

NOTICE ON FILING A WRIT OF GARNISHMENT

IT IS YOUR RESPONSIBILITY, not that of the Court nor the Sheriff's Office to monitor compliance and review the Garnishee's answer to the interrogatories.

The Sheriff's Office will serve your Writ of Execution and Writ of Garnishment on the Garnishee. You will receive a "Proof of Service" showing the date service was performed.

The Garnishee is required within 20 days from the date of service of a Writ of Garnishment to answer the Interrogatories and to return those answers to the office of the Sheriff, who will in turn forward them on to you. Failure to answer the Interrogatories and comply with this writ within the required time period may result in a judgment in the amount due the Plaintiff entered against the Garnishee. If you do not receive a response, it is up to you to contact the Garnishee.

If you are unable to get satisfaction, it will be necessary for you to make application to the court, by motion, and request that a hearing be held. You must give notice to the defendant and his/her employer regarding the date of said hearing. This notice must be served no later than 5 days before the hearing. You will need an attorney for filing information and to advise you further. (N.R.S. 31.320 & 31.330)

If the Garnishee (employer), without legal justification, refuses to withhold the earnings of a defendant demanded in a Writ of Garnishment or knowingly misrepresents the earnings of the defendant, may be ordered to pay the Plaintiff the amount of arrearages caused by the employer's refusal to withhold or his misrepresentation of the defendant's earnings. In addition, the court may order the employer to pay the Plaintiff punitive damages in the amount not to exceed \$1,000.00 for each pay period in which the employer has, without legal justification, refused to withhold the defendant's earnings or has misrepresented the earnings. You may petition the court to order the employer to appear and show cause why he should not be subject to the penalties prescribed by law. (N.R.S. 31.297)

Received copy _____ Date _____

1 Case No. _____

2 IN THE JUSTICE COURT OF NEW RIVER TOWNSHIP
3 COUNTY OF CHURCHILL, STATE OF NEVADA

4
5 _____
6 PLAINTIFF

AFFIDAVIT IN SUPPORT OF
WRIT OF GARNISHMENT IN
AID OF EXECUTION

7 VS.

8 _____
9 DEFENDANT

10 _____, being first duly sworn, deposes and says:

- 11 1. That I am the plaintiff in the above-entitled matter and make this affidavit in support of a writ
- 12 of garnishment in aid of execution.
- 13 2. That on _____, _____, I recovered a final judgment in the
- 14 Justice Court of New River Township, County of Churchill, State of Nevada, in the above entitled
- 15 cause in the amount of: \$ _____ principal and
- 16 \$ _____ costs making a total amount of
- 17 \$ _____ the judgment as entered.
- 18 3. That on _____, _____, a writ of execution was duly issued by the
- 19 Justice Court of New River Township, County of Churchill, State of Nevada, authorizing the
- 20 seizure and sale of any property of Defendant found within the County of Churchill, State of
- 21 Nevada, but such writ was returned wholly unsatisfied.
- 22 4. That affiant is informed and believes, and on such information and belief, alleges that
- 23 _____ of _____ is indebted to
- 24 (NAME OF EMPLOYER OR PROPERTY) (NAME OF CITY & STATE WHERE EMPLOYED OR PROPERTY IS AT)
- 25 or has property in his possession or under his control belonging to the Defendant by reason of
- 26 _____
- (WAGES OR PROPERTY)
- 5. That affiant further alleges that to the best of his knowledge and belief that said property or
- indebtedness as set forth in paragraph 4 above is not exempt from execution by law.

_____ Affiant

SUBSCRIBED and SWORN to before me
this _____ day of _____.

