

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Creditor: _____

**Earnings Garnishment
Notice**

Debtor: _____

and

Garnishee: _____

Case No. _____

To the Clerk of Court:

The creditor has commenced an earnings garnishment action against the debtor and the garnishee to collect the following unsatisfied civil judgment:

Name of Debtor(s)		County of Original Judgment
Original Case Number	Date of Original Judgment	Amount of Original Judgment
Transcript of Judgment filed in This County on:	Case Number of Transcript	Amount of Judgment Unpaid

This is a garnishment action to satisfy an order for victim restitution under §973.20(1r), Wis. Stats., and there is no filing fee.

Name of Debtor
being garnished:

Name
Address

Garnishee:

Name
Address

Creditor:

Name	Phone Number
Address	

Creditor's
Attorney:

Name	Phone Number
Address	State Bar Number

Creditor or Creditor's Attorney

Name Printed or Typed

Date

Earnings Garnishment

Creditor: _____

Address: _____

Debtor: _____

Address: _____

Case No. _____

and
 Garnishee: _____

THE STATE OF WISCONSIN, to the garnishee:

The creditor has been awarded a court judgment that has not been paid. As a result, the creditor claims that the amount owed by the debtor is as follows:

Unpaid balance on judgment	\$
Unpaid post-judgment interest	\$
Estimated costs of this earnings garnishment	\$
Total amount owed by the debtor	\$

The creditor believes that you will owe the debtor for earnings within the next 13 weeks. If the creditor has tendered the statutorily required fees with these papers, you are directed to complete the activities listed on page 2 of this form.

This is a garnishment action to satisfy an order for victim restitution and there is no filing fee. This garnishment remains in effect until the judgment is satisfied.

Please make check payable to and remit payment to:

(COURT SEAL)

The creditor must serve the following documents on the debtor at the time of service of this document:

- Exemption Notice - Earnings Garnishment (CV-423)
- Earnings Garnishment - Debtor's Answer (CV-424)
- Garnishment Exemption Worksheet (CV-426)
- Poverty Guidelines for Earnings (CV-427)

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

**EARNINGS GARNISHMENTS LAST 13 WEEKS, EXCEPT FOR PUBLIC EMPLOYEES
AND EXCEPT FOR GARNISHMENTS TO SATISFY AN ORDER FOR VICTIM RESTITUTION**

6. The garnishment of the earnings of employees of the state of Wisconsin and its political subdivisions, and a garnishment to satisfy an order for victim restitution under §973.20(1r), Wis. Stats., for victim restitution remain in effect until the judgment is satisfied. The garnishment of earnings of other employees will affect the debtor's earnings for all pay periods beginning within 13 weeks after you receive it, unless the debtor's earnings are already being garnished. If this earnings garnishment is delayed under paragraph 5 above, it will affect the debtor's earnings for all pay periods beginning within 13 weeks after the first day of the pay period that you put this earnings garnishment into effect. If the amount claimed by the creditor is fully paid before the end of the 13 weeks, this earnings garnishment will terminate at that point.

PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings or the amount by which disposable earnings exceed thirty times the federal minimum hourly wage, whichever is less, for that pay period. After the first payment, keep a \$3 fee for each payment delivered to the creditor. That additional fee shall be deducted from the moneys delivered to the creditor. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Creditor: _____

Earnings Garnishment

Address: _____

Debtor: _____

Address: _____

Case No. _____

and

Garnishee: _____

THE STATE OF WISCONSIN, to the garnishee:

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- Poverty Guidelines for Earnings (CV-427)

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

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AND EXCEPT FOR GARNISHMENTS TO SATISFY AN ORDER FOR VICTIM RESTITUTION**

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PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings or the amount by which disposable earnings exceed thirty times the federal minimum hourly wage, whichever is less, for that pay period. After the first payment, keep a \$3 fee for each payment delivered to the creditor. That additional fee shall be deducted from the moneys delivered to the creditor. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Creditor: _____

**Earnings Garnishment -
Exemption Notice**

Debtor: _____

and

Garnishee: _____ Case No. _____

To the debtor:

The creditor has been awarded a judgment against you or your spouse as indicated below. That judgment has not been fully paid. The creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

County of Judgment	Case Number	Date of Judgment
Unpaid balance on judgment		\$
Unpaid post judgment interest		\$
Estimated costs of this earnings garnishment		\$
Total amount owed by the debtor		\$

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level. See the enclosed schedules and worksheet to determine if you qualify for this exemption.
2. You receive relief funded under public assistance, relief funded under Wis. Stats. §59.53(21), medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or §45.351(1)Wis. Stats., or have received these benefits within the past 6 months, or are eligible but have not yet received these benefits.
3. At least 25% of your disposable earnings are assigned by court order for support.

