

Request and Writ for Garnishment (NonPeriodic)

(Form MC 13)

<ul style="list-style-type: none"> ● STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT 	REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC)	<ul style="list-style-type: none"> ● CASE NO.
--	---	--

Court address ● Zip code Court telephone no.

- Plaintiff name and address (judgment creditor)

- Plaintiff's attorney, bar no., and address

- Telephone no.

v

- Defendant name and address (judgment debtor)

<ul style="list-style-type: none"> ● Social security no. 	<ul style="list-style-type: none"> ● Account no.
---	---

- Garnishee name and address

REQUEST See instructions for item 2 on other side

1. Plaintiff received judgment against defendant for \$ _____ on _____ .
2. The total amount of judgment interest accrued to date is _____. The total amount of postjudgment costs accrued to date is _____. The total amount of postjudgment payments and credits made to date is _____. **The amount of the unsatisfied judgment now due (including interest and costs) is ● \$ _____ .**
3. Plaintiff knows or with good reason believes that the garnishee is indebted to or possesses or controls property belonging to the defendant.
4. **Plaintiff requests** a writ of nonperiodic garnishment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ for serving on the garnishee, and \$1.00 disclosure fee. You are responsible for having these documents served on the garnishee within 91 days. If the disclosure states that the garnishee holds property **other than money** belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment.

TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.

You are ordered to make the payment withheld under this writ payable to

<input type="checkbox"/> the plaintiff	<input type="checkbox"/> the plaintiff's attorney	<input type="checkbox"/> the court
and mail it to: <input type="checkbox"/> the plaintiff.	<input type="checkbox"/> the plaintiff's attorney.	<input type="checkbox"/> the court.

5. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue Expiration date for service Deputy court clerk

NONPERIODIC GARNISHMENTS

Definitions

Nonperiodic Garnishment - a garnishment of property or obligations made on a nonperiodic basis, including but not limited to bank accounts, property, money, goods, chattels, credits, and negotiable instruments or effects. **Do not use this form to garnish income tax refunds from the State of Michigan; see Michigan statute for specific procedures to garnish state income tax.**

Additional Instructions for the Plaintiff:

You must provide information that will permit the garnishee to identify the defendant, such as the defendant's address, social security number, account number, etc.

Instructions for Item 2:

If a civil judgment does not include judgment interest in the "total judgment" field, the interest amount reported in item 2 should be accrued from the date the complaint was filed.

If a civil judgment includes judgment interest in the "total judgment" field (as in the forms in use before the 5/07 revisions), the interest amount reported in item 2 should not include any postfiling interest already included in the judgment.

If the disclosure states that the garnishee holds property belonging to the defendant, you must motion the court (with notice to the defendant and the garnishee) for an order which will tell the garnishee to take the defendant's property, sell it, and apply it toward your judgment. If there are no pending objections to the garnishment and you have not filed such a motion within 56 days after the filing of the disclosure, the garnishment is dissolved and the garnishee may release the property to the defendant.

Additional Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you which you have not paid. In order to collect on this judgment, income due you may be withheld or property belonging to you may be taken from you and sold.
2. You may object to this garnishment if
 - a. your income is exempt from garnishment by law;
 - b. you have a pending bankruptcy proceeding;
 - c. the maximum withheld exceeds the amount allowed by law;
 - d. you have an installment payment order;
 - e. you have paid the judgment in full;
 - f. the garnishment was not properly issued or is otherwise invalid.
3. Certain income is exempt from garnishment and the law gives you the right to claim this income as exempt to prevent it from being used to collect on this judgment. The following are examples of some types of income that are exempt from garnishment and the citations where each type may be found in the law. This is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.

EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** of the types of income that are exempt from garnishment and the citations where each type may be found in the law. **Please note that this is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.**

- Individual Retirement Account (IRA) - [MCL 600.6023(a)(11)]
- Social Security Benefits - [42 USC, Section 407]
- Supplemental Security Income Benefits (SSI) - [42 USC, Section 1383(d)]
- Aid to Families with Dependent Children (AFDC) - [MCL 400.63]
- General Assistance Benefits (GA) - [MCL 400.63]
- Unemployment Compensation Benefits - [MCL 421.30]
- Veterans Assistance Benefits - [38 USC, Section 3101]
- Workers' Compensation Benefits - [MCL 418.821]
- The first \$500.00 on deposit in a savings and loan savings account - [MCL 491.628]
- Cash value or proceeds of life insurance or annuity, payable to the spouse or children of the insured - [MCL 500.2207(1)]
- Income benefits under the Michigan Civil Service Act - [MCL 38.40]
- Income benefits under the Michigan Retirement Act - [MCL 421.30]
- U.S. Civil Service Retirement Benefits - [5 USC, Section 8346]

PROOF OF SERVICE

REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC)
Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee, and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)
--	-----------	---

I served 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee by:
 personal service registered or certified mail (copy of return receipt attached) on:

Garnishee name	Complete address of service	Day, date, time
----------------	-----------------------------	-----------------

I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

Garnishee name	Complete address of service	Day, date, time
----------------	-----------------------------	-----------------

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee on

Day, date, time

Signature on behalf of _____