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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2065

03/04/2019 Authored by Davids and Carlson, A., The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to civil actions; extending the 70-day period from date of service of
1.3 garnishment to 90 days for earnings; modifying amount of earnings subject to
1.4 garnishment; amending Minnesota Statutes 2018, sections 571.72, subdivisions
1.5 2, 7; 571.73, subdivision 3; 571.74; 571.75, subdivisions 1, 2; 571.922; 571.923.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 571.72, subdivision 2, is amended to read:

1.8 Subd. 2. Service of garnishment summons. To enforce a claim asserted in a civil action
1.9 venued in a court of record, a garnishment summons may be issued by a creditor and served
1.10 upon the garnishee in the same manner as other summons in that court of record, except
1.11 that service may not be made by publication. Service of a garnishment summons on the
1.12 garnishee may also be made by certified mail, return receipt requested. A garnishment
1.13 summons served by certified mail is effective if served at the garnishee's regular place of
1.14 business. The effective date of service by certified mail is the time of receipt by the garnishee.
1.15 A single garnishment summons may be addressed to two or more garnishees but must state
1.16 whether each is summoned separately or jointly.

1.17 The garnishment summons must state:

1.18 (1) the full name of the debtor, the debtor's last known mailing address, and the amount
1.19 of the claim that remains unpaid;

1.20 (2) the date of the entry of judgment against the debtor or that the debtor is in default
1.21 pursuant to rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts.

1.22 Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment
1.23 summons must include a copy of the court order;

2.1 (3) if the garnishment is on any indebtedness, money, or property other than earnings,  
2.2 the garnishee shall serve upon the creditor and upon the debtor within 20 days after service  
2.3 of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money,  
2.4 or other property owing to the debtor and answers to all written interrogatories that are  
2.5 served with the garnishment summons. The garnishment summons shall also state that if  
2.6 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall  
2.7 serve the disclosure within ten days of the last payday to occur within the ~~70~~ 90 days after  
2.8 the date of service of the garnishment summons;

2.9 (4) that the creditor shall not require disclosure of the disposable earnings, indebtedness,  
2.10 money, or property of debtor in the garnishee's possession or under the garnishee's control  
2.11 in excess of 110 percent of the amount of the claim that remains unpaid;

2.12 (5) that the garnishee shall retain disposable earnings, indebtedness, money, or property  
2.13 of the debtor in the garnishee's possession or under the garnishee's control not in excess of  
2.14 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ  
2.15 of execution to be served upon the garnishee, until the debtor authorizes release to the  
2.16 creditor, until the creditor authorizes release to the debtor, upon court order, or by operation  
2.17 of law;

2.18 (6) that after the expiration of the period of time specified in section 571.79 from the  
2.19 date of service of the garnishment summons, the garnishee's retention obligation  
2.20 automatically expires;

2.21 (7) that an assignment of wages made by the debtor within ten days before the service  
2.22 of the first garnishment summons on a debt is void and that any indebtedness to the garnishee  
2.23 incurred with ten days before the service of the first garnishment summons on a debt may  
2.24 not be set off against amounts otherwise subject to the garnishment.

2.25 Sec. 2. Minnesota Statutes 2018, section 571.72, subdivision 7, is amended to read:

2.26 Subd. 7. **Forms.** No creditor shall use a form that contains alterations or changes from  
2.27 the statutory forms that mislead debtors as to their rights and the garnishment procedure  
2.28 generally. If a court finds that a creditor has used a misleading form, the debtor shall be  
2.29 awarded actual damages, costs, reasonable attorney's fees resulting from additional  
2.30 proceedings, and an amount not to exceed \$100. All forms must be clearly legible and  
2.31 printed in not less than the equivalent of 10-point type. A form that uses both sides of a  
2.32 sheet must clearly indicate on the front side that there is additional information on the back  
2.33 side of the sheet.

3.1 Forms, including the statutory forms, used in garnishments of earnings for the satisfaction  
3.2 of judgments for child support must be changed by the creditor to reflect the fact that the  
3.3 ~~70-day~~ 90-day period of effectiveness does not apply to these garnishments if the judgment  
3.4 creditor is a county and the employer is notified by the county when the judgment is satisfied.

3.5 Sec. 3. Minnesota Statutes 2018, section 571.73, subdivision 3, is amended to read:

3.6 Subd. 3. **Property attachable.** Subject to the exemptions provided by sections 550.37  
3.7 and 571.922 and any other applicable statute, the service of a garnishment summons under  
3.8 this chapter attaches:

3.9 (1) except as otherwise provided in clause (4), all unpaid nonexempt disposable earnings  
3.10 owed or to be owed by the garnishee and earned or to be earned by the debtor within the  
3.11 pay period in which the garnishment summons is served and within all subsequent pay  
3.12 periods whose paydays occur within the ~~70~~ 90 days after the date of service of the  
3.13 garnishment summons. "Payday" means the day upon which the garnishee pays earnings  
3.14 to the debtor in the ordinary course of business. If the debtor has no regular paydays,  
3.15 "payday" means the 15th day and the last day of each month;

3.16 (2) all other nonexempt indebtedness, money, or other property due or belonging to the  
3.17 debtor and owing by the garnishee or in the possession or under the control of the garnishee  
3.18 at the time of service of the garnishment summons, whether or not the same has become  
3.19 payable. The garnishee shall not be compelled to pay or deliver the same before the time  
3.20 specified by any agreement unless the agreement was fraudulently contracted to defeat a  
3.21 garnishment or other collection remedy;

3.22 (3) all other nonexempt intangible or tangible personal property of the debtor in the  
3.23 possession or under the control of the garnishee at the time of service of the garnishment  
3.24 summons, including property of any kind due from or in the hands of an executor,  
3.25 administrator, personal representative, receiver, or trustee, and all written evidences of  
3.26 indebtedness whether or not negotiable or not yet underdue or overdue; and

3.27 (4) for a garnishment on a judgment for child support by a county, all unpaid nonexempt  
3.28 disposable earnings owed or to be owed by the garnishee and earned or to be earned by the  
3.29 debtor within the pay period in which the garnishment summons is served and within all  
3.30 subsequent pay periods until the judgment is satisfied.

4.1 Sec. 4. Minnesota Statutes 2018, section 571.74, is amended to read:

4.2 **571.74 GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.**

4.3 The garnishment summons and notice to debtor must be substantially in the following  
4.4 form. The notice to debtor must be in no smaller than 14-point type.

4.5 GARNISHMENT SUMMONS

4.6	STATE OF MINNESOTA	DISTRICT COURT
4.7	COUNTY OF .....	.....JUDICIAL DISTRICT
4.8	.....(Creditor)	
4.9	.....(Debtor)	UNPAID BALANCE .....
4.10	.....(Debtor's Address)	Date of Entry
4.11	.....(Garnishee)	of Judgment (or) Subject to Minnesota
4.12		Statutes, section 571.71, subd. 2

4.13 GARNISHMENT SUMMONS

4.14 The State of Minnesota

4.15 To the Garnishee named above:

4.16 You are hereby summoned and required to serve upon the creditor's attorney (or the  
4.17 creditor if not represented by an attorney) and on the debtor within 20 days after service of  
4.18 this garnishment summons upon you, a written disclosure, of the nonexempt indebtedness,  
4.19 money, or other property due or belonging to the debtor and owing by you or in your  
4.20 possession or under your control and answers to all written interrogatories that are served  
4.21 with the garnishment summons. However, if the garnishment is on earnings and the debtor  
4.22 has garnishable earnings, you shall serve the completed disclosure form on the creditor's  
4.23 attorney, or the creditor if not represented by an attorney, within ten days of the last payday  
4.24 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.  
4.25 "Payday" means the day which you pay earnings in the ordinary course of business. If the  
4.26 debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

4.27 Your disclosure need not exceed 110 percent of the amount of the creditor's claim that  
4.28 remains unpaid.

4.29 You shall retain garnishable earnings, other indebtedness, money, or other property in  
4.30 your possession in an amount not to exceed 110 percent of the creditor's claim until such  
4.31 time as the creditor causes a writ of execution to be served upon you, until the debtor  
4.32 authorizes you in writing to release the property to the creditor, or until the expiration of  
4.33 ..... days from the date of service of this garnishment summons upon you, at which time

5.1 you shall return the disposable earnings, other indebtedness, money, or other property to  
5.2 the debtor.

5.3 EARNINGS

5.4 In the event you are summoned as a garnishee because you owe "earnings" (as defined  
5.5 on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if  
5.6 applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the  
5.7 creditor if not represented by an attorney, a written earnings disclosure form within the time  
5.8 limit set forth above.

5.9 In the case of earnings you are further required to retain in your possession all unpaid  
5.10 nonexempt disposable earnings owed or to be owed by you and earned or to be earned to  
5.11 the debtor within the pay period in which this garnishment summons is served and within  
5.12 all subsequent pay periods whose paydays (defined above) occur within the ~~70~~ 90 days after  
5.13 the date of service of this garnishment summons.

5.14 Any assignment of earnings made by the debtor to any party within ten days before the  
5.15 receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the  
5.16 debtor within the ten days before the receipt of the first garnishment on a debt may not be  
5.17 set off against amounts otherwise subject to the garnishment.

5.18 You are prohibited by law from discharging or disciplining the debtor because the debtor's  
5.19 earnings have been subject to garnishment.

5.20 This Garnishment Summons includes:

5.21 (check applicable box)

- 5.22 ..... Earnings garnishment
- 5.23 (see attached Earnings Disclosure Form)
- 5.24 ..... Nonearnings garnishment
- 5.25 (see attached Nonearnings Disclosure Form)
- 5.26 ..... Both Earnings and Nonearnings garnishment
- 5.27 (see both attached Earnings and Nonearnings
- 5.28 Disclosure Form)

5.29 NOTICE TO DEBTOR

5.30 A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment  
5.31 Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out  
5.32 if not applicable), copies of which are hereby served on you, were served upon the Garnishee  
5.33 by delivering copies to the Garnishee. The Garnishee was paid \$15.

6.1 Dated: .....

6.2 Attorney for Creditor (or creditor)

6.3 .....

6.4 .....

6.5 .....

6.6 Address

6.7 .....

6.8 Telephone

6.9 .....

6.10 Attorney I.D. No

6.11 Sec. 5. Minnesota Statutes 2018, section 571.75, subdivision 1, is amended to read:

6.12 Subdivision 1. **Garnishee to disclose.** The garnishee shall serve on both the creditor

6.13 and the debtor, within 20 days after service of the garnishment summons, a written disclosure

6.14 of the garnishee's indebtedness, money, or other property owing to the debtor. However, if

6.15 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall

6.16 serve the disclosure and earnings disclosure worksheet within ten days after the last payday

6.17 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.

6.18 "Payday" means the day upon which the garnishee pays earnings to the debtor in the ordinary

6.19 course of business. If the debtor has no regular paydays, "payday" means the 15th day and

6.20 the last day of each month. The amount of the garnishee's disclosure need not exceed 110

6.21 percent of the amount of the creditor's claim that remains unpaid, after subtracting the total

6.22 of setoffs, defenses, exemptions, ownership claims, or other interests. The answers to the

6.23 garnishment disclosure form may be served personally or by first class mail. If the disclosure

6.24 is by a corporation, it shall be made by an officer, managing agent, or other authorized

6.25 person having knowledge of the facts.

6.26 Sec. 6. Minnesota Statutes 2018, section 571.75, subdivision 2, is amended to read:

6.27 Subd. 2. **Contents of disclosure.** The disclosure must state:

6.28 (a) If an earnings garnishment disclosure, the amount of disposable earnings earned by

6.29 the debtor within the debtor's pay periods as specified in section 571.921.

6.30 (b) If a nonearnings garnishment disclosure, a description of any personal property or

6.31 any instrument or papers relating to this property belonging to the judgment debtor or in

6.32 which the debtor is interested or other indebtedness of the garnishee to the debtor.

7.1 (c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings,  
 7.2 other indebtedness, money, or property, the garnishee shall disclose the amount and the  
 7.3 facts concerning the same.

7.4 (d) Whether the debtor asserts any exemption, or any other objection, known to the  
 7.5 garnishee against the right of the creditor to garnish the disposable earnings, other  
 7.6 indebtedness, money, or property disclosed.

7.7 (e) If other persons assert claims to any disposable earnings, other indebtedness, money,  
 7.8 or property disclosed, the garnishee shall disclose the names and addresses of these claimants  
 7.9 and, so far as known by the garnishee, the nature of their claims.

7.10 (f) The garnishment disclosure forms and earnings disclosure worksheet must be the  
 7.11 same or substantially similar to the following forms. If the garnishment affects earnings of  
 7.12 the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment  
 7.13 affects any indebtedness, money, or property of the debtor, other than earnings, the creditor  
 7.14 shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph  
 7.15 limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

7.16 EARNINGS DISCLOSURE FORM AND WORKSHEET

7.17 STATE OF MINNESOTA	DISTRICT COURT
7.18 COUNTY OF .....	.....JUDICIAL DISTRICT
7.19 .....(Creditor)	
7.20 .....(Debtor)	GARNISHMENT
7.21 .....(Garnishee)	EARNINGS DISCLOSURE

7.22 DEFINITIONS

7.23 "EARNINGS": For the purpose of garnishment, "earnings" means compensation paid  
 7.24 or payable to an employee for personal services or compensation paid or payable to the  
 7.25 producer for the sale of agricultural products; milk or milk products; or fruit or other  
 7.26 horticultural products produced when the producer is operating a family farm, a family farm  
 7.27 corporation, or an authorized farm corporation, as defined in section 500.24, subdivision  
 7.28 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes  
 7.29 periodic payments pursuant to a pension or retirement.

7.30 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining  
 7.31 after the deduction from those earnings of amounts required by law to be withheld. (Amounts  
 7.32 required by law to be withheld do not include items such as health insurance, charitable  
 7.33 contributions, or other voluntary wage deductions.)

8.1 "PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which  
 8.2 the employer pays earnings to the debtor in the ordinary course of business. If the debtor  
 8.3 has no regular payday, payday(s) means the fifteenth and the last day of each month.

8.4 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

8.5 1. Do you now owe, or within ~~70~~ 90 days from the date the garnishment summons was  
 8.6 served on you, will you or do you expect to owe money to the debtor for earnings?

8.7 Yes ..... No .....

8.8 2. Does the debtor earn more than \$..... per week? (This amount is the federal minimum  
 8.9 wage per week.)

8.10 Yes ..... No .....

8.11 INSTRUCTIONS FOR COMPLETING THE  
 8.12 EARNINGS DISCLOSURE

8.13 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation  
 8.14 on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented  
 8.15 by an attorney) within 20 days after it was served on you, and you do not need to answer  
 8.16 the remaining questions.

8.17 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form  
 8.18 and the Earnings Disclosure Worksheet as follows:

8.19 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons  
 8.20 was served on you, YOU MUST calculate the amount of earnings to be retained by  
 8.21 completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure  
 8.22 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR  
 8.23 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS  
 8.24 DISCLOSURE WERE MADE.

8.25 Each payday, you must retain the amount of earnings listed in Column I on the Earnings  
 8.26 Disclosure Worksheet.

8.27 You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet  
 8.28 to the creditor's attorney (or the creditor if not represented by an attorney) and deliver  
 8.29 a copy to the debtor within ten days after the last payday that falls within the ~~70-day~~  
 8.30 90-day period.



9.1 If the claim is wholly satisfied or if the debtor's employment ends before the expiration  
 9.2 of the ~~70-day~~ 90-day period, your disclosure should be made within ten days after the  
 9.3 last payday for which earnings were attached.