If the garnishment in either situation below would result in the income of your household being below the poverty line, the garnishment is limited to the amount of your household's income in excess of the poverty line. Those two situations are:

1. Garnishment of 20% of your disposable earnings, or;
2. Garnishment of the amount by which disposable earnings exceed thirty times the federal minimum hourly wage.

Continued on page 2

There are no exemptions to this garnishment if the debt arises out of one of the following obligations:

1. A debt amortization under §128.21 or a bankruptcy order under 11 USC 1301 to 1330.
2. For the support of any person; or,
3. Unpaid taxes.

If you qualify for a complete exemption or a limitation in the amount subject to garnishment, you must give or mail a copy of the completed enclosed debtor's answer form to the garnishee/employer.

If your circumstances change while the garnishment is in effect, you may file a new answer form at any time.

If you do not qualify for a complete exemption or limitation but will not be able to acquire the necessities of life for yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

IF YOU NEED ASSISTANCE, CONSULT AN ATTORNEY

If you have garnished earnings that are exempt, limited or subject to a defense, the sooner you file your answer form with the garnishee/employer or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee/employer. You may agree in writing with the creditor to extend it for additional 13-week periods until the debt is paid.

PENALTIES

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.

Garnishment Exemption Worksheet

Note: You may use this worksheet to calculate how much of your earnings are subject to garnishment. You are not required to complete this worksheet or send it to the garnishee or the creditor.

- Instructions:
- First, calculate your total earnings by using Schedule 1 (Calculation of Income).
 - Then calculate the amount of your earnings subject to garnishment by using Schedule 2 (Calculation of Amount Subject to Garnishment).
 - Finally, to determine how much, if any, of your earnings are exempt from garnishment, use Schedule 3 (Calculation of Poverty Guideline Exemption) and the separate Poverty Guidelines for Earnings (form CV-427).

Schedule 1. Calculation of Income

List in Column A earnings after subtracting Social Security, Federal and State Income Taxes. <i>For both Columns A and B, calculate amounts on the same basis (weekly, biweekly, semimonthly, monthly) as the debtor's earnings.</i>		List in Column B all income other than earnings.	
		Column A	Column B
1. Debtor	1a.		1b.
2. Spouse (if living in same household as debtor)	2a.		2b.
3. Other legal dependents	3a.		3b.
4. TOTAL EARNINGS	4a.		4b.

Schedule 2. Calculation of Amount Subject to Garnishment

5. Debtor's disposable earnings amount from line 1a	5.	
6. 20% of amount on line 5 or the amount by which line 5 exceeds thirty times the federal minimum hourly wage, whichever is less. (Currently the federal minimum hourly wage is \$7.25. Use same basis as in Schedule 1 of weekly, biweekly, semimonthly, monthly).	6.	
7. 25% of amount on line 5	7.	
8. Court ordered assignments of child support and/or maintenance that you pay. Use same basis as in Schedule 1 (weekly, biweekly, semimonthly, monthly).	8.	
9 Subtract amount on line 8 from line 7	9.	
10. Insert the lesser amount of line 6 or line 9. This is the amount subject to garnishment. If this amount is "0" or less than zero, then you do not have to complete Schedule 3 because all earnings are exempt.	10.	

Schedule 3. Calculation of Poverty Guideline Exemption

11. Disposable earnings from line 4a	11.		
12. Other income from line 4b	12.		
13. Add line 11 to line 12	13.		
14. Child support and/or maintenance from line 8	14.		
15. Subtract amount on line 14 from line 13 for household income	15.		
16. Amount subject to garnishment from line 10	16.		
17. Poverty Guideline Amount for pay period of debtor and size of family (See current Poverty Guideline Chart)	17.		
18. Add lines 16 and 17	18.		
19. Compare line 15 and line 18. If line 18 is greater than line 15, proceed to line 20. If line 15 is equal to or greater than line 18, then the amount on line 10 is the amount subject to garnishment.			
20. Subtract line 17 from line 15. This is the amount subject to garnishment if the garnishment causes the income to fall below the poverty guidelines. If this amount is "0" or less than zero, then all earnings are exempt from garnishment.	20.		

Creditor: _____

Earnings Garnishment - Debtor's Answer

Debtor: _____

and

Garnishee: _____

Case No. _____

To the garnishee/employer:

1. My earnings are **completely** exempt from earnings garnishment or limited in amount subject to garnishment because:

- a. The judgment has been paid.
- b. The judgment has been discharged in bankruptcy.
- c. I have filed bankruptcy and enforcement of the judgment has been stayed.

