

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

(C.R.C.P. No. 26: Rev 10/12)

Case Number: _____

WRIT OF CONTINUING GARNISHMENT

Plaintiff(s)

vs.

Defendant(s)

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

- 1. Original Amount of Judgment Entered (Date) \$ DATE SUIT WAS COMMENCED:
a. Effective Garnishment Period
- 90 Days (Judgment entered prior to August 8, 2001)
- 180 days (Judgment entered on or after August 8, 2001)
2. Plus any Interest Due on Judgment (% per annum) \$
3. Taxable Costs (including estimated cost of service of this Writ) \$
4. Less any Amount Paid \$
5. Principal Balance/Total Amount Due and Owing \$

I affirm that I am authorized to act for the Judgment Creditor and this is a correct statement as of (Date)

Subscribed under oath before me on _____

Print Judgment Creditor's Name

Notary Public or Deputy Clerk

Address: _____

My Commission Expires: _____

By: Signature (Type Name, Title, Address and Phone)

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 THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court and mail a completed copy with your answers to the Judgment Creditor or attorney no less than five (5) nor 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. To pay any nonexempt earnings to the party designated in "e" below no less than five (5) nor 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 used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
c. To deliver a copy of this Writ, together with 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. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
e. MAKE CHECKS PAYABLE TO: Clerk of the Court Judgment Creditor named above AND MAIL TO: Clerk of the Court Judgment Creditor Judgment Creditor's Attorney

(Name and Address): _____

PLEASE PUT THE CASE NUMBER (shown above) ON THE FRONT OF THE CHECK.

CLERK OF THE 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 shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any 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 on Line 5 on the front 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 1a on the front of this Writ? (Mark appropriate box(es)):
 - 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 suites commenced prior to 5/1/91 ONLY - check front of Writ for date)
 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 shown on Line 1a (front of this Writ): _____
- b. Are you under one or more of the following writs of garnishment? (Mark appropriate box(es)):
 - 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, you must 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, you must 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, PLEASE MARK BOX 6 BELOW:
 THE EARNINGS ARE TOTALLY EXEMPT BECAUSE: _____

CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS (First Pay Period)

Gross Earnings for the First Pay Period from _____ thru _____	\$	
Less Deductions Required by Law (For Example, Withholding Taxes, FICA)	-	\$ _____
Disposable Earnings (Gross Earnings less Deductions)	=	\$ _____
Less Statutory Exemption (Use Exemption Chart Below)	-	\$ _____
Net Amount Subject to Garnishment	=	\$ _____
Less Wage/Income Assignment(s) During Pay Period (If Any)	-	\$ _____
AMOUNT TO BE WITHHELD AND PAID	=	\$ _____

EXEMPTION CHART	PAY PERIOD	AMOUNT EXEMPT IS GREATER OF	Amounts is parentheses based upon Federal Minimum Hourly Wage of \$5.15.
	Weekly	30 x Federal Minimum Hourly Wage (\$154.50) or 75% of Disposable Earnings	
	Bi-weekly	60 x Federal Minimum Hourly Wage (\$309.00) or 75% of Disposable Earnings	
	Semi-monthly	65 x Federal Minimum Hourly Wage (\$334.75) or 75% of Disposable Earnings	
	Monthly	130 x Federal Minimum Hourly Wage (\$669.50) or 75% of Disposable Earnings	

I affirm that I am authorized to act for the Garnishee, the above answers are true and correct, and I have delivered a copy of this Writ, together 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).

Subscribed under oath before me on _____

Name of Garnishee (Print)

Notary Public or Deputy Clerk

Address: _____

My Commission Expires: _____

Name of Person Answering (Print)

Signature of Person Answering (Print)

NOTICE TO JUDGMENT DEBTOR

- a. The Garnishee may only withhold nonexempt earnings from the amount due you, but in no event more than the amount on Line 5 on the front of this Writ, UNLESS YOUR EARNINGS ARE TOTALLY EXEMPT, in which case NO EARNINGS CAN BE WITHHELD. You may wish to contact a lawyer who can explain your rights.
- b. If you disagree with the amount withheld, you must talk with the Garnishee within five (5) days after being paid.
- c. If you cannot settle the disagreement with the Garnishee, you may complete and file the attached Objection with the Clerk of the Court issuing 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.

RETURN OF SERVICE

STATE OF COLORADO _____ County of _____

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

Subscribed under oath before me on _____

Signature of Person Who Served Document

Notary Public

Service Fee \$ _____

My Commission Expires: _____