Justice Court Clerk/Notary Public

EXECUTION REQUEST FORM

DATE: _____ CASE NO.: _____

PLAINTIFF: _____ PHONE # _____

ADDRESS _____ CITY, STATE _____

DEFENDANT: _____

ADDRESS: _____ CITY, STATE _____

DATE OF JUDGMENT: _____ TOTAL PAYMENTS TO DATE: _____
(ANY PAYMENTS RECEIVED SINCE JUDGMENT)

ACCRUED COSTS SINCE JUDGMENT: _____ ACCRUED INTEREST: _____

ITEM TO BE EXECUTED UPON: _____
(WAGES OR PROPERTY)

FIRM OR PERSON HAVING ITEM: _____
(NAME OF EMPLOYER OR WHO HAS THE PROPERTY)

ADDRESS OF FIRM OR PERSON: _____

SIGNATURE: _____

SUBSCRIBED and SWORN TO BEFORE ME

This _____ day of _____, _____.

NOTARY PUBLIC/JUSTICE COURT CLERK

Court cost to file: \$50.00
Fee to the employer: \$5.00
Sheriff Service: Plaintiff will have to contact Sheriff Office for service fee
Court will need 3 separate checks for each

GARNISHMENT WORK SHEET

Principle amount: \$ _____
 +
 Attorney's fees awarded, if any: \$ _____
 Pre-judgment Interest awarded, if any: \$ _____
 +
 Court Costs awarded, if any: \$ _____
 =
Total Judgment amount, as entered: \$ _____

Interest accrued since date of judgment: \$ _____
 +
 Costs accrued since date of judgment: \$ _____
 (includes any additional services fees, court costs, or garnishee fees)
 +
\$25 filing fee for execution
 =
Total accrued interest and costs since date of judgment: \$ _____

HOW TO CALCULATE DAILY INTEREST

$$\frac{\text{_____}}{\text{(principle amount or net balance amount if net balance < principle)}} \times 6.75\% = \frac{\text{_____}}{\text{_____}} \div 365 = \frac{\text{_____}}{\text{(daily interest)}}$$

Total Judgment amount, as entered: \$ _____
 +
 Total accrued interest and costs since date of judgment: \$ _____
 -
 Any payments made by the defendant since judgment: \$ _____
 =
Total Net Balance: \$ _____

1
2
3 CASE NO. _____

4 IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
5 COUNTY OF CHURCHILL, STATE OF NEVADA

6 _____
7 Plaintiff,
8 vs
9 _____
10 Defendant

EXECUTION

11 THE PEOPLE OF THE STATE OF NEVADA:
12 To the Sheriff or Constable GREETINGS:

13 On the _____ day of _____, _____ judgment was entered by the above-entitled court
14 in the above-entitled action in favor of _____ as judgment creditor against
15 _____ as judgment debtor for:
16 \$ _____ principal (initial amount),
17 \$ _____ attorney fees, interest, and court costs awarded (if any) making a total amount of
18 \$ _____, the judgment as entered, and

19 WHEREAS, according to an affidavit and/or a memorandum of costs after judgment filed herein, it appears
20 that further sums have **accrued since the entry of judgment** to wit:
21 \$ _____ accrued interest, and
22 \$ _____ accrued costs, together with **\$25.00** fee for the issuance of this writ making a total of
23 \$ _____ as accrued costs, accrued interest and fees.

24 CREDIT must be given for payments and partial satisfactions in the amount of \$ _____ which is to be
25 first credited against the total accrued costs and accrued interest, with any excess credited against the judgment
26 as entered, LEAVING A NET BALANCE OF \$ _____ ACTUALLY DUE ON THE DATE OF
THE ISSUANCE OF THIS WRIT, of which \$ _____, *which is the principle amount OR, if net
balance is less than the principle amount, is the net balance amount*, bears interest at **6.75** per cent per
annum, in the amount of \$ _____ per day, from the date of judgment to the date of levy, to which must be
added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, **SHERIFF OR CONSTABLE**, you are hereby commanded to satisfy this judgment
with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for
any pay period, 75 percent of the disposable earnings of the debtor during this period or for each week of the
period 50 times the minimum hourly wage prescribed by section 6(a)(1) of the Federal Fair Labor Standards
Act of 1938 and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of
execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real
property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10
days nor more than 60 days endorsed thereon with what you have done.

DATED this _____ day of _____, _____.

