

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF TULSA
STATE OF OKLAHOMA**

| | | | |
|-----|------------|---|-----------|
| | |) | |
| | Plaintiff, |) | |
| vs. | |) | No. _____ |
| | |) | |
| | |) | |
| | |) | |
| | Defendant, |) | |

**GARNISHMENT AFFIDAVIT
(12 O.S. Supp. 2004 § 1172)**

STATE OF OKLAHOMA)
 COUNTY OF _____) ss.

I, _____, being duly sworn, state as follows:

1) That _____ is the Judgment Creditor or Plaintiff in the above-styled case;

2) **FOR PREJUDGMENT GARNISHMENT ONLY:** That, _____ the Judgment Debtor or Defendant in the above-styled case, is indebted to the Judgment Creditor in the amount of _____ on his/her original claim, over and above all offsets,

3) **FOR POSTJUDGMENT GARNISHMENT ONLY:** That, _____ the Judgment Debtor or Defendant in the above-styled case, is indebted to the Judgment Creditor as follows:

| | | |
|----------|---|--------|
| \$ _____ | Interest-bearing balance | |
| \$ _____ | Interest at _____ % from _____ | (date) |
| \$ _____ | Court Costs not included in interest-bearing balance | |
| \$ _____ | Attorney fees not included in interest-bearing balance. | |
| \$ _____ | TOTAL GARNISHMENT AMOUNT | |

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

5) That *[check one]* _____ am, _____ 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 before me this _____ day of _____, _____.

 Court Clerk or Notary Public

(Seal)

BY: _____
 Deputy Court Clerk

My Commission Expires: _____
Form 20 (Rev 2-99)

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF TULSA
STATE OF OKLAHOMA**

| | | | |
|-----|------------|---|-----------|
| | |) | |
| | Plaintiff, |) | |
| vs. | |) | No. _____ |
| | |) | |
| | |) | |
| | |) | |
| | |) | |
| and | Defendant, |) | |
| | |) | |
| | |) | |
| | |) | |
| | Garnishee. |) | |

CONTINUING POST JUDGMENT EARNINGS GARNISHMENT SUMMONS

THE STATE OF OKLAHOMA to said Garnishee:

You are hereby summoned pursuant to the attached affidavit as garnishee of the judgment debtor _____ and required, within seven (7) days after the end of judgment debtor's present pay period or, if the judgment debtor does not have regular pay periods, after any payment to the judgment debtor, or thirty (30) days from the date of service of this summons upon you, whichever is earlier, to answer according to law whether you are the employer of, or indebted to, or under any liability to, the judgment debtor and to withhold the required amount from the judgment debtor's earnings for the earnings periods for which this summons is effective, and pay the required amount to the attorney for the judgment creditor, or judgment creditor if not represented by an attorney, unless otherwise ordered by the court. At the time that you file your answer with the clerk of this court, you must deliver or mail a copy of your answer to the judgment creditor's attorney, or to the judgment creditor if not represented by an attorney, and to the judgment debtor unless the judgment debtor is otherwise given actual written notice, which may consist of a notation on judgment debtor's statement of earnings. You are directed to withhold the amount calculated on the answer form or the present judgment balance, whichever is less, and to pay the same to the judgment creditor's attorney, or the judgment creditor if not represented by an attorney, at the time you file your answer. For garnishment purposes "earnings" means any form of payment to an individual including, but not limited to salary, commission, or other compensation, but does not include reimbursements for travel expenses for state employees.

If the garnishee is indebted to, or holds earnings 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 with your answer the amounts required by law 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 the judgment rendered against the judgment debtor which has a present balance on \$ _____, together with costs in the principal action and costs of the garnishment proceeding.

Because this is a continuing garnishment, garnishee will withhold and continue to withhold and pay to the judgment creditor's attorney, or the judgment creditor if not represented by an attorney, the amounts calculated on the answer form from judgment debtor's earnings as they accrue until one of the following first occurs: (1) the total earnings withheld equals the total balance due on the judgment, (2) the employment relationship is terminated, (3) the judgment is vacated, modified or satisfied in full, (4) the garnishment summons is dismissed, or (5) 180 days have elapsed from the date of service of the garnishment summons. The garnishment summons shall continue in effect and shall apply to a pay period beginning before the end of the 180 day period even if the conclusion of the pay period extends beyond the 180 day period. This summons may also be suspended or modified for a specific period of time within the effective period of the garnishment by agreement of the parties in writing and filed with the clerk of the court. If the judgment debtor is already subject to a garnishment, this summons shall take effect immediately upon the conclusion of the prior garnishment, and shall be effective for its full period of time. Garnishee shall answer once to disclose the prior garnishment and shall not be required to answer again until this garnishment becomes effective.

