
This is disposable earnings. _____ (b)(1)(C)
(D) Are wages paid once every week, once every two (2) weeks, once a month or two (2) times per month? (fmw = federal minimum hourly wage)
If once every week, enter 30 X fmw. _____ (b)(1)(D)
If once every two (2) weeks, enter 30 X fmw X 2. _____ (b)(1)(D)
If two (2) times per month, enter 30 X fmw X 2.166667. _____ (b)(1)(D)
If once per month, enter 30 X fmw X 4.333334. _____ (b)(1)(D)
(E) Subtract subdivision (b)(1)(D) from subdivision (b)(1)(C). _____ (b)(1)(E)
If subdivision (b)(1)(E) is \$0 or less, STOP. NO WAGES MAY BE WITHHELD.
If subdivision (b)(1)(E) is more than \$0, go on to (F).
(F) Divide subdivision (b)(1)(C) by 4. _____ (b)(1)(F)
(G) Enter the lesser of subdivision (b)(1)(E) or subdivision (b)(1)(F). _____ (b)(1)(G)
(H) How many children does the debtor have under sixteen (16) years of age living in Tennessee? _____ (b)(1)(H)
(I) Multiply subdivision (b)(1)(H) by \$2.50 per week
[\$5.00 if wages are paid every two (2) weeks; \$5.42 if paid two (2) times per month; and \$10.83 if paid once per month]. _____ (b)(1)(I)
(J) Subtract subdivision (b)(1)(I) from subdivision (b)(1)(G). _____ (b)(1)(J)

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 subdivision (b)(1)(J). \$ _____
(B) If the judgment is for child support, or the judgment is for alimony and the ex-spouse has not remarried, multiply disposable earnings (subdivision (b)(1)(C)) by:
_____.50 if the employee is supporting another spouse or child and the arrearage is less than twelve (12) weeks old;
_____.55 if the employee is supporting another spouse or child and the arrearage is more than twelve (12) weeks old;
_____.60 if the employee is NOT supporting another spouse or child and the arrearage is less than twelve (12) weeks old;
_____.65 if the employee is NOT supporting another spouse or child and the arrearage is more than twelve (12) weeks old.
Withhold this amount (in preceding blank) from wages, or the amount actually ordered to be paid for alimony or child support, whichever is less. \$ _____

Nothing Due Employee ☐No Longer Employed ☐

Other

As of _____ day of _____, 20____,

_____, Garnishee,

is holding the sum of \$ _____

I certify under penalty of perjury that the above information is true and correct.

Date: _____

_____, Garnishee/Employer