9.4 For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

- 9.5 3. COLUMN A. Enter the date of debtor's payday.
- 9.6 4. COLUMN B. Enter debtor's gross earnings for each payday.
- 9.7 5. COLUMN C. Enter debtor's disposable earnings for each payday.
- 9.8 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply  
 9.9 Column C by .25.)
- 9.10 7. COLUMN E. Enter here 40 times the hourly federal minimum wage  
 9.11 (\$.....) times the number of work weeks included in  
 9.12 each payday. (Note: If a pay period includes days in  
 9.13 excess of whole work weeks, the additional days should  
 9.14 be counted as a fraction of a work week equal to the  
 9.15 number of workdays in excess of a whole work week  
 9.16 divided by the number of workdays in a normal work  
 9.17 week.)
- 9.18 8. COLUMN F. Subtract the amount in Column E from the amount in  
 9.19 Column C, and enter here.
- 9.20 9. COLUMN G. Enter here the lesser of the amount in Column D and  
 9.21 the amount in Column F.
- 9.22 10. COLUMN H. Enter here any amount claimed by you as a setoff,  
 9.23 defense, lien, or claim, or any amount claimed by any  
 9.24 other person as an exemption or adverse interest which  
 9.25 would reduce the amount of earnings owing to the  
 9.26 debtor. (Note: Any indebtedness to you incurred by the  
 9.27 debtor within the ten days before the receipt of the first  
 9.28 garnishment on a debt may not be set off against  
 9.29 amounts otherwise subject to the garnishment. Any  
 9.30 assignment of earnings made by the debtor to any party  
 9.31 within ten days before the receipt of the first  
 9.32 garnishment on a debt is void.)

9.33 You must also describe your claim(s) and the claims of  
 9.34 others, if known, in the space provided below the  
 9.35 worksheet and state the name(s) and address(es) of these  
 9.36 persons.

9.37 Enter zero in Column H if there are no claims by you  
 9.38 or others which would reduce the amount of earnings  
 9.39 owing to the debtor.

- 9.40 11. COLUMN I. Subtract the amount in Column H from the amount in  
 9.41 Column G and enter here. This is the amount of earnings  
 9.42 that you must retain for the payday for which the  
 9.43 calculations were made.

9.44 AFFIRMATION

10.1 I, ..... (person signing Affirmation), am the garnishee or I am authorized by  
 10.2 the garnishee to complete this earnings disclosure, and have done so truthfully and to the  
 10.3 best of my knowledge.

10.4 Dated: .....

10.5 Signature

10.6 .....

10.7 Title

10.8 .....

10.9 Telephone Number

10.10 EARNINGS DISCLOSURE WORKSHEET

10.11 .....

10.12 Debtor's Name

10.13	A	B	C
10.14	Payday Date	Gross Earnings	Disposable Earnings
10.15			

10.16	1. ....	\$.....	\$.....
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10.17	2. ....	.....	.....
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10.18	3. ....	.....	.....
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10.19	4. ....	.....	.....
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10.20	5. ....	.....	.....
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10.21	6. ....	.....	.....
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10.22	7. ....	.....	.....
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10.23	8. ....	.....	.....
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10.24	9. ....	.....	.....
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10.25	10. ....	.....	.....
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10.26	D	E	F
10.27	25% of	40 X Min. Wage	Column C minus
10.28	Column C		Column E

10.29	1. ....	.....	.....
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10.30	2. ....	.....	.....
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10.31	3. ....	.....	.....
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10.32	4. ....	.....	.....
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10.33	5. ....	.....	.....
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10.34	6. ....	.....	.....
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10.35	7. ....	.....	.....
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10.36	8. ....	.....	.....
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11.1	9. ....	.....	.....
11.2	10. ....	.....	.....
11.3	G	H	I
11.4	Lesser of	Setoff, Lien,	Column G minus
11.5	Column D and	Adverse Interest,	Column H
11.6	Column F	or Other Claims	
11.7	1. ....	.....	.....
11.8	2. ....	.....	.....
11.9	3. ....	.....	.....
11.10	4. ....	.....	.....
11.11	5. ....	.....	.....
11.12	6. ....	.....	.....
11.13	7. ....	.....	.....
11.14	8. ....	.....	.....
11.15	9. ....	.....	.....
11.16	10. ....	.....	.....
11.17		TOTAL OF COLUMN I \$ .....	

