

UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

(C.R.C.P. No. 26. Rev 12/2022)

Case No. \_\_\_\_\_

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WRIT OF CONTINUING GARNISHMENT

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\_\_\_\_\_  
Plaintiff(s)

vs.

\_\_\_\_\_  
Defendant(s)

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STATEMENT OF JUDGMENT CREDITOR

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Judgment Debtor's name, last known address, other identifying information: \_\_\_\_\_

Date suit commenced:

- Prior to May 1, 1991
- On or after May 1, 1991

Date judgment entered: \_\_\_\_\_

- |   |   |          |
|---|---|----------|
| 1. Original amount of judgment  |   | \$ _____ |
| • Effective Garnishment Period  |   |          |
| <input type="checkbox"/> 90 days for judgments entered <i>prior</i> to August 8, 2001     |   |          |
| <input type="checkbox"/> 180 days for judgments entered <i>on or after</i> August 8, 2001 |   |          |
| 2. ADD interest due on judgment ( _____ % per annum )                                     | + | \$ _____ |
| 3. ADD taxable costs, including estimated cost of service of this writ                    | + | \$ _____ |
| 4. LESS any amount paid   | - | \$ _____ |
| 5. <b>TOTAL principal balance/amount due and owing</b>                                    |   | \$ _____ |

I affirm that I am authorized to act on behalf of the Judgment Creditor. This is a correct accounting as of \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
Judgment Creditor's Name

Subscribed under oath before me on \_\_\_\_\_.  
(Date)

Address: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Deputy Clerk

By: \_\_\_\_\_  
Signature

Notary's commission expires on \_\_\_\_\_.

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Address & Phone No.

WRIT OF CONTINUING GARNISHMENT

To the United States Marshal, or to the Sheriff of any Colorado county, or to any person over the age of eighteen (18) years who is not a party to this action:

You are directed to serve TWO (2) COPIES of this Writ of Continuing Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

To the Garnishee:

YOU ARE SUMMONED AS GARNISHEE IN THE ABOVE-TITLED ACTION AND ORDERED TO:

- A. Answer the following questions under oath and file your answers with the Clerk of Court. Mail a copy of your answers to the Judgment Creditor or its attorney no less than five (5) and no more than ten (10) days following the time you pay the Judgment Debtor for the first time following service of this Writ, or forty (40) days following service of this Writ upon you, whichever is less. YOUR FAILURE TO ANSWER THIS WRIT OF CONTINUING GARNISHMENT MAY RESULT IN THE ENTRY OF A DEFAULT AGAINST YOU.
B. Pay any nonexempt earnings to the party designated in "E" below no less than five (5) and no more than ten (10) days following each time you pay the Judgment Debtor during the Effective Garnishment Period of this Writ, and attach a copy of the Calculation of the Amount of Exempt Earnings.
a. The calculation appearing below Questions to be Answered by Garnishee should be used for the first pay period.
b. One of the multiple calculation forms included with this Writ should be used for all subsequent pay periods.
C. Deliver a copy of this Writ, the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form the first time you pay the Judgment Debtor.
D. Deliver to Judgment Debtor a copy of the Calculation of the Amount of Exempt Earnings each subsequent time you pay the Judgment Debtor for earnings subject to this Writ.
E. WRITE THE CASE NO. ON THE FRONT OF THE CHECK.

MAKE CHECKS PAYABLE TO:

- Clerk of the \_\_\_\_\_ Court Judgment Creditor named above

MAIL PAYMENT TO:

- Clerk of the \_\_\_\_\_ Court Judgment Creditor Judgment Creditor's attorney

Name & Address: \_\_\_\_\_

CLERK OF COURT: Jeffrey P. Colwell
901 19th Street, Room A-105
Denver, Colorado 80294-3589
(303) 844-3433

By: \_\_\_\_\_
Deputy Clerk

Date: \_\_\_\_\_

NOTICE TO GARNISHEE

- A. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period indicated on Line 1 of the first page of this Writ or until you have paid to the party designated in section E above the amount shown on Line 5 of the first page of this Writ, whichever occurs first. However, if you have already been served with a Writ that is ongoing, such as a Writ of Continuing Garnishment for Child Support, this Writ of Continuing Garnishment becomes effective after the prior Writ terminates.
B. "EARNINGS" INCLUDES ALL FORMS OF COMPENSATION for personal services. Also, read Notice to Judgment Debtor below.
C. In no case may you withhold any amount greater than the amount shown on Line 5 of the first page of this Writ.

QUESTIONS TO BE ANSWERED BY GARNISHEE

The following questions MUST be answered by you under oath:

- A. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1 of the first page of this Writ?
1. WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES (Earnings)
2. Health, Accident or Disability Insurance funds or payments
3. Pension or retirement benefits (for suits commenced prior to 5/1/1991 ONLY - see "Date suit commenced" on page 1)

If you marked any box above, indicate how the Judgment Debtor is paid: weekly bi-weekly semi-monthly monthly other
The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period indicated on Line 1 of pg 1 of this Writ:

