

4. That I believe that _____ is indebted to or has property within his possession or under his control, which is not by law exempt from seizure or sale upon execution, belonging to the Judgment Debtor or Defendant.

5. That I (check one) _____ am, or, _____ am not seeking a continuing garnishment.

Judgment Creditor or Plaintiff, or
Attorney for Judgment Creditor or Plaintiff
Oklahoma Bar Association No. _____

Subscribed and sworn to this _____ day of _____, _____.

Court Clerk or Notary Public

Deputy

(Seal)

My Commission Expires: _____

IN THE DISTRICT COURT OF Payne COUNTY, STATE OF OKLAHOMA

Plaintiff)
)
vs)
)

Defendant)
)
and)
)

Garnishee)

Case No. _____

Post-Judgment General Garnishment Summons

The State of Oklahoma, to said Garnishee:

You are hereby summoned pursuant to the attached affidavit as garnishee for the defendant, _____, and required, within ten (10) days from the date of service of this summons upon you, to answer according to law whether you are indebted to, or have in your possession or under your control, any property belonging to such judgment debtor, to file your answer with the Clerk of this Court, and, at the time that you file your answer, to deliver or mail a copy of your answer to the judgment creditor's attorney, or judgment creditor if not represented by an attorney, and to the judgment debtor. If you are not a financial institution, you are further ordered to withhold any such property or indebtedness belonging to such judgment debtor or owing on the date of service of this summons, and to pay the required amount and/or deliver the property to the attorney for judgment creditor or judgment creditor if not represented by an attorney, unless otherwise ordered by the court when you file your answer. If you are a financial institution, you may proceed in accordance with 31 CFR Part 212, or similar federal or state law, if applicable, and you are further ordered to withhold any unprotected property or indebtedness belonging to such judgment debtor or owing on the date of your review of the debtor's account, and to such unprotected amount and/or deliver the property to the attorney for judgment creditor or judgment creditor if not represented by an attorney, unless otherwise ordered by the court when you file your answer.

If the garnishee is indebted to or holds property or money belonging to the judgment debtor, the garnishee immediately shall mail by first-class mail a copy of the notice of garnishment and exemptions, and the application for hearing, to the judgment debtor at the last-known address of the judgment debtor shown on the records of the garnishee at the time the garnishment summons was served on the garnishee. If more than one address is shown on the records of the garnishee at the time of service of the summons, the garnishee shall discharge his duty by mailing to any one of the addresses shown on its records. In lieu of mailing, the garnishee may hand-deliver a copy of the Notice of Garnishment and Exemptions, and the Application for Hearing, to the judgment debtor.

You are hereby directed to pay or deliver to the attorney for judgment creditor, or judgment creditor is not represented by an attorney, with your answer the amount and/or property stated in the answer, and in case of your failure to do so, you will be liable to further proceedings according to law, and judgment shall be rendered against you in the amount of \$ _____, together with costs in the principal action and costs of the garnishment proceeding.

Issued this _____ day of _____, _____, and shall be returned with proof of service within ten (10) days of this date.

Judge of the District Court

Plaintiff _____

Attorney _____
OBA # _____

Address _____

Phone _____

Officer's Return

Received this writ on the _____ day of _____, _____, at _____ o'clock
_____m by _____.

Dated this _____ day of _____, _____.

Sheriff

Deputy

IN THE DISTRICT COURT OF Payne COUNTY, STATE OF OKLAHOMA

_____)	
Plaintiff)	
vs)	Case No. _____
_____)	
Defendant)	
and)	
_____)	
Garnishee)	

Non-Continuing and General Garnishee's Answer/Affidavit

State of Oklahoma)
 County of _____) SS

I, _____, (garnishee or individual answering on behalf of garnishee), in answer to a garnishment summons served on the _____ day of _____, _____, and having knowledge of the facts and being sworn, state:

- **If Garnishee is an Individual:**
 That garnishee is an individual, whose full legal name is _____,
 and that garnishee does business under the name of _____.
- **If Garnishee is a Partnership:**
 That garnishee is _____, a partnership composed of the following
 persons: _____
 _____.
- **If Garnishee is a Corporation:**
 That garnishee is _____, a corporation, organized under the laws of the state
 of _____, and the official title of the person answering on behalf of
 garnishee is _____.

