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Garnishment to Pay for a Judgment - Self Help

The following information will take you through the steps necessary in a garnishment proceeding to collect money on a judgment. To access any of the necessary forms, click on the form number. To access any of the topics, click on the topics.

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Statute and Court Rules

Statutes and court rules associated with garnishment proceedings are: [MCL 600.4001 et seq.](#), [600.6201 et seq.](#), and [MCR 3.101](#).

Using Court Forms

Court forms are available for use in proceedings for garnishment. These forms follow the procedures stated in Michigan Compiled Laws and Michigan Court Rules and can be used without the need for the assistance of an attorney. [See details on how to find legal information](#) >>.

When using forms, you are required to provide the total number of copies for use by the court, the parties, and any other person or organization that is required to receive the form. See the upper-right hand corner of each form to determine the mandatory number of copies and who gets those copies. When completing a form on-line, you must print the number of copies you will need for filing with the court and serving on the parties. Otherwise, you will have to photocopy the proper number of copies before filing the form with the court. If you do not provide the court with the accurate number of copies, the court might reject the form for nonconformance under the authority of Michigan Court Rule 8.119 (C). Unless specifically required by court rule or statute, the court is not responsible for making copies of forms for you.

Select the forms you need from the list below. Instructions for completing the forms are not available.

[Request and Writ for Garnishment \(Periodic\)](#), MC 12
[Request and Writ for Garnishment \(Non-Periodic\)](#), MC 13
[Request and Writ for Garnishment \(Income Tax Refund\)](#), MC 52
[Garnishee Disclosure](#), MC 14
[Objections to Garnishment and Notice of Hearing](#), MC 49
[Motion for Installment Payments](#), MC 15
[Motion to Set Aside Order for Installment Payments](#), MC 16

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Filing a Request for Garnishment

You must wait 21 days after your small claims judgment was signed before you can get a garnishment. There are two types of garnishment: 1) periodic, and 2) non-periodic.

A periodic writ of garnishment is used to garnish the defendant's wages, rent payments, land contract payments, or other debt which is paid to the defendant on a periodic basis. A periodic garnishment is valid for up to 91 days or until the judgment, interest, and costs are paid off, whichever occurs first.

A non-periodic writ of garnishment is used to garnish the defendant's bank account (except for wages that are deposited in the account) or other property. Once money has been garnished under the non-periodic writ, the writ is no longer valid. If there is a remaining balance on the judgment, you must get another writ to collect more money.

An income tax refund garnishment is used to garnish the defendant's Michigan income tax. Once money has been garnished under the income tax refund writ, the writ is no longer valid. If there is a remaining balance on the judgment, you must get another writ to collect more money. There is no authority to garnish federal or city income tax refunds.

Fill in the form using the instructions. The garnishee is the person or business who has control or possession of the defendant's money. Once you complete the Request, you must file it with the court that entered your judgment. The filing fee is \$15.00.

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Serving the Order for Garnishment

The court will issue the order (also called a writ) by signing the form. The Request and Writ must be served on the garnishee along with the Garnishee Disclosure, form MC 14. If the garnishment is for periodic payments, include a \$6.00 disclosure fee with the forms. The cost of serving the Writ varies. [See general information on serving court papers >>](#).

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Disclosure

A garnishee is someone who has control over some or all of the money that is paid to a defendant in a garnishment proceeding. When a writ of garnishment is issued, the garnishee is named in the order and is being ordered to give to the plaintiff all or part of the defendant's money that the garnishee has control over.

If someone is named in a writ of garnishment as a garnishee, they must first provide information to the court and the parties about any money of the defendant's that they have

control over. This is called "disclosure." There are a number of ways to have control over the defendant's money. Some of the more common examples are: 1) as an employer, the garnishee has control over the defendant's paycheck; 2) as a bank or other financial institution, the garnishee has control of the defendant's accounts; 3) as a tenant the garnishee has control of the defendant's income that comes from payment of rent; or 4) as the Department of Treasury, the garnishee has control of the defendant's income tax return.

To make a disclosure, the garnishee must complete the Garnishee Disclosure, form MC 14, and mail it to the court and the parties within 14 days after receiving the writ of garnishment. If the garnishee fails to disclose within the time limit, the court can take action against the garnishee and the garnishee may be ordered to pay the full amount owed on the judgment as stated in the writ of garnishment.

