# UNITED STATES BANKRUPTCY COURT

# DISTRICT OF NEW MEXICO

In re:

Case No.

Debtor(s).

Plaintiff(s),

v.

Adv. Pro. No.

Defendant(s).

Balance due upon application for writ: \$\_\_\_\_\_ (includes interest at \_\_\_% per year through \_\_\_\_\_\_, 20\_\_)

### WRIT OF GARNISHMENT

YOU ARE ORDERED to file a written answer with the United States Bankruptcy Court, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd NW, Ste 360, Albuquerque, New Mexico 87102, within 21 days from the day you receive this writ. Your answer must be under oath and on the attached form, "Answer by Garnishee."

#### YOU ARE FURTHER ORDERED:

1. If you owe the judgment debtor any money (other than wages), or become indebted to the judgment debtor before filing your answer, you must keep a sufficient amount of that money to satisfy the judgment and all costs and attorney fees due as a result of service of this writ and not pay it to the judgment debtor, unless this Court enters an order releasing this writ of garnishment.

NM LF 5003-6

2. If the judgment debtor is an employee of yours, unless the debt is for child support, you shall pay the judgment debtor only

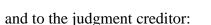
A. 75% of the debtor's disposable earnings (salary less social security, federal and state withholdings, and any other deduction required by law) for any pay period; or

B. Any amount each week equal to forty times the federal minimum hourly wage rate; whichever is greater.

If the debt is for child support payments, you shall pay the judgment debtor 50% of the debtor's disposable earnings (salary less social security, federal and state withholding). Any wages you owe the employee in excess of that amount or that you may come to owe the employee in excess of that amount must be kept by you until further order of this Court. (A table giving equivalent exemptions for pay periods of other than one week may be obtained from the Financial Institutions Division of the Regulations and Licensing Department, 725 St. Michael's Drive, Santa Fe, NM 87503).

3. If you have any property which belongs to the judgment debtor including any rights, credits, bonds, bills, notes, drafts and other rights to property or money which belongs to the judgment debtor or if you acquire any such property, money or rights to property or money before filing your answer, you must keep a sufficient amount of that property to satisfy the existing judgment and costs and not turn it over to the judgment debtor unless the Court enters an order releasing the property or money.

4. If you hold property or money belonging to the judgment debtor, within four (4) business days after service of this writ you are to mail or deliver a copy of this writ and the application for writ provided by the judgment creditor. If you hold property or money of the judgment debtor's other than wages, you shall also mail or deliver to the judgment debtor, the attached notice of right to claim exemptions and a copy of the attached claim of exemption forms, to each person identified as a judgment debtor. You shall also send or deliver a copy of your answer to this writ to the judgment debtor at:



5. The Court will be asked to enter an order awarding \$ \_\_\_\_\_ for the judgment creditor's costs relative to the service of the writ of garnishment and \$ \_\_\_\_\_ for judgment creditor's attorney's fees in connection with the writ of garnishment in addition to the balance

due upon application for writ, shown above.

THIS IS A COURT ORDER. If you fail to file the answer, or if you disobey any of these orders, a judgment may be entered against you for the full amount of the unpaid judgment in this case.

# CLERK OF COURT

(SEAL)

By: \_\_\_\_\_ Deputy Clerk United States Bankruptcy Court Pete V. Domenici U.S. Courthouse 333 Lomas Blvd NW, Ste 360 Albuquerque, New Mexico 87102 Telephone: 505-415-7999; Toll-free: 866-291-6805

### Return for Completion by Sheriff or Deputy:

I certify that I served this writ in said district on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by delivering a copy of the writ and a copy of the application for writ

(and, if applicable) a copy of a form for answer by garnishee, a copy of a notice of right to claim exemptions for each judgment debtor and a copy of the claim of exemption form for each judgment debtor:

to \_\_\_\_\_, garnishee, at the following address:

SHERIFF OF \_\_\_\_\_ COUNTY NEW MEXICO

By: \_\_\_\_\_ Deputy

Fees:

# **Return for Completion by Other Person Making Service:**

I, being duly sworn, on oath, say that I am over the age of 18 years and not a party to this lawsuit, and that I served this writ in said district on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering a copy of the writ and a copy of the application for writ

\_\_\_\_\_ (and, if applicable) a copy of a form for answer by garnishee, a copy of a

notice of right to claim exemptions for each judgment debtor and a copy of the claim of exemption form for each judgment debtor:

\_\_\_\_\_

to \_\_\_\_\_, garnishee, at the following address:

Name:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Judge, Notary or Other Officer Authorized to Administer Oaths Official title: \_\_\_\_\_

My commission expires: