

In the Courts of the Saw Creek and Pine Ridge Indian Communities

CIVIL DIVISION

Plaintiff/Creditor

Vs.

Defendant/Debtor

**GARNISHEE SUMMONS
AND NOTICE TO
DEFENDANT**

File No. _____

AND

Garnishee

I am the (ENTER THE NAME OF PERSON REPORTING ON BEHALF OF THE GARNISHEE), of the garnishee and duly authorized to disclose for the garnishee.

On the _____ day of _____, 20____, the time of service of garnishee summons on the garnishee, there was due and owing the Defendant from the garnishee the following:

1. Earnings: for the purpose of garnishment, "earnings" means compensation payable for personal service whether called wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program. "Earnings" does not include social security benefits, veterans' disability pension benefits, except when the benefits are subject to garnishment to enforce any order of the support of a dependent child. "Earnings" includes military retirement pay. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period owed but not paid, complete the following disclosure for earnings from both the past pay periods and the current pay period.
 - a. Enter on the line below the amount of disposable earnings earned or to be earned by the Defendant within the Defendant's pay periods which may be subject to garnishment.
\$ _____
 - b. Enter on the line below forty times the hourly federal minimum wage times the number of workweeks within the Defendant's pay periods

which may be subject to garnishment. When pay periods consist of other than a whole number of workweeks, each day of a pay period in excess of the number of completed workweeks must be counted as a fraction of a workweek equal to the number of workdays divided by the number of workdays in the normal workweek.

- i. \$ _____
 - c. Enter on the line below the difference obtained (never less than zero) when line (b) is subtracted from line (a)
 - i. \$ _____
 - d. Enter on the line below 25 percent of line (a)
 - i. \$ _____
 - e. Enter on the line below the lesser of line (c) and line (d)
 - i. \$ _____
 - f. Enter on the line below the number of dependent family members living with the Defendant (if properly claimed within ten days after receipt of the garnishee summons).
 - i. \$ _____
 - g. Enter on the line below an amount equal to the number of dependents (line f) times (the allowed per dependent) times the number of workweeks used to compute line (b).
 - i. \$ _____
 - h. Enter on the line below the difference (never less than zero) when line (g) is subtracted from line (e).
 - i. \$ _____
2. Enter on the line below any amounts due and owing Defendant, except earnings, from the garnishee.
\$ _____
3. Property: Describe on the line below any personal property, instruments, or papers belonging to the Defendant and in the possession of the garnishee.

4. Setoff: Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines 1(h), 2, and 3. Allege the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee-employer incurred by the judgment debtor within ten days before the receipt of the first garnishment on a debt is void and cannot be considered.

5. Adverse Interest: Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the Defendant's property. State each person's name and address and the nature of that person's claim, if known. (Any assignment of wages made by the Defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded).

6. Enter on the line below the total of lines 4 and 5.

7. Enter on the line below the difference obtained (never less than zero) when line (c) is subtracted from the sum of lines 1 (h), 2 and 3).

\$ _____

8. Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

\$ _____

9. Enter on the line below the lesser of line 7 and line 8. As garnishee, you are hereby instructed to retain this amount only if it is \$10.00 or more.

\$ _____

Date: _____

Signature (AUTHORIZED REPRESENTATIVE OF GARNISHEE)

Title