

1 Case No.

2 Dept. No.

3
4 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WHITE PINE

6
7 _____,
8 Plaintiff,

9 v.

WRIT OF GARNISHMENT

10 _____,
11 Defendant.

12
13 THE STATE OF NEVADA TO:

14
15 _____ Garnishee

16 You are hereby notified that you are attached as garnishee in the above entitled action
17 and you are commanded not to pay any debt from yourself to _____,
18 Defendant(s), and that you must retain possession and control of all personal property, money,
19 credits, debts, effects and choses in action of said Defendant(s) in order that the same may be
20 dealt with according to law. Where such property consists of wages, salaries, commissions or
21 bonuses the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada
22 Revised Statutes 31.295. Plaintiff believes that you have property, money, credits, debts, effects
23 and choses in action in your hands and under our custody and control belonging to said
24 Defendant(s) described as: _____
25
26
27
28

1 YOU ARE REQUIRED within 20 days from the date of service of this Writ of
2 Garnishment to answer the interrogatories set forth herein and to return your answers to the
3 office of the Sheriff or Constable which issued the Writ of Garnishment. In case of your failure
4 to answer the interrogatories within 20 days, a Judgment by Default in the amount due the
5 Plaintiff may be entered against you.
6

7 IF YOUR ANSWERS TO the interrogatories indicate that you are the employer of the
8 Defendant(s), this Writ of Garnishment shall be deemed to CONTINUE FOR 120 DAYS or until
9 the amount demanded in the attached Writ of Execution is satisfied.
10

11 YOU ARE FURTHER DIRECTED to forward all funds due to the Defendant(s) each
12 payday in the future, UP TO 120 DAYS, less any amount which is exempt and less \$3.00 per
13 pay period not to exceed \$12.00 per month which you may retain as a fee for compliance. The
14 \$3.00 fee does not apply to the first pay period covered by this Writ.
15

16 YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of
17 Garnishment on Plaintiff's attorney whose address appears below.
18

19 Sheriff- 

20 By: _____
21 Title Date

22 Issued at direction of:
23
24
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INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH

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

5 ANSWER: _____
6

7 2. Are you an employee of one of the Defendant(s)? If so, state the length of your pay period
8 and the amount each Defendant presently earns during a pay period.

9 ANSWER: _____
10

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

15 ANSWER: _____
16

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

21 ANSWER: _____
22

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

25 ANSWER: _____
26

27 6. NOTE: If an employer, without legal justification, refuses to withhold the earnings of a
28 Defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the

1 earnings of the Defendant(s), the Court shall order the employer to pay the Plaintiff the
2 amount of arrearages caused by the employer's refusal to withhold or his misrepresentation
3 of the Defendant's earnings. In addition, the Court may order the employer to pay the
4 Plaintiff punitive damages in an amount not to exceed \$1,000 for each pay period in which
5 the employer has, without legal justification, refused to withhold the Defendant's earnings
6 or has misrepresented the earnings.
7

8 _____
Garnishee

9 STATE OF NEVADA)
10) ss:
11 COUNTY OF WHITE PINE)

12 I declare under penalty of perjury under the law of the State of Nevada that the
13 foregoing is true and correct.

14 EXECUTED this _____ day of _____, 20____.

15 _____
16 Garnishee
17
18
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SEVENTH JUDICIAL DISTRICT COURT

WHITE PINE COUNTY, NEVADA

NOTICE OF EXECUTION

**YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED**

Plaintiff, _____, alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act including, without limitations retirement and survivor benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Welfare Division of the Department of Human Resources or a local governmental entity.
4. Proceeds from a policy of life insurance if the annual premium does not exceed \$15,000.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. A vehicle, if your equity in the vehicle is less than \$15,000.
11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum wage, in which case the entire amount may be exempt.
12. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. §§ 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code,

26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

→ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

(Added to NRS by 1989, 1139; A 1991, 814, 1415; 1993, 2631; 1995, 230; 1997, 269, 3416; 2003, 1014, 1816)

SEVENTH JUDICIAL DISTRICT COURT

WHITE PINE COUNTY, NEVADA

NOTICE OF EXECUTION

**YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED**

A court has determined that you owe money to _____, the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act including, without limitations retirement and survivor benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Welfare Division of the Department of Human Resources or a local governmental entity.
4. Proceeds from a policy of life insurance if the annual premium does not exceed \$15,000.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. A vehicle, if your equity in the vehicle is less than \$15,000.
11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum wage, in which case the entire amount may be exempt.
12. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 and 408A of the Internal Revenue Code, 26 U.S.C. §§ 408;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. §§ 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

→ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812)