

STATE OF INDIANA)
)
COUNTY OF ST JOSEPH)
)
_____)
Plaintiff(s))
)
vs.)
)
_____)
Judgment Defendant(s))
)
_____)
Garnishee Defendant.)

IN THE ST JOSEPH SUPERIOR COURT
SS: SMALL CLAIMS DIVISION, SOUTH BEND

CAUSE NO.:

PROCEEDINGS SUPPLEMENTARY

**FINAL ORDER TO
FINANCIAL INSTITUTION**

Address: _____

It appears, and the Court finds, that the Judgment Defendant has been served with notice of hearing in these proceedings, and maintains accounts with Garnishee Defendant that are subject to the jurisdiction of this court.

IT IS THEREFORE ORDERED that Garnishee Defendant pay to the Clerk of the Court the **lesser** of:

- (a) the amount of the judgment;
- (b) the amount of the account

at the time the Garnishee Defendant receives this order. The Plaintiff believes the judgment and costs, as of the date of this order, is approximately: \$_____.

ORDERED this: _____

Magistrate, St. Joseph Superior Court

Garnishment remittance should be made by check payable to the Clerk of St. Joseph County and delivered to Clerk of the Court, 112 S. Lafayette Blvd., South Bend, IN 46601

NOTICE OF DEBTOR RIGHTS

The judgment debt can be collected from income you receive or property you own unless the income or property is protected from collection. If it is protected, it is called “exempt.”

When you appear in Court, you will be asked to describe the property you own and the amount of income you have. You cannot be jailed for not paying your debts. You can, however, be arrested if you ignore a Court order that requires you to appear.

When you appear, you will meet with a representative of the creditor that was awarded a judgment against you. You may attempt to reach an agreement to make payments toward your debt. **However, you have the right to appear before a Judge. You should request to appear before the Judge if the judgment holder will not agree that certain income or property listed below is exempt.**

EXAMPLES OF EXEMPT INCOME:

- **Wages:** The federal minimum hourly wage is currently \$7.25. A part of minimum wage earnings cannot be garnished. The part that cannot be garnished is the lesser of (a) 30 hours of minimum wage earnings (which is \$217.50) or (b) seventy-five percent (75%) of your net earnings. Here is an example of how (a) and (b) work:

Example: if your net income is \$300.00 a week, you could be garnished in the amount of **\$82.50** (**\$300.00 - \$217.50 = \$82.50**) [calculation (a) – note how the exempt amount of \$217.50 is first subtracted and set apart from your net income, to leave the balance that may be subject to garnishment]

or in the amount of:

\$75.00 (**\$300 x .25 = \$75**) [calculation (b) – since calculation (b) requires seventy-five percent (75%) of your net income to be exempt, you calculate the remaining percentage-twenty-five percent (25%) – of your net income.]

Since \$75.00 is less than \$82.50, the amount garnished should be \$75.00. The higher amount of income remaining, \$225.00 in this example (seventy-five percent (75%) of your net earnings), is exempt. This exemption is usually applied automatically.

- All Social Security benefits, and certain retirement accounts, such as an IRA.
- All Veterans Administration, Unemployment Compensation and Workers Compensation benefits.

EXAMPLES OF EXEMPT PROPERTY

- Intangible Personal Property (cash, bank accounts, etc.) up to a Maximum of \$400.00.

- All money in a bank account that only receives deposits from exempt sources, such as Social Security.
- A home you own or are buying- Equity value up to \$19,300.00 per debtor is exempt. If you and your spouse both owe the debt and both own or are buying the home, you each receive an equity exemption of \$19,300.00.
- A home that you and your spouse own or are buying together – If you and your spouse own or are buying your home as husband and wife (tenants by the entirety) and if the debt is owed by only one spouse, the entire equity value of the home is exempt.
- Tangible personal property (cars, furniture, etc.) with a total combined value of up to \$10,250.00.

Please note that this Notice of Rights applies only to debts you owe to an individual or a business; it does not apply to Child Support collection or to debts owed to the Government. Exemption laws are complicated. The above information is not a final determination of your rights or a complete description of the law.

Defendant

You may wish to seek legal advice from these (or other) organizations:

Indiana Legal Services
 South Bend Office
 227 S. Main St., Suite 200
 South Bend, IN 46601
 Phone: (574) 234-8121
 Office Toll Free: (800) 288-8121
 Intake Toll Free: (844) 243-8570
 Fax: (574) 239-2185
 Email: southbendoffice@ilsin.net

Notre Dame Clinical Law Center
 725 Howard Street
 South Bend, IN 46617
 Phone: (574) 631-7795
 Fax: (574) 631-6725

Lawyer Referral Service of the
 St. Joseph County Bar Association
 101 S. Main St., Law Library
 South Bend, IN 46601
 Phone: (574) 235-9657
 Email: stjoelrs@gmail.com

Volunteer Lawyer Network
 P.O. Box 1358
 South Bend, IN 46624
 Phone: (574) 277-0075
 Email: volunteerinc@att.net