

Approved, SCAO

• STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT	REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC)	• CASE NUMBER
Court address	• Zip Code	Court telephone number

Plaintiff's name and address (judgment creditor)
Plaintiff's attorney, bar number, and address
Telephone number

v

Defendant's name and address (judgment debtor)	
Social security number	Account number
Garnishee name and address	

REQUEST

1. Plaintiff received judgment against defendant for \$ _____ on _____.
2. The total amount of judgment interest accrued to date is \$ _____. The total amount of postjudgment costs accrued to date is \$ _____. The total amount of postjudgment payments made and credits to date is \$ _____.
The amount of the unsatisfied judgment now due (including interest and costs) is • \$ _____.
3. Plaintiff knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.
4. **Plaintiff requests** a writ of nonperiodic garnishment be paid to ☐ plaintiff, ☐ plaintiff's attorney, ☐ the court, and mailed to ☐ plaintiff, ☐ plaintiff's attorney, ☐ the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT To be completed by the court.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), two copies of this writ for serving on the garnishee, and a \$1.00 disclosure fee for serving on the garnishee. You are responsible for having these documents served on the garnishee within 182 days. If the disclosure states that the garnishee holds property **other than money** belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment. **NOTE:** The social security number field is blacked out for security reasons on all parts except the garnishee copy.

TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last-known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.
5. Make all payments withheld under this writ payable and mailed as specified in the request.
6. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue

Expiration date for service

Deputy court clerk

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Plaintiff's name and address (judgment creditor)
Plaintiff's attorney, bar number, and address
Telephone number

v

Defendant's name and address (judgment debtor)
Garnishee name and address

REQUEST

1. Plaintiff received judgment against defendant for \$ _____ on _____.
2. The total amount of judgment interest accrued to date is \$ _____. The total amount of postjudgment costs accrued to date is \$ _____. The total amount of postjudgment payments made and credits to date is \$ _____.
The amount of the unsatisfied judgment now due (including interest and costs) is • \$ _____.
3. Plaintiff knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.
4. **Plaintiff requests** a writ of nonperiodic garnishment be paid to ☐ plaintiff, ☐ plaintiff's attorney, ☐ the court, and mailed to ☐ plaintiff, ☐ plaintiff's attorney, ☐ the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date _____

Plaintiff/Agent/Attorney signature _____

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TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last-known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.
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Date of issue _____

Expiration date for service _____

Deputy court clerk _____

INSTRUCTIONS

Definitions

Nonperiodic Garnishment - a garnishment of property or obligations made on a nonperiodic basis, including but not limited to bank accounts, property, money, goods, chattels, credits, and negotiable instruments or effects. **Do not use this form to garnish income tax refunds from the State of Michigan; see Michigan statutes for specific procedures to garnish state income tax.**

Additional Instructions for the Plaintiff:

You must provide information that will permit the garnishee to identify the defendant such as the defendant's address, social security number, account number, etc.

Instructions for Item 2:

If a civil judgment does not include judgment interest in the "total judgment" field, the interest amount reported in item 2 should be accrued from the date the complaint was filed.

If a civil judgment includes judgment interest in the "total judgment" field (as in the forms in use before the 5/07 revisions), the interest amount reported in item 2 should not include any postfiling interest already included in the judgment.

If the disclosure states that the garnishee holds property belonging to the defendant, you must motion the court (with notice to the defendant and the garnishee) for an order, which will tell the garnishee to take the defendant's property, sell it, and apply it toward your judgment. If there are no pending objections to the garnishment and you have not filed such a motion within 56 days after the filing of the disclosure, the garnishment is dissolved and the garnishee may release the property to the defendant.

Additional Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you that you have not paid. In order to collect on this judgment, income owed to you may be withheld or property belonging to you may be taken from you and sold.
2. You may object to this garnishment if:
 - a. your income is exempt from garnishment by law,
 - b. you have a pending bankruptcy proceeding,
 - c. the maximum withheld exceeds the amount allowed by law,
 - d. you have paid the judgment in full,
 - e. the garnishment was not properly issued or is otherwise invalid.
3. You may send the plaintiff a written request to review postjudgment costs and fees listed in item 2 of the request. Within 28 days after receiving your request, the plaintiff must send an itemized list of the postjudgment costs and fees to you and the court. Within 28 days after receiving the itemized list, you may file a motion with the court to review the postjudgment costs and fees if you believe they are wrong. If the judge rules in your favor, the judge may order the motion fee to be deducted from the judgment balance.
4. Certain income is exempt from garnishment and the law gives you the right to claim this income as exempt to prevent it from being used to collect on this judgment.
5. For more information on garnishments, visit www.MichiganLegalHelp.org.

EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** types of income that **may be** exempt from garnishment and the citations where each type may be found in the law. **Please note that this is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.**

- Individual Retirement Account (IRA) - [MCL 600.6023(1)(k)]
- Social Security Benefits - [42 USC, Section 407]
- Supplemental Security Income Benefits (SSI) - [42 USC, Section 1383(d)]
- Aid to Families with Dependent Children (AFDC) - [MCL 400.63]
- General Assistance Benefits (GA) - [MCL 400.63]
- Unemployment Compensation Benefits - [MCL 421.30]
- Veterans Assistance Benefits - [38 USC, Section 5301]
- Workers' Compensation Benefits - [MCL 418.821]
- Cash value or proceeds of life insurance or annuity, payable to the spouse or children of the insured - [MCL 500.2207(1)]
- Income benefits under the Michigan Retirement Act - [MCL 421.30]
- U.S. Civil Service Retirement Benefits - [5 USC, Section 8346]

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the request and writ for garnishment and file proof of service with the court clerk before the expiration date for service. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the garnishee (copy of return receipt attached) two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and the attachments listed below, on:

☐ I served the Michigan Department of Treasury electronically pursuant to MCR 3.101(F)(3) as follows:

☐ I have attempted to serve two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and the attachments listed below, and have been unable to complete service on:

Garnishee's name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of two copies of the request and writ for garnishment, together with the disclosure form, applicable fee, and _____
Attachments (if any)

on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____