Name of bankruptcy court: _____.

Bankruptcy court file number: _____.

- d. The judgment is void.
- e. I receive, am eligible for, or have within 6 months received one or more of the following:
 - Relief funded under public assistance
 - Medical assistance
 - Food stamps/FoodShare
 - Supplemental security income
 - Relief funded under §59.53(21), Wis. Stats.
 - Veterans benefits based on need under 38 USC 501-562 or §45.40(1), Wis. Stats.

- f. At least 25% of my disposable earnings are assigned for support by court order.
- g. My household income is below the federal poverty level.
- h. The garnishment of 20% of my disposable income would result in the income of my household being below the poverty line.
- i. The garnishment of my income that is over thirty times the federal minimum hourly wage would result in my household income being below the poverty line.

2. Too much of my earnings are being garnished because:

- a. I am paying child support or maintenance in an amount that is less than 25% of my disposable earnings. The amount to be paid must be reduced so that the total of earnings assigned and garnished does not exceed 25% of my disposable earnings.
- b. The garnishment of 20% of my disposable income would result in my household income being below the poverty line and the amount to be paid must be reduced to an amount equal to the amount of my household income in excess of the poverty line.
- c. The garnishment of my income that is over thirty times the federal minimum hourly wage would result in my household income being below the poverty line and the amount to be paid must be reduced to an amount equal to the amount of my household income in excess of the poverty line.
- d. Other: _____

3. I have another defense to this earnings garnishment: (Explain briefly)

I understand that if I claim a complete exemption, limitation or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorneys' fees.

THE DEBTOR IS REQUIRED TO DELIVER OR MAIL A COPY OF THIS FORM TO THE GARNISHEE/EMPLOYER AND FILL IN THE DATE OF DELIVERY OR MAILING. Date debtor delivered or mailed to garnishee/employer: _____

THE GARNISHEE/EMPLOYER IS REQUIRED TO MAIL A COPY OF THIS FORM TO THE CREDITOR AND FILL IN THE DATE OF MAILING. Date garnishee/employer mailed to creditor: _____

▶ _____ Debtor

_____ Name Printed or Typed

_____ Date

_____ Address

_____ Telephone Number

Poverty Guidelines for Earnings
(For earnings from July 1, 2017 thru June 30, 2018)

Size of Family	Weekly	Bi-weekly	Semi-monthly	Monthly	150%
1	232	464	503	1,005	1,508
2	312	625	677	1,353	2,030
3	393	785	851	1,702	2,533
4	473	946	1,025	2,050	3,075
5	553	1,107	1,199	2,398	3,598
6	634	1,268	1,373	2,747	4,120
7	714	1,428	1,548	3,095	4,643
8	795	1,589	1,722	3,443	5,165
Ea. add'l family member	Add \$80 to above amount	Add \$161 to above amount	Add \$174 to above amount	Add \$348 to above amount	Add \$523 to above amount

DEFINITIONS:

“Earnings” means compensation paid or payable by the garnishee for personal services, whether designated as wages, salary, commission, and bonus or otherwise, and includes periodic payments under a pension or retirement program.

“Disposable earnings” means that part of the earnings of the debtor remaining after subtracting social security taxes and federal and state income taxes listed on the person’s wage statement.

“Household income” means the disposable earnings of the debtor and dependents during any month in which the garnishment is in effect, plus unearned income received by the debtor and dependents in that month, less any of the debtor’s earnings assigned by court order under ch. 767.

EXEMPTIONS:

The debtor’s earnings are totally exempt from garnishment under this subchapter if the debtor’s household income is below the poverty line.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Creditor: _____

Debtor: _____

and

Garnishee: _____

**Earnings Garnishment -
Objection to Debtor's
Answer and Demand for
Hearing**

Case No. _____

To the Clerk of Court:

1. Attached is a copy of the debtor's answer (CV-424).
2. I object to the debtor's answer and demand a hearing to resolve the issues in controversy. By statute, this hearing must be held as soon as practicable after this objection and demand are filed. I object to the debtor's answer for the following reasons: (Explain briefly)

3. Please schedule this hearing and notify all parties.
4. To the best of my knowledge, the debtor's current address:

is the same as that stated in the notice I filed to commence this earnings garnishment.

is now: _____

I understand that if I object to the debtor's answer in bad faith, I may be held liable to the debtor for actual damages, costs and reasonable attorney fees.

Creditor/Attorney

Date

Address

Address

Telephone Number