

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

(C.R.C.P. No. 29: Rev 10/12)

Case Number: _____

WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY

Plaintiff(s)

vs.

Defendant(s)

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

| | | | |
|---|--|----|----------|
| 1. Original Amount of Judgment Entered | _____ | \$ | _____ |
| 2. Plus any interest Due on Judgment | (_____ ^(Date) % 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 _____
(Date)

Print Judgment Creditor's Name

Notary Public or Deputy Clerk

Address: _____

My Commission Expires: _____

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

WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY

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

You are directed to serve a copy of the Writ of Garnishment upon _____,

Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:

YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 10 days following service of this Writ upon you. **YOUR FAILURE TO ANSWER THIS WRIT WITH NOTICE MAY RESULT IN THE ENTRY OF DEFAULT AGAINST YOU.**
- b. To hold pending court order any personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control on the date and time this Writ was served upon you.

YOU ARE NOTIFIED:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. If you are ordered to pay funds to the Court, tender your check for the amount PAYABLE TO:

Clerk of the United States District Court at 901 19th Street, Room A-105, Denver Colorado 80294-3589

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

By: _____
Deputy Clerk
Date: _____

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or money's other than earnings of the Judgment Debtor?
YES NO
- b. If "YES", list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary):
- c. Do you claim and setoff against and property, debt of obligation listed above?
YES NO
- d. If you said "YES" to question (c) describe the nature and amount of the setoff claimed: (Attach additional pages if necessary)

I affirm that I am authorized to act for the Garnishee and the above answers are true and correct:

Subscribed under oath before me on

_____ (Date) _____ Name of Garnishee

Notary Public or Deputy Clerk _____

Address: _____

My Commission Expires: _____

Phone: _____

Name of Person Answering (print): _____

Signature of Person Answering: _____

NOTICE TO JUDGMENT DEBTOR OF EXEMPTION AND PENDING LEVY

This Writ with Notice is a court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property is shown below, along with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

PARTIAL LIST OF EXEMPT PROPERTY (Numbered Statutory References are Subject to Change)

1. All or part of your property listed in Sections 13-54101 and 102, C.R.S., including clothing, jewelry, books burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances stock in-trade and certain items used in our occupation, bicycles motor vehicles (greater for disabled persons), life insurance, income tax refunds, money received because of loss or property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124 C.R.S.
4. Unemployment compensation benefits under Section 8-50-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205 C.R.S.
6. Heal insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 1511-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public Employees' retirement benefits (PERA) under Section 24-51-212, C.R.S. and Section 24-54-111, C.R.S.
11. Social security benefits under (OASDI, SSI) under 42 U.S.C. § 407.
12. Railroad employee retirement benefits under 45 U.S.C. g231.
13. Public assistance benefits (OAP, AFDC, AND, AB, LEAP under Section 26-2-131 C.R.S.
14. Police Officers and Firefighter's pension fund payments under Section 31-30-1117, 31-30.5-208 & 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(I)(r), C.R.S
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. 5301.
18. Civil service retirement benefits under 5 U.S.C. 8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54102(s). C.R.S.

If the money or property which is being withheld from you includes and "exempt property", you must file within 10 days of receiving this notice a written Claim of Exemption with the Clerk of Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to Judgment Creditor's attorney, or if none, to the judgment Creditor at the address shown on this Writ with Notice.

Once you have properly filed your claim, the court will schedule a hearing within 10 days. The Clerk of Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

REMEMBER THAT THIS IS ONLY A PARTIAL LIST OF "EXEMPT PROPERTY"; you may wish to consult a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember you only have 10 days after receiving this notice to file your claim of exemption with the Clerk of Court.

RETURN OF SERVICE

STATE OF COLORADO _____ County of _____

I, _____, affirm that I have served a copy of the Writ of Garnishment on _____

_____ (date) at _____ (time), by _____.

Subscribed under oath before me on _____.

Notary Public

My Commission Expires: _____

Signature _____
Service Fee \$ _____