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

_____, Court Clerk

BY: _____
DEPUTY

JUDGMENT CREDITOR or ATTORNEY FOR CREDITOR - OBA#

ADDRESS

PHONE

OFFICER'S RETURN

Received this writ on the _____ day of _____, _____, at _____ o'clock _____ M. and executed the same in _____ County, on the _____ day of _____, _____, at _____ o'clock _____ M. by _____.

Dated this _____ day of _____, _____,
_____, Sheriff
_____, Deputy

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF TULSA
STATE OF OKLAHOMA**

| | | | |
|-----|------------|---|-----------|
| | |) | |
| | Plaintiff, |) | |
| vs. | |) | No. _____ |
| | |) | |
| | |) | |
| | Defendant, |) | |
| and | |) | |
| | |) | |
| | |) | |
| | Garnishee. |) | |

CONTINUING GARNISHEE'S ANSWER/AFFIDAVIT

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

_____, being duly sworn deposes and says:
(AFFIANT)

IF GARNISHEE IS AN INDIVIDUAL:
That he is the garnishee herein. That he does business in the name of _____

IF GARNISHEE IS A PARTNERSHIP:
That he is a member of _____, a partnership composed of garnishee and _____.

IF GARNISHEE IS A CORPORATION:
That he is the _____ of _____
(Official Title) (Garnishee)
a corporation, organized under the laws of the State of _____.

Garnishee or _____, on behalf of garnishee having been served with a garnishment summons on the _____ day of _____, _____ and having knowledge of the facts and being sworn. states:

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:
 Not Employed
 Employed but no 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 or control of the following property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor as follows:
 Earnings as shown on the Calculation for Garnishment of Earnings Form (on reverse side) which is incorporated by reference into this Answer;
 Other, specify: _____

3. Nothing has been withheld due to a prior, garnishment or continuing garnishment which will expire on _____ and is in case # _____ 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:

| | | | |
|----------------|------------|-----|-------------|
| | | | |
| Street Address | City/State | Zip | Date Mailed |

or hand-delivered the same to judgment debtor at:

| | |
|-----------------|-------|
| | |
| Judgment Debtor | Place |

NOTE: THIS MUST BE DONE DURING EACH PAY PERIOD IN WHICH THE GARNISHMENT IS IN EFFECT.

5. The garnishee makes the following claim of exception 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 ().

Date: _____ By: _____
Title: _____

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

(Seal) _____
Court Clerk or Notary Public

My Commission Expires: _____

A CONTINUING GARNISHMENT REMAINS IN EFFECT UNTIL ONE OF THE FOLLOWING OCCURS 1) THE JUDGMENT IS PAID IN FULL, 2) THE EMPLOYMENT RELATIONSHIP IS TERMINATED, 3) THE JUDGMENT IS VACATED, MODIFIED OR PAID IN FULL; 4) THE GARNISHMENT ACTION IS DISMISSED; 5) THE EXPIRATION OF 180 DAYS FROM THE DATE OF SERVICE OF THE SUMMONS. (IF A PAY PERIOD BEGINS WITHIN 180 DAYS BUT ENDS AFTER THE EXPIRATION, THE PAY PERIOD IS SUBJECT TO THE GARNISHMENT)

CALCULATION FOR 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, semi-monthly, monthly or other):
If other, describe. _____ 1(a) _____
- (b) Enter the date the judgment debtor's present pay period began (present pay period means the pay period for which the calculation is made): 1(b) _____
- (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.
(1) Federal income tax withholding _____
(2) FICA income tax withholding _____
(3) State income tax withholding _____
TOTAL: (1), (2), (3) 2(b) _____
- (c) Net earnings. 2(a) less 2(b): 2(c) _____
- 3. (a) If judgment debtor is subject to withholding for child support garnishment or income assignment, enter maximum allowable percentage (50%, 55%, 60%, 65%). 3(a) _____
- (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 income assignment enter 25%): 3(d) _____
- 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
Weekly or more often by 30; Biweekly by 60; Semi-monthly by 65; or 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.) 5(a) _____
- (b) Subtract the amount on line 5(a) from the amount on line 2(c) and enter: 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: _____

