

GARNISHMENT AND EXECUTION INSTRUCTIONS

Garnishments and executions are governed by state law. *Federal Rule of Civil Procedure* 69. The judgment creditor is responsible for compliance with the applicable law. This document and the forms provided on the court's web site are for convenience only and the Clerk does not guarantee their accuracy.

There are three methods by which a party can recover on a judgment: (1) garnishment; (2) continuing garnishment and (3) execution:

Writ of Garnishment: Orders the garnishee to hold specified property (usually in the form of bank deposits) pending order of the court; limited to one "taking." The following forms (number of copies, including original in parenthesis) are used for writs of garnishments served by the United States Marshals Service:

- Form USM-285 (1)
- Application for writ of garnishment (2)
- Writ of garnishment (3)
- Notice to Garnishee and to Judgment Debtor (2)
- Garnishment Answer and Affidavit (2)
- Claim for exemptions and Request for Hearing (2)

Writ of Continuing Garnishment: Orders the garnishee to hold non-exempt portions of a debtor's wages throughout several pay cycles or until judgment has been satisfied. The following forms (number of copies, including original in parenthesis) are used for writs of garnishments served by the United States Marshals Service:

- Form USM-285 (1)
- Application for writ of continuing garnishment (2)
- Writ of continuing garnishment (3)
- Notice to Garnishee and to Judgment Debtor (2)
- Garnishment Answer and Affidavit (2)
- Claim for exemptions and Request for Hearing (2)

Writ of Execution: Orders the United States Marshal to take possession of specified property, bring it to the court, and arrange for sale, if necessary. The following forms (number of copies, including original in parenthesis) are used for writs of garnishments served by the United States Marshals Service:

- Form USM-285 (1)
- Application for writ of execution (2)
- Writ of execution (2)

Important:

- Along with the appropriate application, it is the responsibility of the judgment creditor to provide the Clerk with a proposed writ and any notices to be executed by the Clerk. Attorneys are required to file these documents in CM/ECF as attachments to the application and the Clerk will issue the writ and any notices electronically via CM/ECF.
- Upon issuance of the writ, the party seeking the garnishment or execution is responsible for service on the appropriate parties. This includes providing the Marshals Service with all necessary documents.
- Once any claims are resolved or if no claim is filed, the judgment creditor must file a motion requesting that the garnishee be ordered to pay the funds or wages directly to the judgment creditor.