

STATE OF MICHIGAN ____ JUDICIAL DISTRICT <u>3rd</u> JUDICIAL CIRCUIT	REQUEST AND WRIT FOR GARNISHMENT (PERIODIC)	CASE NO.
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Court Address : Third Judicial Circuit Court Collections Dept. 5301 Russell, Ste 1132 , Detroit, MI 48211

<b>People of the State of Michigan</b>
Victim's Name (please do not provide any other information, just the victim's name)
Victim's Attorney, Bar No., address and Telephone No. (if applicable)

V

Defendant's name and address	
Last 4 digits of Defendant's Social Security #	Employee ID or account No.
Garnishee name and address	

REQUEST

See separate instructions.

1. On \_\_\_\_\_ the defendant was ordered to pay the victim restitution in the amount of \$ \_\_\_\_\_.
2. The total amount of post-judgment/ordered restitution made and credited to this victim to date is \$ \_\_\_\_\_. The amount of the unsatisfied judgment/ordered restitution payments to this victim now due is \$ \_\_\_\_\_.
3. Victim knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.
4. Victim requests a writ of periodic garnishment

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

Date

Victim/Agent/Attorney signature

WRIT OF GARNISHMENT

#### IT IS ORDERED

**TO THE VICTIM:** Have all copies of the Garnishee Disclosure (form 3CC MC 14), two copies of this writ, and the disclosure fee (\$6 if the State of Michigan is the garnishee; \$35 for all others) served on the garnishee within 182 days from the date of issue. If not properly served, the writ of garnishment is invalid. After receiving your first payment under the garnishment, provide the garnishee and defendant a statement of the balance remaining on the judgment at least every 6 months. Within 21 days after the judgment/ordered payment for restitution has been paid in full, provide the garnishee and defendant a garnishment release (form 3CC MC 50).

**TO THE DEFENDANT: See Separate Instructions.** You have 14 days after this writ is mailed or delivered to you to file objections with the court. If you do not file objections within this time, periodic payments (money) owed to you by the garnishee may be withheld and paid through the County Clerk's office to the victim until the writ expires.

#### 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. Within 14 days after you are served with this writ, deliver or mail copies of your completed Garnishee Disclosure (form 3CC MC 14) to the Wayne County Clerk (see Garnishee Disclosure instructions) and defendant. A default may be entered against you for failure to disclose.
3. Do not pay any obligations to the defendant unless allowed by statute or court rule.
4. If indebted to the defendant, withholding must begin according to court rule and continue until the judgment/ordered restitution is satisfied. Unless notified that an objection has been filed, begin forwarding withheld payments 28 days after you are served with this writ. You are ordered to make all payments withheld under this writ payable to: **Wayne County Clerk. Include the case number, defendant's name and victim's name on the check** and mail the check to: **Third Judicial Circuit Court Collections, 5301 Russell, Ste 1132, Detroit, MI 48211.**
5. Within 14 days after the judgment/ordered payment for restitution is satisfied or you are no longer obligated to make periodic payments to the defendant, file a final statement of the total amount paid on this writ with the court and mail or deliver copies to the Wayne County Clerk, Third Judicial Circuit Court Collections (see #4 above) and defendant.

Date of Issue

Date of deadline for service  
(182 days from date of issue)

Clerk of the Court/Deputy

## INSTRUCTIONS

### Definitions

- A periodic garnishment lets the victim take money from a source that pays the defendant on a regular basis such as earnings or income from rental properties.
- A “garnishee” is a person who has control over some or all of the money that is paid to the defendant. For example, an employer could be a garnishee.
- Periodic payments are payments made by the garnishee to the defendant on a regular basis. These payments could be paychecks, rent payments, land contract payments or other contract payments.

### Instructions for Victim

- Complete the attached Request and Writ for Garnishment. Read the directions found on the form as well as these. If you have the defendant’s social security number, do NOT place that entire number on the Writ of Garnishment. Only utilize the last four digits of the defendant’s social security number on the Writ of Garnishment.
- If you are unsure of the amount of the ordered restitution payment, please call the County Clerk Cashier at (313) 224-2513 to obtain that information. You cannot obtain information for any other victim.
- In addition to the attached Request and Writ for Garnishment, complete a Victim information Sheet ([3rdcc.org/forms/criminal](http://3rdcc.org/forms/criminal)).
- The Victim Information Sheet should be completed and filed with the County Clerk and Third Judicial Circuit Court Collections along with the Request and Writ for Garnishment.
- **Copies.** You will need an original and 4 copies of the Request and Writ for Garnishment and an original and 2 copies of the Victim Information Sheet for filing with the Clerk and Collections.
- **Filing:** File the original and 4 copies of the Request and Writ for Garnishment and an original and 1 copy of the Victim Information Sheet with the County Clerk at 5301 Russell Street, Ste 100, Detroit MI 48211
- **Collections.** Once the clerk has processed and returned your documents, file a copy of the Request and Writ for Garnishment and a copy of the Victim Information Sheet with Third Judicial Circuit Court Collections, 5301 Russell, Ste 1132, Detroit, MI 48211.
- **Service on Garnishee.** Once the clerk has processed and returned your documents, you **must** serve 2 copies of the Request and Writ of Garnishment, a disclosure form (3CC MC 14 located at [3rdcc.org/forms/criminal](http://3rdcc.org/forms/criminal)), and the applicable fee on the garnishee within 182 days from the date of issue.
- **Proof of Service.** After you have served the Request and Writ of Garnishment, disclosure form and applicable fee on the **garnishee**, you must complete the proof of service located at [3rdcc.org/forms/criminal](http://3rdcc.org/forms/criminal). You will need 2 copies of the Proof of Service. File the original with the County Clerk at 5301 Russell Street, Ste 100. Wayne County Criminal Justice Center, Detroit, MI 48211 and a copy with the Third Judicial Circuit Court Collections, 5301 Russell, Ste 1132, Detroit, MI 48211.
- Keep a copy of the request and writ of garnishment, the Victim Information Sheet and proof of service for your records.

### Instructions for Defendant:

1. This writ has been issued because there is a judgment/ordered restitution against you that you have not paid. In order to collect on this judgment/ordered restitution, income to be paid to you may be garnished.
2. You may object to the garnishment if:
  - a. Your income is exempt from garnishment by law (see examples below),
  - b. The maximum withheld exceeds the amount allowed by law,
  - c. You have an installment payment order,
  - d. You have paid the judgment/ordered restitution in full,
  - e. 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. You may want to contact your lawyer or legal aid agency for further assistance.
4. For more information on garnishments and debt collection, please visit [MichiganLegalHelp.org](http://MichiganLegalHelp.org).

#### **EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT**

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. 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(1)(k)]
- 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]
- 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 (PERIODIC)**

Case No. \_\_\_\_\_

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

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **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: (notarization not required)

**OR**☐ **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:** (notarization not required)

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

Garnishee Name	Complete address of service	Day, date, time
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- ☐ 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 the service.

Garnishee Name	Complete address of service	Day, date, time
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I declare that the statements above are true to the best of my information, knowledge, and belief.

Service Fee \$	Miles Traveled	Fee \$	
Incorrect address fee \$	Miles Traveled	Fee \$	<b>TOTAL FEE \$</b>

\_\_\_\_\_  
Signature\_\_\_\_\_  
Name (type or print)\_\_\_\_\_  
Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan  
Date

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

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

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

\_\_\_\_\_  
Day, date, time

\_\_\_\_\_  
Signature on behalf of \_\_\_\_\_