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: _____

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 Benefits - 42 U.S.C. § 407.
- () B. Supplemental Security Income - 42 U.S.C. § 1383(d).
- () C. Unemployment Benefits - 40 O.S. § 2-303.
- () D. Workmens' Compensation Benefits - 85 O.S. § 48.
- () E. Welfare Benefits - 56 O.S. § 173.
- () F. Veterans' Benefits - 38 U.S.C. § 3101, 31 O.S. § 7.
- () G. Monies in possession of Police Pensions - 11 O.S. § 50-124.
- () H. Monies in possession of Firemens' Relief & Pension Fund - 11 O.S. § 49-126.
- () I. Monies in possession of County Employee's Retirement Fund - 19 O.S. § 959.
- () J. Monies in possession of Public Employee's 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 & 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 & Profit Sharing Plans - 60 O.S. § 327, 60 O.S. § 328.
- () P. The Wages of Seamen - 46 U.S.C. § 601.
- () Q. Funds vested in the Alien Property Custodian - 50 U.S.C. Appx. § 9(f).
- () R. Prepaid Burial Benefits - 36 O.S. § 6125.
- () S. Proceeds of Group-Life Insurance Policy - 36 O.S. § 3632 and 36 O.S. §4026.
- () 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 was required to withhold the amount of money claimed by the judgment creditor. you may not now withdraw that money.

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) day 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 exemption or 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 THIS 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 or assistance concerning the hearing. If you have been served with a continuing garnishment, you will be provided with 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

Form 2012 (Rev 11-95) Back

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF TULSA
STATE OF OKLAHOMA**

Plaintiff,)
vs.) No. _____
)
)

Defendant,)
and)
)

Garnishee.)

CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

1. Funds sought in garnishment are exempt from execution because they are (check applicable box):

- A. Social Security Benefits - 42 U.S.C. § 407.
- B. Supplemental Security Income - 42 U.S.C. § 1383(d).
- C. Unemployment Benefits - 40 O.S. § 2-303.
- D. Workmens' Compensation Benefits - 85 O.S. § 48.
- E. Welfare Benefits - 56 O.S. § 173.
- F. Veterans' Benefits - 38 U.S.C. § 3101, 31 O.S. § 7.
- G. Monies in possession of Police Pensions - 11 O.S. § 50-124.
- H. Monies in possession of Firemens' Relief & Pension Fund - 11 O.S. § 49-126.
- I. Monies in possession of County Employee's Retirement Fund - 19 O.S. § 959.
- J. Monies in possession of Public Employee's 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 & 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 & Profit Sharing Plans - 60 O.S. § 327, 60 O.S. § 328.
- P. The Wages of Seamen - 46 U.S.C. § 601.
- Q. Funds vested in the Alien Property Custodian - 50 U.S.C. Appx. § 9(f).
- R. Prepaid Burial Benefits - 36 O.S. § 6125.
- S. Proceeds of Group-Life Insurance Policy - 36 O.S. § 3632 and 36 O.S. §4026.
- 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.
- V. _____
Other - (please state)

2. Check one box:

- All funds are exempt **OR**
- I believe the following amount of money is exempt \$ _____ (Fill in 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 _____ County at : _____

Address

EXEMPTION HEARING WORKSHEET

DATE: _____ **CASE NUMBER:** _____

CREDITOR: _____ **HARDSHIP**

GARNISHED DEBTOR: _____ **OTHER**

AMOUNT OF GARNISHMENT: \$ _____

TOTAL FAMILY MEMBERS: _____ **CHILDREN/AGES :** _____

BANK ACCOUNT BALANCES: CHECKING \$ _____ SAVINGS \$ _____

INCOME:

NET WEEKLY: _____ X 4.3 = \$ _____

NET BIWEEKLY: : _____ X 2.15 = \$ _____

NET SEMI-MONTHLY: : _____ X 2.0 = \$ _____

MONTHLY NET: \$ _____

ADDITIONAL SOURCES OF INCOME: \$ _____

CHILD SUPPORT INCOME: \$ _____

TOTAL MONTHLY INCOME: \$ _____

HOUSING:

RENT / MORTGAGE \$ _____

ELECTRICITY \$ _____

NATURAL GAS \$ _____

TRASH AND WATER \$ _____

TELEPHONE \$ _____

OTHER \$ _____

FOOD:

FOOD \$ _____

SCHOOL LUNCHES \$ _____

BABY MILK \$ _____

CLOTHING:

CLOTHING \$ _____

LAUNDRY \$ _____

TRANSPORTATION:

CAR PAYMENT \$ _____

CAR INSURANCE \$ _____

CAR GASOLINE \$ _____

OTHER:

\$ _____

TOTAL MONTHLY EXPENSES: \$ _____

IF THIS FORM IS NOT FILLED OUT, YOUR CLAIM FOR EXEMPTION WILL NOT BE HEARD