

United States Bankruptcy Court, District of Colorado U.S. Custom House, 721 – 19 <sup>th</sup> Street Denver, Colorado 80202-2508		<b>COURT USE ONLY</b>	
Plaintiff(s)/Petitioner(s):  v. Defendant(s)/Respondent(s):			
Judgment Creditor's Attorney or Judgment Creditor (Name and Address):		Case Number:	
Phone Number:	E-mail:	Division	Courtroom
FAX Number:	Atty. Reg. #:		
<b>WRIT OF CONTINUING GARNISHMENT</b>			

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

1. Original or Revived Amount of Judgment Entered on \_\_\_\_\_ (date) for \$ \_\_\_\_\_
- DATE SUIT WAS COMMENCED:**  
(Mark Appropriate Box)
- a. Effective Garnishment Period
- 91 days (Judgment entered prior to August 8, 2001)
- 182 days (Judgment entered on or after August 8, 2001)
- Prior to May 1, 1991
- On or After May 1, 1991
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 \_\_\_\_\_ (date)

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

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

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

My Commission Expires: \_\_\_\_\_

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

Signature (Type Name, Title, Address and Phone)

### WRIT OF CONTINUING GARNISHMENT

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **TWO 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 mail your answers to the  Judgment Creditor named above  Judgment Creditor's Attorney or if the Judgment Creditor is not a licensed collection agency and has no attorney, to the  Clerk of the Court no less than 7 nor more than 14 days following the time you pay the Judgment Debtor for the first time following service of this Writ, or 42 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 7 nor more than 14 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 AND MAIL TO:**  Judgment Creditor named above;  Judgment Creditor's Attorney or if the Judgment Creditor is not a licensed collection agency and has no attorney; to the  Clerk of the \_\_\_\_\_ Court  
**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**PLEASE PUT THE CASE NUMBER (shown above) ON THE FRONT OF THE CHECK.**  
**CLERK OF THE COURT** **By Deputy Clerk:** \_\_\_\_\_  
Kenneth S. Gardner **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

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

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 suits 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:**

6.  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 ("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	30 x Minimum Hourly Wage or 75% of Disposable Earnings
	Bi-weekly	60 x Minimum Hourly Wage or 75% of Disposable Earnings
	Semi-monthly	65 x Minimum Hourly Wage or 75% of Disposable Earnings
	Monthly	130 x Minimum Hourly Wage or 75% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that 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).

Name of Garnishee (Print) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_

Subscribed under affirmation or oath before me on \_\_\_\_\_ (date)

\_\_\_\_\_  
 Notary Public/Deputy Clerk  
 My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 Name of Person Answering (Print)  
 \_\_\_\_\_  
 Signature of Person Answering

**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 7 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 14 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 91 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 6 weeks' wages and attorney fees.

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## RETURN OF SERVICE

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

I certify that I am 18 years or older; that I am not a party to the action; and that I have served two copies of the Writ of Continuing Garnishment, together with a blank Objection to Calculation of the Amount of Exempt Earnings on \_\_\_\_\_ (name of party) in \_\_\_\_\_ (County) \_\_\_\_\_ (State) on \_\_\_\_\_ (date) \_\_\_\_\_ (time) at the following location:

**By (Check one):**

- By handing it to a person identified to me as \_\_\_\_\_ (name of garnishee).
- By leaving it with \_\_\_\_\_ (Type or write name legibly), who is designated to receive service because of a legal relationship with \_\_\_\_\_ (name of garnishee) as provided for in C.R.C.P. 4(e).
- I attempted to serve \_\_\_\_\_ (name of garnishee) on \_\_\_\_\_ occasions but have not been able to locate him/her/it. Return to the Judgment Creditor is made on \_\_\_\_\_ (date).
- I attempted to leave it with \_\_\_\_\_ (name of person) who refused service.

- Private process server
- Sheriff, \_\_\_\_\_ County  
Fee \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server  
  
\_\_\_\_\_  
Name (Print or type)

Subscribed under affirmation or oath before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**Note: Notarization is not required for service by a sheriff or deputy.**

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court address: _____ _____ Plaintiff(s): _____ v. Defendant(s): _____	<b>▲ COURT USE ONLY ▲</b>
Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty.Reg. #: _____	Case Number: _____  Division _____ Courtroom _____
<b>OBJECTION TO CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS</b>	

**Instructions to Judgment Debtor:** Use this form to object to the calculations of your exempt earnings.

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Mailing Address, if different: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**1. I object to the Garnishee's Calculation of the Amount of Exempt Earnings because I believe that the correct calculation is:**

Gross Earnings for My 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 on Writ)	- \$ _____
Net Amount Subject to Garnishment	= \$ _____
Less Wage/Income Assignment(s) During Pay Period (If Any)	- \$ _____
<b>Amount which should be withheld</b>	<b>= \$ _____</b>

**OR**

**2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:**

\_\_\_\_\_

I understand that I must make a good faith effort to resolve my dispute with the Garnishee.  
 I  **have**  **have not** attempted to resolve this dispute with the Garnishee.  
 Name of Person I Talked to: \_\_\_\_\_  
 Position: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Debtor's Notice to Garnishee:** Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel, certified mail (return receipt requested) to the Judgment Creditor's Attorney or E-Service to the Judgment Creditor's Attorney.

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

Judgment Creditor or Attorney  
Address: \_\_\_\_\_  
\_\_\_\_\_

Subscribed under affirmation or oath  
before me on \_\_\_\_\_(date)

\_\_\_\_\_  
Signature of Judgment Debtor or  
Judgment Debtor's Counsel and Reg. Number

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk