INSTRUCTIONS TO GARNISHEE (To Attach Other Than Earnings)

You must complete the Answer form, which accompanies these instructions within 14 days after the garnishment order is served on you. The Answer form covers two (2) types of property:

(1) Money, funds, credits or other indebtedness you owe to the judgment debtor (other than earnings). You must disclose on the Answer any money that you owe to the judgment debtor as of the date the order is served on you and any money that you owe to the judgment debtor up until the time you complete the Answer form.

(2) Intangible property or funds of an estate in which the judgment debtor is a beneficiary under the estate. If you are an executor or administrator of the estate, you must disclose the information about the estate required on the Answer form and not deliver to the judgment debtor any such intangible property or funds until further order of the Court from which the order of garnishment was issued.

If more than one of the categories above applies to you, then you must complete all sections of the Answer form which apply.

Earnings are defined as compensation for personal services, whether called wages, salary, commission, bonus or otherwise, which is paid to an employee. If the judgment debtor is an employee of yours, then the compensation you pay for personal services is earnings and you do not disclose this under category 1. If the judgment debtor works for you other than as an employee, such as under a contract or as a contractor, then the money you pay for the work is not earnings and you must disclose all of the money due the judgment debtor in category 1 above.

Joint Account. If you are a bank, savings and loan association, credit union or finance company and you hold funds or credits or are indebted to the judgment debtor on an account which the judgment debtor owns in joint tenancy with one or more individuals who are not subject to the garnishment, you shall withhold the entire amount sought by the garnishment. You shall not be liable to the joint owners if it is later determined that the judgment debtor does not own the funds.

Administrative Fee: From funds, credits or indebtedness due the judgment debtor, you may withhold and retain to defray your costs an administrative fee of $10 ($15 if you are a bank, savings and loan association, credit union, or finance company) for each garnishment order served on you that attaches funds, credits or indebtedness. Such administrative fee shall be in addition to the amount required to be withheld under the order for garnishment, except that if the amount required to be withheld under the order for garnishment is greater than the amount of the funds, credits or indebtedness held by the garnishee, the fee shall be deducted from the amount withheld. If you are a bank, savings and loan association, credit union or finance company, and are holding any funds, credits or indebtedness belonging to or owing the judgment debtor, the amount to be withheld by you pursuant to the order shall not exceed the amount stated in the order. If, after reviewing the above instructions, you determine that you do not have any assets of the judgment debtor, fill out the section of the Answer form with the heading “Answer of Garnishee - No Assets.” Sign and date the Answer form under penalty of perjury on the line provided at the bottom of the first section of the form. If you have no assets of the judgment debtor in your possession or control, sign and date the section of the Answer form with the heading “Answer of Garnishee - No Assets. After you have signed and dated the appropriate section of the Answer form, you must deliver the completed form as follows:

Where to Deliver the Completed Answer Form: If the judgment creditor is represented, deliver a copy of the completed Answer form to the judgment creditor’s attorney and the judgment debtor at the addresses listed on the form. If the judgment creditor has no attorney, deliver a copy of the completed Answer form to the judgment creditor and the judgment debtor at the addresses listed on the form. However, if you do not have assets of the judgment debtor, you need not deliver a copy of the completed Answer form to the judgment debtor.

How to Deliver the Completed Answer Form: You may deliver a copy by regular mail, fax transmission, electronic mail, personal delivery, or any other reliable delivery method.

What to Do With Money or Property Disclosed in the Answer Form: Hold the money or property disclosed in the Answer form until you receive an order from the court which will instruct you how to pay the amount that you are holding as indicated by your Answer or such lesser amount as may be indicated in the order, or until this garnishment is released. This garnishment may be released in full by the court or the Judgment Creditor.

If you do not receive an order to pay within 60 days following the date your Answer is received by the judgment creditor, you may release the funds or property you are holding pursuant to your Answer.