After disclosure, the garnishee must withhold money as appropriate. See the garnishee instructions provided with the Garnishee Disclosure, form MC 14. Also available is a [Guide to Garnishment of Periodic Payments >>](#).

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Objecting to a Garnishment

If you have been served with a writ of garnishment and object to the writ, you may file an objection with the court using form MC 49, Objections to Garnishment and Notice of Hearing. Objections must be based on the one or more of the following:

- the funds or property are exempt from garnishment by law.
- garnishment is precluded by the pendency of bankruptcy proceedings
- garnishment is barred by an installment payment order.
- garnishment is precluded because the maximum amount permitted by law is being withheld pursuant to a higher priority garnishment or order.
- the judgment has been paid.
- the garnishment was not properly issued or is otherwise invalid.

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Filing a Request for Installment Payments

If you have a judgment against you and you want to make installment payments to pay off the judgment and the only funds you have to pay the judgment are wages for personal work and labor, you can file with the court a motion for installment payments. There is a \$20.00 filing fee. If you have other sources of income for paying the judgment, you cannot request installment payments.

A hearing on this motion is not necessary. The other party has 14 days from the mailing of the motion to file an objection to your motion. If the other party does not file an objection, the motion can be granted without further hearing.

A person may file an objection to a motion for installment payments. An objection must be filed with the court within 14 days from the mailing of a Motion for Installment Payments, form MC 15. There is no form for filing an objection.

If an objection is filed, the court will either decide the motion for installment payments based on the papers filed or notify the parties that a hearing will be required. Unless the court schedules the hearing and sends notice, the party who filed the motion for installment payments must contact the court for a hearing date and send notice of the hearing to the other party.

If the court grants installment payments, you are responsible for sending a copy of the order to the plaintiff. If a writ of garnishment was already issued and your employer is currently withholding funds from your earnings, you will also need to send a copy of the order to your employer. Otherwise, your employer will continue to withhold funds. See a copy of the [Order Regarding Installment Payments](#) >>

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Removing an Order for Installment Payments

If an Order for Installment Payments, form MC 15a, has been entered, a motion can be filed to set aside the order if the defendant fails to pay the installment payments as required in the order. Unless the defendant requests a hearing within 14 days after service of the Motion to Set Aside Installment Payments, form MC 16, the court can enter an order to set aside the order for installment payments without a hearing.

If the court grants the order setting aside installment payments, the plaintiff (the party who asked for the order) must send a copy of the order to the defendant. If the order reinstates a previously issued writ of garnishment, the plaintiff will also need to send a copy of the order to the garnishee defendant (defendant's employer). Otherwise, the defendant's employer will continue to suspend withholdings. See a copy of the [Order on Motion to Set Aside Installment Payments](#) >>.

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Receiving Money

The garnishee has 14 days after the Writ is served to let you, the court, and the defendant know if any money is available for garnishment. This information will be provided on form MC 14, Garnishee Disclosure. If you are trying to garnish wages, you will only receive part of the wages based on a federal formula.

If money is available, it will be withheld from the defendant right away. However, this money will be held for 28 days to allow the defendant time for objections. If there are no objections, the withheld money will be automatically sent to you after 28 days. If the garnishment is for periodic payments, money will continue to be sent to you as payments become due to the defendant until the writ expires.

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Request and Writ for Garnishment (Periodic)

(Form MC 12)

<ul style="list-style-type: none"> • STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT 	REQUEST AND WRIT FOR GARNISHMENT (PERIODIC)	<ul style="list-style-type: none"> • CASE NO.
Court address	• Zip code	Court telephone no.

<ul style="list-style-type: none"> • Plaintiff name and address (judgment creditor)
Plaintiff's attorney, bar no., and address
Telephone no.

v

<ul style="list-style-type: none"> • Defendant name and address (judgment debtor) 	
Social security no.	Employee ID or account no.
Garnishee name and address	

REQUEST

1. Plaintiff received judgment against defendant for \$ _____ on _____ .
2. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ _____ .
3. Plaintiff knows or with good reason believes that the garnishee is indebted or obligated to the defendant for periodic payments.
4. **Plaintiff requests** a writ of periodic garnishment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ, and a \$6.00 disclosure fee for serving on the garnishee. You are responsible for having these documents served on the garnishee within 91 days.

TO THE DEFENDANT:

1. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, periodic payments due to you may be withheld for as long as 91 days after this writ is issued and paid directly to the plaintiff.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must 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, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
3. Do not pay any obligations to the defendant unless allowed by statute or court rule.
4. If indebted, withholding must begin according to court rule (see instructions on the Garnishee Disclosure form). Unless notified that an objection has been filed, **28 days** after you are served with this writ you must begin forwarding withheld payments.

You are ordered to make all payments withheld under this writ payable to:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> the plaintiff | <input type="checkbox"/> the plaintiff's attorney | <input type="checkbox"/> the court |
| and mail them to: <input type="checkbox"/> the plaintiff. | <input type="checkbox"/> the plaintiff's attorney | <input type="checkbox"/> the court. |

5. This periodic garnishment is effective until: a) the amount withheld equals the amount of the unpaid judgment as stated in item 2. of the request; b) the expiration of 91 days after the issue date of this writ; or c) the amount withheld exceeds the remaining unpaid judgment as stated in item 2. of the request.
6. Within **14 days** after this writ expires, you must file a final statement of the total amount paid on this writ.

Date of issue

Expiration date

Clerk of the court/Deputy

PERIODIC GARNISHMENTS

Definitions

Periodic Garnishment - garnishment of periodic payments which include, but are not limited to, wages, salary, commissions, bonuses, and other income paid to the defendant during the period of the writ; land contract payments; rent; and other periodic debt or contract payments.

Additional Instructions for the Plaintiff:

You must provide information that will permit the garnishee to identify the defendant such as the defendant's address, social security number, employee identification number, etc.

Additional Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you which you have not paid. In order to collect on this judgment, income due to you may be garnished.
2. You may object to this garnishment if:
 - a. Your income is exempt from garnishment by law;
 - 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.
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. 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. This is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.

EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** of the 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(a)(11)]
- 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]
- The first \$500.00 on deposit in a savings and loan savings account - [MCL 491.628]
- 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

REQUEST AND WRIT FOR GARNISHMENT (PERIODIC)
Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

I served 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee by:
 personal service registered or certified mail (copy of return receipt attached) on:

Garnishee name	Complete address of service	Day, date, time

I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

Garnishee name	Complete address of service	Day, date, time

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee on

Day, date, time

Signature on behalf of _____

Request and Writ for Garnishment (Income Tax Refund/Credit)

(Form MC 52)

<ul style="list-style-type: none"> • STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT 	REQUEST AND WRIT FOR GARNISHMENT (INCOME TAX REFUND/CREDIT)	<ul style="list-style-type: none"> • CASE NO.
Court address	• Zip code	Court telephone no.

• This portion to be completed by the court only. **TO THE GARNISHEE: Make the amount intercepted under this writ payable to and mailed to:** the plaintiff. the plaintiff's attorney. the court.

Plaintiff name and address (judgment creditor)	
Plaintiff social security or FE no.	
Plaintiff's attorney, address	
Plaintiff attorney FE no.	Plaintiff attorney telephone no.

v

Defendant name and address (judgment debtor)
Social security no.
Garnishee Third Party Withholding Unit Michigan State Department of Treasury PO Box 15128 Lansing, Michigan 48901

REQUEST

1. Plaintiff received judgment against defendant for \$ _____ on _____ .
2. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ _____ .
3. Plaintiff knows or with good reason believes the state treasurer is indebted to or controls property belonging to the defendant.
4. **Plaintiff requests** a writ of garnishment to intercept income tax.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT

To be completed by the court.

TO THE PLAINTIFF:

1. You must serve this writ on the state treasurer along with a \$6.00 fee and any discovery request for information related to this garnishment.
2. You must serve a copy of this writ on the defendant within 7 days after serving the writ on the state treasurer.
3. You are responsible for paying to the state treasurer any reasonable costs incurred by the state treasurer in providing information in response to your discovery request.
4. If a state tax refund or credit is not intercepted before October 31 of the year during which this writ of garnishment is to be processed, you will not receive a disclosure unless you file a written request with the state treasurer between November 1 and December 31 of the tax year following the tax year for which this writ was filed.

