

1 **WRIT**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone Number)

6 _____
(E-mail Address)

7 Plaintiff/ Counterclaimant, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 _____,
11
12 Plaintiff(s),
13
14 vs.
15 _____,
16 Defendant(s).

Case No.: _____
Dept. No.: _____

WRIT OF GARNISHMENT

17 **THE STATE OF NEVADA TO:**

18 _____, Garnishee.

19 You are hereby notified that you are attached as garnishee in the above-entitled action, and you
20 are commanded not to pay any debt from yourself to _____
21 _____, Defendant(s), and that you must retain possession and control of
22 all personal property, money, credits, debts, effects, and choses in action of said Defendant(s) in order that
23 the same may be dealt with according to law; where such property consists of wages, salaries,
24 commissions or bonuses, the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and
25 Nevada Revised Statutes 31.295.

26 Plaintiff believes that you have property, money, credits, debts, effects, and choses in action in
27 your hands and under your custody and control belonging to said Defendant(s), more particularly
28 described as:

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YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and forward such answer to the office of the Sheriff or Constable which issued the Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a Judgment by Default will be entered against you for:

- (a) The amount demanded in the Writ of Garnishment or the value of the property described in the writ, as the case may be; or
- (b) If the garnishment is pursuant to NRS 31.291, the amount of the lien created pursuant to that section, which amount or property must be clearly set forth in the Writ of Garnishment.

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 180 DAYS** or until the amount demanded in the attached Writ of Execution is satisfied, whichever occurs earlier.

YOU ARE FURTHER DIRECTED to forward all funds due to the Defendant(s) each payday in the future, **UP TO 180 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 of Garnishment.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the interrogatories on Plaintiff and Defendant(s) at the addresses listed below.

Issued at direction of *(sign and check one)*: **SHERIFF/CONSTABLE – CLARK COUNTY**

Plaintiff/ Counterclaimant _____ Title _____ Date _____

Name and address of Plaintiff or Counterclaimant

Name and address of Defendant(s)

1 **STATE OF NEVADA**)
) **ss:**
2 **COUNTY OF CLARK**)

3 The undersigned being duly sworn states that I received the within WRIT OF GARNISHMENT
4 on the ____ day of _____, 20____, and personally served the same on the ____ day
5 of _____, 20____ in the same manner as provided by rule of court or law of this
6 state for the service of a summons in a civil action, and I tendered the statutory fee of \$5.00 to

7 _____ at _____
8 _____, City of _____, County of
9 _____, State of Nevada.

10 By: _____
11 Title

12
13 **INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE AND SIGNED UNDER**
14 **PENALTY OF PERJURY:**

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

18 **Answer:** _____
19 _____
20 _____

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1 2. Are you an employer of one or all of the Defendants? If so, state the length of your pay period and the
2 amount of disposable earnings, as defined in NRS 31.295, that each Defendant presently earns during
3 a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment,
4 which is the federal minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor
5 Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, in effect at the time the earnings are payable
6 multiplied by 50 for each week of the pay period, after deducting any amount required by law to be
7 withheld.

8 Calculate the attachable amount as follows (*check one of the following*):

9 The employee is paid: [A] Weekly: _____, [B] Biweekly: _____, [C] Semimonthly: _____,
[D] Monthly: _____

- | | | |
|----|---|----------|
| 10 | (1) Gross Earnings | \$ _____ |
| | (2) Deductions required by law (not including child support) | \$ _____ |
| 11 | (3) Disposable Earnings [Subtract line 2 from line 1] | \$ _____ |
| | (4) Federal Minimum Wage | \$ _____ |
| 12 | (5) Multiply line 4 by 50 | \$ _____ |
| | (6) Complete the following directions in accordance with the letter selected above: | |
| 13 | [A] Multiply line 5 by 1 | \$ _____ |
| | [B] Multiply line 5 by 2 | \$ _____ |
| 14 | [C] Multiply line 5 by 52 and then divide by 24 | \$ _____ |
| | [D] Multiply line 5 by 52 and then divide by 12 | \$ _____ |
| 15 | (7) Subtract line 6 from line 3 | \$ _____ |

16 This is the attachable earnings. This amount must not exceed 18% of the disposable earnings from
17 line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment
18 was issued was \$770 or less, or 25% of the disposable earnings from line 3 if the employee's gross
19 weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770.

