

Justice Court, Henderson Township
CLARK COUNTY, NEVADA

Name: _____

Address: _____

Plaintiff,

– vs –

Name: _____

Address: _____

Defendant.

CASE NO. _____

DEPT. NO. _____

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO:

_____ Garnishee

You are hereby notified that you are attached as garnishee in the above entitled action and you are commanded not to pay any debt due from yourself to _____

_____ (defendants)

and that you must retain possession and control of all personal property, money, credits, debts, effects and choses in action of said defendant(s) in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statutes 31.295; Plaintiff believes that you have property, money, credits, debts, effects and choses in action in your hands and under your custody and control belonging to said defendant(s) described as: _____

YOU ARE REQUIRED TO forward all monies due or owing in your possession or under your control for wages, salaries, commissions, bonuses or other reasons belonging to the defendant(s) named in this Writ of Garnishment, subject to the exemptions indicated above, to the Henderson Constable at the address below .

YOU ARE REQUIRED within **20** days from the date of service of this Writ of Garnishment to **answer the interrogatories** set forth herein and to return your answers to the officer of the Constable which has issued this Writ of Garnishment. Your failure to answer the interrogatories within 20 days, a Judgment by Default in the amount due the Plaintiff may be entered against you.

IF YOUR ANSWERS TO the Interrogatories indicate that you are the employer of the defendant(s), this Writ of Garnishment shall be deemed to **continue for 120 days** or until the amount demanded in the attached Writ of Execution is satisfied.

YOU ARE FURTHER DIRECTED to forward all funds due to the defendant(s) each payday in the future, **up to 120 days**, less any amount which is exempt and less \$3.00 per pay period not to exceed \$12.00 per month which you may retain as a fee for compliance. The \$3.00 fee does not apply to the first pay period covered by this Writ.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on Plaintiff's attorney, if any, whose address appears below.

Issued at the direction of:

ATTORNEY FOR PLAINTIFF

Address

CONSTABLE - HENDERSON TOWNSHIP

By: _____
Constable/Deputy Constable **Date**

Please furnish a statement and Case #.

MAKE CHECK PAYABLE TO: HENDERSON CONSTABLE
AND MAIL TO: 243 WATER STREET
HENDERSON, NEVADA 89015

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

The undersigned, being duly sworn, states that I received the within WRIT OF GARNISHMENT on the _____ day of _____, 20____, and personally served copies of the same on the _____ day of _____, 20____ by showing the original WRIT OF GARNISHMENT, informing of the contents and delivering and leaving a copy, along with the statutory fee of \$5.00 with (name) _____ at _____ County of Clark, State of Nevada.

_____ By: _____
Date Constable / Deputy Constable

INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH

1. Are you in any manner indebted to the defendant(s) _____ or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

ANSWER _____

2. Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as defined by NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. section 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the attachable amount as follows:

Check one of the following: The employee is paid: [A] Weekly ____ [B] Biweekly ____ [C] Semimonthly ____ [D] Monthly ____

- (1) Gross Earning: \$ _____
- (2) Deductions required by law (not including child support) \$ _____
- (3) Disposable Earnings [Subtract line 2 from line 1] \$ _____
- (4) Federal Minimum Wage \$ _____
- (5) Multiple line 4 by 50 \$ _____

(6) Complete the following directions in accordance with the letter selected above:

- [A] Multiple line 5 by 1 \$ _____
- [B] Multiple line 5 by 2 \$ _____
- [C] Multiple line 5 by 52 then divide by 24 \$ _____
- [D] Multiple line 5 by 52 then divide by 12 \$ _____

(7) Subtract line 6 from line 3 \$ _____

ANSWER _____

3. Did you have in your possession, in your charge or under your control, on the date of the **WRIT OF GARNISHMENT** was served upon you any money, property, effects, goods, chattels, rights, credits or choses in action of the defendant(s) or either of them, or in which defendant(s) is (are) interested? If so, state in full its value and state full all particulars.

ANSWER _____

4. Do you know of any debts owing to the defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to the defendant(s) or either of them, or in which defendant(s) is (are) interested, and now in the possession or under the control of others? If so state particulars.

ANSWER _____

5. Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 4 of this act or, if no such deposit has been made, \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

ANSWER _____

6. State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

ANSWER _____

I, _____, declare under penalty of perjury that the answers to the foregoing interrogatories subscribed by me are true and correct.

Date

Garnishee – Affiant

Garnishee Company Name

NOTE: Under NRS 31.297, If an employer, without legal justification, refuses to withhold the earnings of a defendant in a **WRIT OF GARNISHMENT** or knowingly misrepresents the earnings of the defendant, the court may order the employer to appear and show cause why the employer should not be subjected to the following penalties:

(1) If the plaintiff has received a judgment against the defendant, an order to the employer to pay the plaintiff the amount of arrearages caused by the employer’s refusal to withhold or his misrepresentation of the defendant’s earnings.

(2) In addition, the court may order the employer to pay the plaintiff punitive damages **in an amount not to exceed \$1,000** for each pay period in which the employer has, without legal justification, refused to withhold the defendant’s earnings or has misrepresented the earnings.