TO THE DEFENDANT:

1. If a state tax refund or credit is intercepted under this writ, the state treasurer will notify you on a disclosure form.
2. You have **14 days** after being notified of an intercept to file objections to the writ of garnishment with the court. If you do not object within this time, the intercepted tax refund or credit held under this writ will be applied to the judgment **28 days** after the disclosure was filed with the court.

TO THE GARNISHEE:

1. Upon intercepting a state tax refund or credit, calculate the amount available to satisfy all or part of the garnishment.
2. Within 90 days after establishing any other liability for which the state tax refund or credit may be applied under MCL 205.30a file with the court a verified disclosure identifying the intercepted amount, less any setoff, counterclaim, or other demand of the state against the defendant.
3. Unless notified by the court that objections to the writ of garnishment have been filed, payment of the intercepted amount must be made not less than 28 days after filing the disclosure.
4. **You are ordered to pay the amount intercepted under this writ as stated at the top of this form.**

Date of issue

Deputy court clerk

**REQUEST AND WRIT FOR GARNISHMENT
(INCOME TAX REFUND/CREDIT)**
Case No. _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the garnishee with this request and writ of garnishment, the \$6.00 fee, and any attachments and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
--	-----------	---

- I served the request and writ of garnishment, the \$6.00 fee, and any attachments by:
 personal service registered or certified mail (copy of return receipt attached) on:

Garnishee name Michigan State Department of Treasury Third Party Withholding Unit	Complete address of service PO Box 15128 Lansing, Michigan 48901	Day, date, time
---	--	-----------------

- I served a copy of the request and writ of garnishment by
 personal service first class mail on:

Defendant name	Complete address of service	Day, date, time
----------------	-----------------------------	-----------------

- I have personally attempted to serve the request and writ of garnishment on the defendant and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time
------------------	---------------------------------	-----------------

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received the request and writ of garnishment (and the \$6.00 fee and attachments if applicable) on

Day, date, time

Signature on behalf of _____

**STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT**

**ORDER REGARDING
INSTALLMENT PAYMENTS**

CASE NO.

Court address

Court telephone no.

Plaintiff's name and address (judgment creditor)

Defendant's name and address (judgment debtor)

v

Plaintiff's attorney, bar no., address, and telephone no.

Garnishee's name and address

Judgment entered: _____ Amount of judgment (including costs): \$ _____

1. A motion for installment payments was filed with this court on _____ by the principal defendant.
Date

2. A writ of garnishment for periodic payments has already been issued.

IT IS ORDERED:

3. The motion for installment payments is denied for the reasons stated on the record or for the following reasons:

4. The principal defendant may pay the judgment in this case in installments as follows:

\$ _____ on _____ and
Date

\$ _____ each _____ until paid in full or until further order
Period

of the court. No writ of garnishment on this judgment shall issue for personal work and labor until further order of the court.

5. The writ for periodic payments issued on _____ is suspended and the garnishee defendant is
Date

ordered to discontinue withholding amounts under the writ unless otherwise ordered by the court. Any funds deposited with the court or held by the garnishee defendant prior to the date of this order shall be paid and mailed to the plaintiff/ plaintiff's attorney.

6. **FURTHER ORDERS:** If the defendant fails to make the above payments, the plaintiff may file an affidavit and motion to set this order aside. Copies of the motion must be served by first class mail to the defendant's last known address. An order setting aside the installment payments will be entered 14 days from the date of mailing of the motion unless the defendant, within that time, requests a hearing.

Date

Judge Bar no.

Instructions to Defendant: Do not serve the order on the garnishee defendant if the motion for installment payments is denied.

CERTIFICATE OF MAILING

I certify that on this date a copy of this order was served on the parties/attorneys indicated above by ordinary mail.

Date

Signature

A GUIDE TO GARNISHMENT OF PERIODIC PAYMENTS

A Supplement to the Request and Writ for Garnishment and the Garnishee Disclosure

(SCAO Approved Forms MC 12 and MC 14)

for use by the employer or other person who makes
payments to a creditor on a regular basis



**State
Justice
Institute**

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Published by the State Court Administrative Office

HOW TO COMPLETE THE GARNISHEE DISCLOSURE FORM FOR PERIODIC GARNISHMENTS

Follow these instructions if you receive a "Request and Writ for Garnishment (Periodic)", Form MC 12 and "Garnishee Disclosure", Form MC 14. You must complete Form MC 14 and send copies to the court and all parties within 14 days of the date you receive these forms.