\_\_\_\_\_

- B. Are you under one or more of the following writs of garnishment?
4.  Writ of Continuing Garnishment Expected termination date: \_\_\_\_\_
5.  Writ of Garnishment for Support Expected termination date: \_\_\_\_\_
- C. If you marked Box 1 and you did NOT mark either Box 4 or 5, complete the Calculation below for the "First Pay Period" following receipt of this Writ. If you marked either Box 4 or 5, complete Calculations beginning with the first pay period following termination of the prior writ(s).
- D. If you marked Box 2 or 3 and you did NOT mark either Box 4 or 5, complete the Calculation below for the "First Pay Period" following receipt of this Writ. If you marked either box 4 or 5, complete Calculations beginning with the first pay period following termination of the prior writ(s). HOWEVER, there are a number of total exemptions and you should seek legal advice about such exemptions. IF THE EARNINGS ARE TOTALLY EXEMPT, MARK BOX 6 BELOW:
6.  The earnings are totally exempt because: \_\_\_\_\_

**CALCUATION OF THE AMOUNT OF EXEMPT EARNINGS – FIRST PAY PERIOD**

Gross earnings for the First Pay Period from _____ through _____		\$ _____
LESS deductions required by law (e.g. withholding taxes, FICA)	-	\$ _____
<b>Disposable earnings</b> [gross earnings less deductions]	=	\$ _____
LESS statutory exemption (see exemption chart below)	-	\$ _____
<b>Net amount subject to garnishment</b>	=	\$ _____
LESS wage/income assignment(s) during pay period, if any	-	\$ _____
<b>TOTAL AMOUNT TO BE WITHHELD AND PAID</b>	=	\$ _____

Exemption Chart

PAY PERIOD	Amount exempt is the greater of
Weekly	30 x federal minimum hourly wage (\$217.50) or 75% of disposable earnings
Bi-weekly	60 x federal minimum hourly wage (\$435.00) or 75% of disposable earnings
Semi-monthly	65 x federal minimum hourly wage (\$471.25) or 75% of disposable earnings
Monthly	130 x federal minimum hourly wage (\$942.50) or 75% of disposable earnings

\* Amount in parentheses ( ) is based on federal minimum hourly wage of \$7.25.

**I affirm that I am authorized to act for the Garnishee, the answers above are true and correct, and I have delivered a copy of this Writ, along with the Calculation of the Amount of Exempt Earnings and a blank Objection to Calculation of the Amount of Exempt Earnings form, to the Judgment Debtor at the time earnings were paid for the First Pay Period (if earnings were paid).**

\_\_\_\_\_  
Garnishee's Name (print)

Subscribed under oath before me on \_\_\_\_\_.  
(Date)

Address: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Deputy Clerk

Prepared by: \_\_\_\_\_ Notary's commission expires on \_\_\_\_\_.

Preparer's Signature: \_\_\_\_\_

**NOTICE TO JUDGMENT DEBTOR**

- The Garnishee may only withhold nonexempt earnings from the amount due to you, but in no event more than the amount on Line 5 of the first page of this Writ. However, IF YOUR EARNINGS ARE TOTALLY EXEMPT, NO EARNINGS CAN BE WITHHELD. You may wish to contact a lawyer who can explain your rights.
- If you disagree with the amount withheld, you must contact the Garnishee within five (5) days after being paid.
- If you cannot settle the disagreement with the Garnishee, you may complete and file the attached Objection with the Clerk of the Court who issued this Writ within ten (10) days after being paid. YOU MUST USE THE FORM ATTACHED, or a copy of it.

- d. You are entitled to a court hearing on your written objection.
- e. Your employer cannot fire you because your earnings have been garnished. If your employer discharges you in violation of your legal rights, you may, within ninety (90) days, bring a civil action for the recovery of wages lost because you were fired and for an order requiring that you be reinstated. Damages will not exceed six (6) weeks' wages and attorney fees.

## **EXPLANATION OF WAGE GARNISHMENT IN COLORADO**

***Funds will be taken from your pay if you fail to act!***

### 1. *Why am I getting this notice?*

You are getting this notice because a court has ruled that you owe money to the judgment creditor, who is called "Creditor" in this notice. Creditor has started a legal process called a ***garnishment***. This process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor's lawyer [see pg. 1 of this Writ under "Statement of Judgment Creditor"]. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you provide to Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

### 2. *How much do I owe?*

The court has ruled that you currently owe the total amount noted on Line 5 on pg. 1 of this Writ. The total amount could increase if there are more court costs or additional interest assessed (the interest rate on the amount you owe is also listed on pg. 1 of this Writ). The total amount could also decrease if you make payments to Creditor.

### 3. *How will the amount I owe be paid?*

The person who pays you will start taking money from your paycheck on the first payday following at least 14 days after the person who pays you has sent you this notice. Money will continue to be taken from your pay for up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment upon you.

The rules about how much of your pay can be taken are explained in the Notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or email the person who pays you.

### 4. *Do I have options?*

Yes. You have several options, but here are three of them:

- A. You can talk with a lawyer. A lawyer can explain the situation to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can help you help with resources to find a lawyer.
- B. You can talk with Creditor. If you make an arrangement with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of this Writ.
- C. You can request a court hearing. A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

### 5. *What if I don't do anything?*

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

### 6. *How does garnishment work in Colorado?*

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced.

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks' wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ \_\_\_\_\_ will be withheld from each paycheck that is subject to garnishment.

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**RETURN OF SERVICE**

**STATE OF COLORADO**

\_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, affirm that I have served two (2) copies of the Writ of Continuing Garnishment, along with a blank Objection to Calculation of the Amount of Exempt Earnings, on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ by \_\_\_\_\_.

(Date)

\_\_\_\_\_  
Name of person who served these documents

Subscribed under oath before me on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of person who served these documents

\_\_\_\_\_  
Notary Public

Service fee: \$ \_\_\_\_\_

Notary's commission expires on \_\_\_\_\_.