BENJAMIN D. TROTTER
Judge, Justice Court
New River Township

1 CASE NO. _____
2
3

4 IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
5 COUNTY OF CHURCHILL, STATE OF NEVADA
6

7 _____
8 Plaintiff,

9 vs

WRIT OF GARNISHMENT
IN AID OF EXECUTION

10 _____
11 Defendant,
12 _____ /

13 TO: _____
(Defendant's employer and employer full address)

14 On the _____ day of _____, _____, a judgment was entered by the above-entitled
15 court in the above-entitled action in favor of _____ as judgment creditor
and against _____ as judgment debtor for \$ _____ the judgment as entered, and
16

17 WHEREAS, according to an affidavit and/or memorandum of costs after judgment filed herein,
it appears that further sums have accrued since the entry of judgment, to wit:

- 18 \$ _____ accrued interest, and
- 19 \$ _____ accrued costs, together with \$25.00 for the issuance of this writ, making a total of
- 20 \$ _____ as accrued costs, accrued interest and fees.

21 NOW, therefore, you are summoned to appear before the Justice Court of the New River
Township, County of Churchill, State of Nevada, by filing an answer to the attached garnishee
interrogatories within twenty (20) days after service of this writ upon you.

22 Chapter 31 of the Nevada Revised Statutes provides if the garnishee indicates in his or her
23 answer to garnishee interrogatories that he or she is the employer of the defendant, the writ of gar-
24 nishment served on the garnishee shall be deemed to continue for 180 days or until the amount
demanded in the writ is satisfied, whichever occurs earlier.

25 In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of
\$3 per pay period, not to exceed \$12 per month, for each withholding made of the defendant's
26 earnings. This does not apply to the first pay period in which the defendant's earnings are garnished.

If the defendant's employment by the garnishee is terminated before the writ of garnishment is
satisfied, the garnishee:

- a) Is liable only for the amount earned but unpaid, disposable earnings that are subject to
garnishment.
- b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the

1 defendant and the name of any new employer of the defendant, if known by the garnishee.

2 Furthermore, you are advised that the provisions of NRS 31.240 through 31.460 are applicable to
3 this writ and more particularly, that you shall not pay any debt due or to become due to the Defendant
4 and must retain in your possession and control, or deliver to the Sheriff as provided herein, all per-
5 sonal property, effects, goods, chattels, rights, debts, credits or choses in action of the Defendant.
6 However, in all cases, you may, upon filing your answers to the following garnishee interrogatories,
7 deliver to the Sheriff or the Officer who served this writ the property belonging to the Defendant,
8 together with the money due to the Defendant, and the Sheriff or Officer shall give you a receipt
9 therefor, and thereupon you will be relieved from further liability in these proceedings unless your
10 answers to the following interrogatories are successfully controverted. To facilitate the payment of
11 money, please make checks payable to the plaintiff.

12 In case you fail to answer the attached garnishee interrogatories, a judgment by default will be
13 rendered against you for the amount or value as specified above as allegedly belonging to the
14 Defendant and to be in your possession or under your control.

15 If without legal justification an employer of the defendant refuses to withhold earnings of the
16 defendant demanded in a writ of garnishment or knowingly misrepresents the earnings of the
17 defendant, the court may order the employer to appear and show cause why he should not be subject
18 to the below-stated penalties.

19 If after a hearing upon the order to show cause, the court determines that an employer, without
20 legal justification, refused to withhold the earnings of a defendant demanded in a writ of garnishment
21 or knowingly misrepresented the earnings of the defendant, the court shall order the employer to pay
22 the plaintiff, if the plaintiff has received a judgment against the defendant, the amount of arrearages
23 caused by the employer's refusal to withhold or his misrepresentation of the defendant's earnings. In
24 addition, the court may order the employer to pay the plaintiff punitive damages in an amount not to
25 exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to
26 withhold the defendant's earnings or has misrepresented the earnings.

It is unlawful for an employer to discharge or discipline an employee exclusively because the
employer is required to withhold the employee's earnings pursuant to a writ of garnishment.

Signature of Sheriff

DATED:

Please make garnishment checks payable to the above named Plaintiff.