11.18 \*If you entered any amount in Column H for any payday(s), you must describe below  
 11.19 either your claims, or the claims of others. For amounts claimed by others you must both  
 11.20 state the names and addresses of these persons, and the nature of their claim, if known.

11.21 .....  
 11.22 .....  
 11.23 .....

11.24 **AFFIRMATION**

11.25 I, ..... (person signing Affirmation), am the third party or I am authorized by  
 11.26 the third party to complete this earnings disclosure worksheet, and have done so truthfully  
 11.27 and to the best of my knowledge.

11.28 Dated: .....

11.29 Signature .....

11.30 Title .....

11.31 Telephone Number (....).....

11.32 **EARNINGS DISCLOSURE FORM AND WORKSHEET**

11.33 **FOR CHILD SUPPORT DEBTOR**

12.1 STATE OF MINNESOTA DISTRICT COURT  
 12.2 COUNTY OF ..... JUDICIAL DISTRICT  
 12.3 .....(Creditor)  
 12.4 .....(Debtor) GARNISHMENT  
 12.5 .....(Garnishee) EARNINGS DISCLOSURE

12.6 DEFINITIONS

12.7 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or  
 12.8 payable to an employee for personal services or compensation paid or payable to the producer  
 12.9 for the sale of agricultural products; milk or milk products; or fruit or other horticultural  
 12.10 products produced when the producer is operating a family farm, a family farm corporation,  
 12.11 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether  
 12.12 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic  
 12.13 payments pursuant to a pension or retirement, workers' compensation, or unemployment  
 12.14 benefits.

12.15 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining  
 12.16 after the deduction from those earnings of amounts required by law to be withheld. (Amounts  
 12.17 required by law to be withheld do not include items such as health insurance, charitable  
 12.18 contributions, or other voluntary wage deductions.)

12.19 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which  
 12.20 the employer pays earnings to the debtor in the ordinary course of business. If the judgment  
 12.21 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

12.22 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

12.23 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served  
 12.24 on you, will you or may you owe money to the debtor for earnings?

12.25 Yes ..... No .....

12.26 INSTRUCTIONS FOR COMPLETING THE  
 12.27 EARNINGS DISCLOSURE

12.28 A. If your answer to question 1 is "No," then you must sign the affirmation below and  
 12.29 return this disclosure to the creditor's attorney (or the creditor if not represented by an  
 12.30 attorney) within 20 days after it was served on you, and you do not need to answer the  
 12.31 remaining questions.

12.32 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings  
 12.33 Disclosure Worksheet as follows:

13.1 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons  
13.2 was served on you, YOU MUST calculate the amount of earnings to be retained by  
13.3 completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure  
13.4 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR  
13.5 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS  
13.6 DISCLOSURE WERE MADE.

13.7 Each payday, you must retain the amount of earnings listed in column G on the Earnings  
13.8 Disclosure Worksheet.

13.9 You must pay the attached earnings and return this earnings disclosure form and the  
13.10 Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented  
13.11 by an attorney) and deliver a copy to the debtor within ten days after the last payday  
13.12 that falls within the ~~70-day~~ 90-day period. If the claim is wholly satisfied or if the debtor's  
13.13 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure  
13.14 should be made within ten days after the last payday for which earnings were attached.

13.15 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

13.16 (2) COLUMN A. Enter the date of debtor's payday.

13.17 (3) COLUMN B. Enter debtor's gross earnings for each payday.

13.18 (4) COLUMN C. Enter debtor's disposable earnings for each payday.