20 **Answer:** _____
21 _____
22 _____

23 3. What is the gross weekly salary or wage of the employee? The gross weekly salary or wage of an
24 employee must be determined as follows:

- 25 (1) Except as otherwise provided in numbers 2 and 3 below, by dividing the employee's gross
26 earnings for the current calendar year as of the date the most recent writ of garnishment was issued
27 by the total number of weeks the employee has worked in the current calendar year.
28

1 (2) If the most recent writ of garnishment was issued at the beginning of the current calendar year
2 before the employee received any earnings in the current calendar year, but the employee received
3 earnings in the previous calendar year, by dividing the employee's gross earnings for the previous
4 calendar year by the total number of weeks the employee worked in the previous calendar year.

5 (3) If the employee has not been employed long enough to have been paid as of the date the most
6 recent writ of garnishment was issued, or if the provisions of number 1 or 2 above do not otherwise
7 apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of
8 the employee as determined by his or her employer.

9 For the purpose of determining the total number of weeks the employee has worked in the current
10 calendar year or the total number of weeks the employee worked in the previous calendar year, as
11 applicable, if the total number of weeks is not exact, the number must be rounded down if the number
12 of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or
13 less, and rounded up if the number of days the employee was on the payroll of his or her employer in
14 excess of a whole week is 4 days or more.

15 **Answer:** _____
16 _____
17 _____

18 4. Did you have in your possession, in your charge or under your control, on the date the Writ of
19 Garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or
20 choses in action of the Defendants, or either of them, or in which Defendants are interested? If so,
21 state its value, and state fully all particulars.

22 **Answer:** _____
23 _____
24 _____

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

5 **Answer:** _____
6 _____
7 _____

8 6. Are you a financial institution with a personal account held by one or all of the Defendants? If so,
9 state the account number and the amount of money in the account which is subject to garnishment. As
10 set forth in section 3 of Assembly Bill 223 (76th Sess. 2011), \$2,000 or the entire amount in the
11 account, whichever is less, is not subject to garnishment if the financial institution reasonably
12 identifies that an electronic deposit of money has been made into the account within the immediately
13 preceding 45 days which is exempt from execution, including, without limitation, payments of money
14 described in section 3 of Assembly Bill 223 or, if no such deposit has been made, \$400 or the entire
15 amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for
16 the recovery of money owed for the support of any person. The amount which is not subject to
17 garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount
18 that is not subject to garnishment.

19 **Answer:** _____
20 _____
21 _____

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

24 **Answer:** _____
25 _____
26 _____

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

3 Executed on the _____ day of the month of _____ of the year 20____.

4 _____
5 *(Signature of Garnishee)*

6 *Print name:* _____

7 *Title:* _____

8 **NOTE:** Under 31.297, if an employer, without legal justification, refuses to withhold the earnings of a
9 Defendant demanded in a **WRIT OF GARNISHMENT** or knowingly misrepresents the earnings of the
10 Defendant, the court may order the employer to appear and show cause why he should not be subject to the
11 following penalties:

12 (1) If the Plaintiff has received a judgment against the Defendant, an order to the employer to pay the
13 Plaintiff the amount of arrearages caused by the employer's refusal to withhold or his misrepresentation of the
14 Defendant's earnings.

15 (2) In addition, the court may order the employer to pay the Plaintiff punitive damages in an amount not to
16 exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to withhold
17 the Defendant's earnings or has misrepresented the earnings.