

IN THE JUDICIAL DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF _____

WRIT OF GARNISHMENT

(pursuant to 2 N.N.C. § 3800 et seq.)

Docket No. _____

<p><i>Petitioner:</i> Name:</p> <p>Address:</p>	<p><i>Respondent:</i> Name:</p> <p>Address:</p> <p>Last 4 digits of SSN: (if known)</p> <p>Date of Birth: (if known)</p>	<p><i>Garnishee:</i> Name:</p> <p>Address:</p>
---	--	--

TO _____ (Garnishee)

A judgment under the Navajo Nation Ethics in Government Law Garnishment Act has been entered against the Respondent, who is named above. Based on the terms of that judgment, the Respondent owes \$_____. This garnishment is intended to pay the judgment amount. The Petitioner, who is also named above, states that you may possess, or control some of the Respondent's earnings and/or assets. "Earnings" are defined as present compensation such as wages, salary, commission, bonuses and the like that is paid or payable for personal services. "Assets" are defined as personal property and monies that are not present earnings or real property, such as chattels, cash, bank accounts, securities, notes, and accounts receivables that a person has an interest in.

This Court requires you, as the named Garnishee, to take certain steps regarding Respondent's earnings/assets or be held liable if you fail to do so. This writ is not an order or request to send money or property to the Court. DO NOT send money or property to this Court.

GARNISHEE, UNTIL FURTHER ORDER OF THIS COURT YOU ARE HEREBY ORDERED TO:

- Withhold and not pay to Respondent ALL of his/her assets and a portion of his/her earnings either in your possession or under your control that you owe to the Respondent, whether now due or hereafter to become due, up to the amount remaining unpaid on the judgment. Specifically, you shall withhold the lesser of 15% of Respondent's disposable earnings in any pay period or his/her weekly disposable earnings in excess of 30 times federal minimum wage on the basis of a 40-day workweek as applied to Respondent's pay period. You shall pay to Respondent the portion of his/her earnings and/or assets which are not withheld at the normal time Respondent is paid.

- File an Answer to this Writ with the Clerk of this Court within ten (10) business days from the date that the writ is served upon you. In order to determine the amount of Respondent's earnings/assets that are available for garnishment, you are to answer the questions in the attached Interrogatories and attached them to your filed Answer. You may file your documents via fax during court operational hours provided there are less than 10 pages in total, excluding the fax cover page. You must also include the case docket number and "page # of [total pages]" in the header of every page of the faxed document.
- Within 5 days of filing your Answer, you must serve a copy of this Writ with a copy of your Answer and interrogatories on both the Petitioner and Respondent. You may personally deliver or mail the documents to Petitioner and Respondent or their legal counsel.
- After you have served the Petitioner and Respondent, file the attached Certificate of Service form with the Clerk of the Court.
- If you receive a request for hearing after filing your Answer, you should attend the hearing. You must continue to hold any earnings and/or assets until further order of the court.

NOTICE TO RESPONDENT

The above-named Garnishee may withhold assets other than interests in real property, and may withhold non-exempt earnings subject to a maximum cap. Exempt earnings include Social Security, Retirement and Railroad benefits and child support payments. You may contact licensed legal counsel if you have questions regarding your rights under the Navajo Nation Ethics in Government Law Garnishment Act.

If you disagree with the amount of earnings and/or assets withheld by the Garnishee, you must file an objection with this Court within ten (10) business days of the date you are served with the Garnishee's Answer. If you would like the court to hold a hearing, you must request a hearing. You should file your Request for Hearing at the same time you file your Objection.

You may file your Objection and Request for Hearing via fax during court operational hours provided there are less than 10 pages in total, excluding the fax cover page. If you fax file these documents, you must also include the case docket number and "page # of [total pages]" in the header of every page of the faxed documents.

Within 5 days of filing your Objection and Request for Hearing, you must serve a copy of both documents on the Petitioner and Respondent. You may personally deliver or mail the documents to Petitioner and Respondent or their counsel.

Pursuant to 2 N.N.C. § 3808 your employer may not discharge you from employment because your earnings and/or assets are subject to garnishment.

CLERK OF THE COURT

Judicial District Court
Address:

Fax No.

**IN THE JUDICIAL DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF _____**

Docket No. _____

GARNISHEE'S CERTIFICATE OF SERVICE

_____, Petitioner

_____, Respondent

_____, Garnishee

Service on Petitioner

I certify that a copy of the Writ of Garnishment, Answer, and completed Interrogatories was
mailed hand-delivered to Petitioner on _____(date) _____ (time) at:

The address listed for Petitioner on the Writ of Garnishment

At the following physical location:

to the following person aged 16 years or older: _____

Service on Respondent

I certify that a copy of the Writ of Garnishment, Answer, and completed Interrogatories was
mailed hand-delivered to Respondent on _____(date) _____ (time) at:

The address listed for Respondent on the Writ of Garnishment

At the following physical location:

to the following person aged 16 years or older: _____

Signature of Garnishee

Printed Name: _____

Address: _____

City: _____

State, Zip: _____

Phone: _____