A periodic garnishment means that the plaintiff has the right to take part or all of a defendant's payments to pay for a judgment. You have been identified as a "garnishee", a person who has control over some or all of the money that is paid to the defendant.

As the garnishee, you are being ordered to give all or part of this money to the plaintiff instead of the defendant. You are required to take money for up to 91 days or until the judgment amount in item 2. of the Request on Form MC 12 has been paid in full, whichever happens first. If you do not do this, a judgment may be entered against you.

As soon as you receive Forms MC 12 and MC 14, determine whether you are obligated to make periodic payments to the defendant. Periodic payments are payments you make to the defendant on a regular basis. These payments may be paychecks, rent payments, land contract payments, or other contract payments.

1. Write in the date the garnishment was issued (in the lower left-hand corner of Form MC 12). Then write in the date you received Forms MC 12 and MC 14.

- If you don't know the defendant or are not obligated to make payments to him or her, check boxes 1.b. and 2.c. Then check the box that describes the reason you are not obligated . If you check "other" write out the reason. Date and sign the form and follow the instructions in item 3. below.
- If you know the defendant and are obligated to make payments to him or her, you must mail or deliver a copy of MC 12 to the defendant. After mailing or delivering MC 12 to the defendant, check box 1.a. and write in the date you mailed or delivered it. Follow the instructions in item 2. below. "Obligated to make payments" includes employees who may not necessarily be receiving a paycheck at the time. For example, an employee may be sick, laid off, or on leave when this writ was issued, but they are still your employee and will eventually be back to work.

2. Check box 2.d. and complete the information in item 2.d as explained below.

- Check either the box "earnings" or "non-earnings" so the plaintiff knows what kind of payments you make to the defendant. If you check "non-earnings", write in the kind of payments (for example, if you make rent payments, write that on the line after the "non-earnings" box).
- Check the box that describes how often you make the payments to the defendant. If you check the "other" box, write on the line after that box how often you make the payments.
- Check whether or not you are already garnishing money from the defendant (a higher priority writ/order). If you check the box that a higher priority writ/order is in effect, copy from those papers the name of the court that issued that writ, the case number of that writ, the date that writ was issued, and the date it was served on you.
- If the defendant is currently due to receive payments from you from the date the writ was issued, check the box that says withholding "will begin immediately if sufficient funds are available". If the defendant is not due to receive a payment, check the box that says "will not begin immediately". Then check the box that explains why payment is not due: for example, defendant is laid off, sick, on leave of absence.

Date and sign the form and follow the instructions in item 3.

3. Fill in the dates that you will be mailing or delivering the copies of this form. Then date and sign this part of the form. Separate the four copies of the form. Mail the original to the court and one copy to the plaintiff. You can either mail a copy to the defendant or hand deliver it him or her. Keep one copy for your records.

HOW TO GARNISH MONEY FROM THE DEFENDANT

Follow these instructions if you checked box 2.d. on Form MC 14, Garnishee Disclosure.

- If you are paying the defendant's wages, step 4. below does not apply to you.
- If you are not paying the defendant's wages steps 2. and 3. below do not apply to you.

1. If you are already garnishing money from the defendant for another plaintiff, you must also garnish available money for this plaintiff up to the maximum allowed until the other garnishment has expired unless the money is for wages. The expiration date is at the bottom of Form MC 12. Do not throw out this garnishment; if the other garnishment expires before the expiration date of this one, you must start garnishing money on this garnishment until it expires.

For example: Today is April 1. You received a writ of garnishment for plaintiff A on March 1 and are withholding money from the defendant and sending it to plaintiff A. The writ for plaintiff A expires on May 31. You receive another writ of garnishment today from plaintiff B with an expiration date of June 30. Complete Form MC 13 for plaintiff B as instructed. Place the writ of garnishment for plaintiff B in a file until May 31. On May 31, the writ for plaintiff A expires. Determine how much money to withhold on plaintiff B's garnishment and start sending it to plaintiff B. On June 30, the writ for plaintiff B expires.

2. **This Step applies only to employers.** Determine when to start calculating the amount of money to withhold from the defendant based on the pay period as follows:

- If the pay period is weekly, bi-weekly, or semi-monthly, start calculating from the first full pay period after you received the writ (Form MC 12).
- If the pay period is monthly and you received the writ (Form MC 12) within the first 14 days of the pay period, start calculating from that pay period.
- If the pay period is monthly and you received the writ (Form MC 12) on or after the 15th day of the pay period, start calculating from the next pay period.

3. **This Step applies only to employers.** Calculate how much money to withhold. Use the calculation sheet (the last page of these instructions) to figure out how much to money to withhold from the defendant's paycheck.

4. **This Step does not apply to employers.** Withhold the entire amount you would be paying to the defendant.

5. Withhold the first amount according to the instructions above, and after that, continue withholding for every period you would be paying the defendant until the writ (MC 12) expires. Every time you withhold money from the defendant, write the case name, case number, date of withholding, amount withheld, and the balance due on the writ after subtracting the amount you withheld. You can write this on a receipt, a paystub, or any other type of form you wish. You must give this information to the plaintiff and the defendant every time you withhold money.

6. Do not start sending any of the money you have withheld until 28 days after you received the writ. On the 29th day, make a check payable to the person or court as ordered in the writ (MC 12) for the entire amount of money you have withheld so far and send it to the person or court as ordered in the writ along with the information you wrote down as required in Step 5. Once you have sent this first payment, continue to send the payments and other information as you withhold the payments until the writ expires.

7. Once the writ expires or the judgment is paid off (whichever comes first), you must send a final report of withholding to the court, plaintiff, and defendant. Use Form MC 48, Final Statement on Garnishment of Periodic Payments. You must complete and send Form MC 48 within 14 days of this time.

You do not need to use this calculation sheet. If you do, it does not need to be filed with the court or provided to the defendant and plaintiff. However, you must maintain some type of record of your payment calculations and make it available for review by the plaintiff, defendant, or court upon request.

GARNISHEE CALCULATION SHEET FOR EARNINGS

1. The employer's current payday is _____ . The principal defendant's gross earnings from the employer which were earned for this pay period are: \$ _____

2. Deductions required by law to be withheld from gross earnings shown on line 1:
 - a. Federal withholding tax (for income tax) \$ _____
 - b. State withholding tax (for income tax) \$ _____
 - c. Employee portion of social security tax \$ _____
 - d. Employee portion of medicare tax \$ _____
 - e. City withholding tax (for income tax) \$ _____
 - f. Public employee retirement when required by law \$ _____
 - g. Total (add lines 2a through 2f) \$ _____

3. **Disposable earnings** (subtract line 2g from line 1) \$ _____

4. Test I for amount available for garnishment (25% of line 3): (this percentage does not apply to garnishments for support of a person) \$ _____

5. Test II for amount available for garnishment (disposable earnings minus federal minimum wage multiplied by appropriate multiple for normal pay-period):
 - a. Locate the appropriate figure from the chart below and insert here \$ _____
 - b. Subtract amount on line 5a from amount on line 3. Insert amount here \$ _____

6. Maximum amount subject to garnishment (line 4 or 5b, whichever is less) \$ _____

7. Amounts withheld from disposable earnings (see line 3) pursuant to orders with priority:
 - a. Orders of bankruptcy court \$ _____
 - b. Orders for past due federal or state taxes \$ _____
 - c. Income withholding for support of any person \$ _____
 - d. Other general garnishments served prior to this writ \$ _____
 - e. Total of all priority amounts withheld (add lines 7a through 7d) \$ _____

8. Amount subject to garnishment under this writ (subtract line 7e from line 6) \$ _____

9. **Amount to be withheld in response to this writ** (line 8 above or line 2 on the affidavit for writ of garnishment, whichever is less) \$ _____

Chart *	
Test II for Amount Available for Garnishment Beginning September 1, 1997	
Weekly (or more frequently) pay period	\$154.50
Bi-weekly pay period	\$309.00
Semi-monthly pay period	\$334.75
Monthly pay period	\$669.50
*Training wage: for person aged 16 to 19 on their first job, use 85% of the above figures.	