

STATE OF INDIANA
COUNTY OF ELKHART

) IN THE ELKHART SUPERIOR COURT 5
)
) CASE NO: 20D05-_____

Plaintiff

Garnishee-Defendant

V.

Address

Defendant

City State Zip

GARNISHMENT ORDER

It appears that the Defendant, having been duly served with notice of a judgment and that the Garnishee-Defendant, _____, has in its employment _____, the judgment debtor herein, the court now finds that the judgment debtor is employed by the garnishee and that the garnishee will be indebted to the judgment debtor for wages and income, which shall be determinable only from time to time, as they become due and payable.

It is therefore, ORDERED by this court, that the garnishee pay to the Clerk, Elkhart Superior Court 5, under the conditions hereinafter described and in the manner following:

- a. If the disposable earnings are \$217.50 or less per week, the total income is exempt from garnishment proceedings.
- b. If the disposable earnings are \$290.00 or less, the garnishee is to deduct the excess over \$217.50 and to pay this deducted sum to the Clerk, Elkhart Superior Court 5.
- c. If the disposable earnings are more than \$290.00 per week, the garnishee is to deduct either:
 _____ % of the disposable earnings and to pay the deducted sum to the Clerk, Elkhart Superior Court 5 **or**
 \$ _____ per paycheck, but not to exceed 25% per paycheck, and to pay the deducted sum to the Clerk, Elkhart Superior Court 5.
- d. If the defendant is subject to a wage withholding order for support the amount available for garnishment is limited by I.C. 24-4.5-5-105(8).

Such deductions are to be made as the disposable earnings shall accrue, and this execution when duly served, shall constitute a continuing lien until judgment is paid in full with costs and interest a total of \$ _____, and it is further ordered that said garnishee shall compute interest on the balance due from the date of this order at the rate of 8%, per annum and shall pay

such interest with the principal amount due. Failing so to pay such interest and principal, the said garnishee shall be liable therefore as provided by law.

So ordered on _____

Judicial Officer
Elkhart Superior Court 5

NOTE:

1. Garnishment proceeds are regulated by the Federal Wage Garnishment Law and Burns Indiana Statutes Sec. 24-4.5-5-105.
2. Sec. I.C. 24-4.5-5-105 for maximum amount that can be deducted from disposable earnings.
3. Disposable earnings are the wages or salaries paid after all legally required deductions are withheld, including support withholding orders.
4. The dollar amounts listed above are based on 30 times the federal minimum hourly wage. A subsequent increase at the minimum wage shall increase the amount (a) exempt from garnishment and shall change the amount levels when clause (b) or (c) applies.
5. The Federal Law prohibits the discharge of any employee for garnishment for any one indebtedness.
6. The Indiana Statute prohibits the discharge of any employee for garnishment or like proceedings being directed to the employer for the purpose of paying a judgment or judgments.
7. Burns Ind. Statutes Sec. 24-4.5-5-105. The 1985 Amendment provides that the employer-garnishee may deduct as a fee for processing the garnishment order an amount equal to the greater half of \$12.00 or 3% of the amount subject to the garnishment. One-half of the service fee is to be paid by the debtor and one-half is to be paid by the creditor.
8. The amount available for garnishment may be affected by I.C. 24-4.5-5-105(8).

PLEASE NOTE: The garnishment remittance should be made by check payable to:

**Clerk, Elkhart Superior Court 5
1905 Reliance Road
Goshen, IN 46526**

The remittance must include the name of the debtor and the case number.

N.B. This form should not be used for judgments based on an order for the support of any person. Different exemptions apply in such cases. See 24-4.5-5-105(3)(a) and 24-4.5-5-105(3)(b).

Optional Employer's fee Allowed by Indiana Law

I.C. 24-4.5-5-105 states in part:

- (5) An employer who is required to make deductions from an individual's disposable earnings pursuant to garnishment order or series of orders arising out of the same judgment debt MAY collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12.00) or three percent (3%) of the total amount required to be deducted by garnishment order or series of orders arising out of the same judgment debt. This fee shall be collected by the employer as follows:

- (a) One half (1/2) of the fee shall be borne by the debtor, and the garnishment order shall increase the judgment debt by the appropriate amount and allow the employer to retain that amount; and
- (b) One half (1/2) of the fee shall be borne by the creditor and the garnishment order shall allow the employer to retain the appropriate amount from the funds that would otherwise be paid to the creditor. This fee may be collected by an employer only once for each garnishment order or series of orders arising out of the same judgment debt. The employer may collect such fee in equal portions (but no portion may be less than one dollar (\$1.00) unless it is the final portion to be collected) over the number of pay periods during which deduction for one (1) garnishment order or series of orders arising out of the same judgment debt are required.

TO THE EMPLOYER:

- A change in employment status must be submitted to the Court in writing. The debtor's name and case number must be included on the correspondence.
- The Clerk of the Court cannot provide legal advice with respect to questions that may arise with this order. For more information, visit the U.S. Department of Labor website at www.dol.gov or contact your attorney.
- Failure to withhold wages per court order may result in contempt of court.

PER LR20-SC00-503 DO NOT MODIFY OR ALTER THE COURT'S DESIGNATED FORM