

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT _____

Plaintiff

v.

Case No.: _____

Defendant

GARNISHMENT ANSWER AND
AFFIDAVIT FOR WRIT OF GARNISHMENT

Comes the undersigned Affiant, who, after being duly sworn, states:

1. The Garnishee is (choose one):

_____ A proprietorship _____ A partnership _____ An individual
_____ A corporation, organized under the laws of the State of _____

2. The name and Social Security number of the judgment debtor (employee) are:

Name: _____ SSN (Restrict to last 4 digits): _____

3. The Garnishee has custody, control, or possession of property (including but not limited to cash deposits) in which the debtor has a substantial nonexempt interest, which is described as: _____

4. The value of the property, debts, or effects belonging to debtor which the Garnishee had in its possession or under its control at the time of service is \$ _____; and at the time of answering is \$ _____; and which has come into its possession or control between the time of service and answer is \$ _____.

5. Previous garnishments to which such property is subject and the amount to which any remaining property is not exempt are described as follows: _____

6. The Garnishee has custody, control, or possession of the following other property (non-earnings) in which the judgment debtor has an interest: _____

Value of such interest: _____

Garnishee (Employer or Financial Institution)

Affiant

Position or Title

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with the Federal Rules of Civil Procedure, a true and correct copy of this answer has been served on the judgment debtor at his/her last known address and the attorney for the judgment creditor, this _____ day of _____, 2____.

INSTRUCTIONS TO GARNISHEE
28 U.S.C.A. § 3205(c)(3)(A)

A Writ of Garnishment/Writ of Continuing Garnishment has been issued, directing that you determine whether or not you have in your possession, custody, or control any of the property of the debtor listed therein. You are required by law to serve a **written answer** within ten (10) days of your receipt of this writ. A Garnishment Answer is enclosed. Your Garnishment Answer should be returned to the U.S. District Court.

You are required under TCA § 26-2-216 to furnish this notice to the judgment debtor upon receipt hereof:

Notice to Debtor: Your earnings/deposits have been subjected to the lien of a garnishment which has been served upon your employer/financial institution. You have the right to apply to the court for an order suspending further garnishments by the same creditor upon such terms as the court may approve. You may wish to seek counsel from a lawyer.

You are further required to *withhold* and *retain* any property in which the debtor has a substantial nonexempt interest, pending further court order. No monies shall be forwarded to the court. For a list of property exempt from execution, refer to the enclosed Claim for Exemptions and Request for Hearing.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY HOLD YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NONEXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD AND FOR A REASONABLE ATTORNEY'S FEE IF THE JUDGMENT CREDITOR PETITIONS THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

Pursuant to 15 U.S.C. § 1676, you are prohibited from discharging the defendant (judgment debtor) from employment by reason of the fact that his/her earnings have been subject to garnishment.

INSTRUCTIONS TO DEBTOR
28 U.S.C.A. § 3205(c)(3)(B)

The attached Writ of Garnishment/Writ of Continuing Garnishment has been issued on application of the plaintiff or judgment creditor.

The garnishee is required to file with the court a written answer to the Writ of Garnishment/Writ of Continuing Garnishment and to send you a copy. If you disagree with the answer submitted by the garnishee, you may file a written objection (explaining why you disagree with the answer) and request a hearing. (If you wish, you may use the enclosed Claim for Exemptions and Request for Hearing form.) Your objection must be received by the Clerk of the United States District Court, Eastern District of Tennessee, within twenty (20) days from the date that you receive a copy of the answer. You must send a copy of your objection and request for hearing to the garnishee and to the attorney for the judgment creditor. Within five (5) days after your request is received (or as soon after that as possible), the court will schedule a hearing, at which time you will be given an opportunity to explain your objection to the answer. You should bring any documents which may help you prove your case.

You are hereby notified that exemptions under the law may protect some of your property from being taken by the judgment creditor, provided you can show that the exemptions apply. The enclosed Claim for Exemptions and Request for Hearing lists exemptions to which you may be entitled under federal and Tennessee law. No exemption applies solely because you are having difficulty paying your debt. You have a right to ask the court to return your property to you if you think that you do not owe the amount claimed by the judgment creditor or if you think the property which the judgment creditor is taking qualifies under one of the exemptions.

If the judgment creditor is asking that your wages be withheld, the method of computing the amount of wages exempt from garnishment by law is shown on the enclosed Claim for Exemptions and Request for Hearing. **You do not need to file this form to receive the legal wage exemption.**

If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. **The clerk is not permitted to give legal advice** but can refer you to other sources of information.