1. At the time of the service of the garnishment summons, or upon the date it became Effective, the garnishee was not indebted to the judgment debtor for any amount of money nor did the garnishee have possession or control of any property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor or in which the judgment debtor had an interest because the employee/individual/judgment debtor was: (Please check appropriate response)

_____ Not employed
 _____ Employed but not amounts due; specify reason: _____

 _____ Other; specify: _____

2. At the time of service of the garnishment summons or upon the date it became effective, the garnishee was indebted to the judgment debtor or had possession of control of the following property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor as follows: (Please check appropriate response)

_____ Earnings as shown on the attached Calculation for Garnishment of Earnings form which is incorporated by reference into this answer;
_____ Upon conducting the review of the debtor's account(s) mandated by 31 CFR § 212.1 et. Seq, garnishee has determined the account(s) contains \$ _____ **Unprotected** funds, and \$ _____ **protected funds**. Specify type(s) of protected funds, and if more than one type, specify amount of each: _____

_____ Other, specify: _____

_____ Check here () if additional pages are necessary

3. Nothing has been withheld due, to a prior garnishment or continuing garnishment which will expire on _____ and is in Case Number _____ in the District Court of _____ County, Oklahoma.

4. On _____, _____, the garnishee mailed a copy of the Notice of Garnishment & Exemptions and Application for Hearing by first-class mail to the judgment debtor at:

Address _____
City _____
State _____ Zip _____
Date Mailed _____

Or, hand delivered the same to judgment debtor at:

Judgment Debtor _____
Place _____

5. The garnishee makes the following claim of exemption on the part of the judgment debtor, or has the following objections, defenses, or setoffs to judgment creditor's right to apply garnishee's indebtedness to judgment debtor upon judgment creditor's claim:

Check here () if additional pages are necessary.

By: _____ Date: _____

Title: _____

Subscribed and sworn to before me on this _____ day of _____, _____.

Notary Public

My Commission expires: _____

Calculation for Non-Continuing Garnishment of Earnings

For the pay period in effect at the time of said service:

1. (a) Enter the pay period of judgment debtor
(weekly, biweekly, semimonthly, monthly or other) 1(a) _____
If other, please describe: _____
- (b) Enter the date the judgment debtor's present day period 1 (b) _____
began (present pay period means the pay period for which the
calculation is made):
- (c) Enter the date the judgment debtor's present pay period ends: 1 (c) _____
2. (a) Enter the gross earnings for entire pay period: 2 (a) _____
- (b) Calculate deductions from said amount as required by law: 2 (b) _____
(2(b) is the total of i, ii, and iii)
 - i. Federal income tax withholding _____
 - ii. FICA income tax withholding _____
 - iii. State income tax withholding _____
- (c) Net earnings: 2(a) less 2(b): 2 (c) _____
3. (a) If judgment debtor is subject to withholding for child support 3 (a) _____
garnishment or income assignment, enter maximum allowable
percentage (50%, 55%, 60%, 65%)
- (b) Enter actual percentage withheld: 3 (b) _____
- (c) Subtract 3(b) from 3(a) and enter percentage: 3 (c) _____
- (d) Enter the lesser of 25% or line 3(c) here (if no child support or 3 (d) _____
Income assignment, enter 25%)
4. Multiply the percentage in 3(d) times the net earnings in 2(c) and enter: 4. _____
5. (a) Multiply and enter the present federal minimum wage as follows: 5 (a) _____
Weekly or more often by 30;
Biweekly by 60;
Semimonthly by 65;
Monthly by 130.
For any other pay period, increase the multiple for a weekly pay
period using the assumption that a month contains 4-1/3 weeks.
- (b) Subtract the amount on line 5(a) from the amount on line 2(c): 5 (b) _____

6. Enter the smaller of the amounts entered on line 4 or 5(b). Pay this amount to the attorney for judgment creditor, or judgment creditor if not represented by an attorney. 6. _____

When completed, mail original answer to: _____, District Court Clerk, _____ County Court House in _____ County, Oklahoma.

Please Note: You must send your check for the amount garnished with a copy of your answer to the attorney for judgment creditor, or the judgment creditor if there is no attorney. (check one box and show the address used in the mailing):

_____ Attorney for Judgment Creditor: _____

_____ Judgment Creditor: _____

2. Check one box:

All funds are exempt, or,

I believe the following amount of money is exempt: \$ _____
(Fill in the amount of funds to be exempt).

3. Check if applicable:

I have attached copies of the documents that show that my money is exempt.

4. If garnishment is for wages, this claim and request is filed for the pay period
_____ through _____, inclusive.

5. I request that this matter be set for hearing.

Signature

Address for mailing of Court Hearing Notice

Address for mailing a copy of Claim to Judgment
Creditor's Attorney:

You must mail the original to the Court Clerk of Payne County at the following address:

606 South Husband, Room 206

Stillwater, Oklahoma 74074

NOTICE OF GARNISHMENT AND EXEMPTIONS

IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGMENT. READ THIS CAREFULLY.

A Garnishee Summons against your account(s), wages or other property has been served on the named garnishee. Money held for you by the named garnishee may be taken by the judgment creditor to pay a judgment against you in this case. However, some money is protected by law (“exempt”) and cannot be taken to pay judgments. The following is a list of funds that are exempt. By law, additional exemptions may also be available:

- A. Social Security Benefit – 42 U.S.C. § 407.
- B. Supplemental Security Income – 42 U.S.C. § 1383 (d).
- C. Unemployment Benefits – 40 O.S. § 2-303.
- D. Workers’ Compensation Benefits – 85 O.S. § 48.
- E. Welfare Benefits – 56 O.S. § 173.
- F. Veteran’s Benefits – 38 U.S.C. § 5301, 31 O.S. § 7.
- G. Monies in possession of Police Pensions – 11 O.S. § 50-124.
- H. Monies in possession of Firemen’s Relief and Pensions Fund – 11 O.S. § 49-126.
- I. Monies in possession of County Employees Retirement System – 19 O.S. § 959.
- J. Monies in possession of Public Employees Retirement Fund – 74 O.S. § 923.
- K. Teacher’s Annuities or Retirement Allowance – 70 O.S. § 17-109.
- L. Annuities and Pension Payments under Railroad Retirement Act – 45 U.S.C. § 231 (m).
- M. United States Civil Service Retirement and Disability Pension Fund Payments – 5 U.S.C. § 8346.
- N. United States Civil Service Survivor Annuities – 5 U.S.C. § 8346.
- O. Interest in Retirement, Pension and Profit Sharing Plans – 60 O.S. § 327, 60 O.S. § 328.
- P. The Wages of Masters and Seaman – 46 U.S.C. § 11109.
- Q. Funds vested in the Alien Property Custodian – 50 U.S.C. Appx. § 9.
- R. Prepaid Burial Benefits – 36 O.S. § 6125.
- S. Proceeds of Group-Life Insurance Policy – 36 O.S. § 3632 and 30 O.S. § 4025.
- T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or dependent – 31 O.S. § 1.1.
- U. Personal wage exemption because of undue hardship – 31 O.S. § 1.1.

The above exemptions generally do not apply to judgments and garnishments for Alimony and Child Support.

If you are a corporation, you may have other exemptions.

If an account is being garnished and the money in the account does not belong to you, or if you are aware of other reasons why money should not be taken to pay the judgment, you may want to consult an attorney. Because of the garnishment, the garnishee may be required to withhold the amount of money claimed by the judgment creditor. You may not be able to withdraw that money. If your account contains Social Security payments or other federal benefit payments, your bank may have determined that some amounts are protected from garnishment.

If you believe that you are entitled to an exemption, complete the following steps immediately: **You must complete the steps and return the form to the Court Clerk within five (5) days from the date you received this notice.**

1. On the attached “Claim for Exemptions and Request for Hearing” form, check the box next to the exemptions you claim.
2. Check whether you claim all money is exempt. If you do not claim that all money is exempt, write in the amount you believe is exempt.
3. Sign your name in the space indicated on the form. Write the address where the Court Clerk can notify you of the hearing date and time.
4. Mail the claim for Exemptions and Request for Hearing to the Court Clerk. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

THE COURT CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING WITHIN FIVE DAYS FROM THE DATE YOU RECEIVED YOUR NOTICE. The Court Clerk will set the matter for hearing and notify you. At the hearing in Court, you will have to prove that your money is exempt from garnishment. You may want to consult an attorney for advice concerning the hearing. If you have been served with a continuing garnishment, you will be provided a claim for exemptions and request for hearing during each pay period during the garnishment period.

If you do not request a hearing within five (5) days from the date you received this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the court.

YOU MUST MAIL A COPY OF THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING TO THE JUDGMENT CREDITOR'S ATTORNEY.