13.19 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based  
13.20 on which of the following descriptions fits the child support judgment debtor:

13.21 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is  
13.22 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks  
13.23 to be calculated to the beginning of the work week in which the execution levy is received);

13.24 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is  
13.25 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks  
13.26 to be calculated to the beginning of the work week in which the execution levy is received);

13.27 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not  
13.28 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks  
13.29 to be calculated to the beginning of the work week in which the execution levy is received);

13.30 or

13.31 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not  
13.32 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks

14.1 to be calculated to the beginning of the work week in which the execution levy is received).  
 14.2 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

14.3 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or  
 14.4 claim, or any amount claimed by any other person as an exemption or adverse interest that  
 14.5 would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings  
 14.6 made by the debtor to any party within ten days before the receipt of the first garnishment  
 14.7 on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before  
 14.8 the receipt of the first garnishment on a debt may not be set off against amounts otherwise  
 14.9 subject to the garnishment.)

14.10 You must also describe your claim(s) and the claims of others, if known, in the space  
 14.11 provided below the worksheet and state the name(s) and address(es) of these persons.

14.12 Enter zero in column E if there are no claims by you or others that would reduce the  
 14.13 amount of earnings owing to the judgment debtor.

14.14 (7) COLUMN F. Subtract the amount in column E from the amount in column D and  
 14.15 enter here. This is the amount of earnings that you must remit for the payday for which the  
 14.16 calculations were made.

14.17 AFFIRMATION

14.18 I, ..... (person signing Affirmation), am the garnishee or I am authorized by the  
 14.19 garnishee to complete this earnings disclosure, and have done so truthfully and to the best  
 14.20 of my knowledge.

14.21 Dated: .....  
 14.22 Signature  
 14.23 .....

14.24 Title  
 14.25 .....

14.26 Telephone Number

14.27 EARNINGS DISCLOSURE  
 14.28 WORKSHEET

14.29 Debtor's Name

14.30	A	B	C
14.31	Payday Date	Gross Earnings	Disposable Earnings
14.32			
14.33	1. ....	\$ .....	\$ .....
14.34	2. ....	.....	.....

15.1	3. ....	.....	.....
15.2	4. ....	.....	.....
15.3	5. ....	.....	.....
15.4	6. ....	.....	.....
15.5	7. ....	.....	.....
15.6	8. ....	.....	.....
15.7	9. ....	.....	.....
15.8	10. ....	.....	.....
15.9	D	E	F
15.10	Either 50, 55, 60, or	Setoff, Lien,	Column D minus
15.11	65% of Column C	Adverse Interest,	Column E
15.12		or Other Claims	
15.13	1. ....	.....	.....
15.14	2. ....	.....	.....
15.15	3. ....	.....	.....
15.16	4. ....	.....	.....
15.17	5. ....	.....	.....
15.18	6. ....	.....	.....
15.19	7. ....	.....	.....
15.20	8. ....	.....	.....
15.21	9. ....	.....	.....
15.22	10. ....	.....	.....
15.23		TOTAL OF COLUMN F \$.....	

15.24 \*If you entered any amount in column E for any payday(s), you must describe below  
 15.25 either your claims, or the claims of others. For amounts claimed by others, you must both  
 15.26 state the names and addresses of such persons, and the nature of their claim, if known.

15.27 .....  
 15.28 .....  
 15.29 .....

15.30 AFFIRMATION

15.31 I, ..... (person signing Affirmation), am the third party or I am authorized by the  
 15.32 third party to complete this earnings disclosure worksheet, and have done so truthfully and  
 15.33 to the best of my knowledge.

15.34 .....  
 15.35 Signature

16.1 Dated: ..... (.....).....

16.2 Title Phone Number

16.3 NONEARNINGS DISCLOSURE FORM

16.4 STATE OF MINNESOTA DISTRICT COURT

16.5 COUNTY OF ..... JUDICIAL DISTRICT

16.6 .....(Creditor)

16.7 against

16.8 .....(Debtor) NONEARNINGS DISCLOSURE

16.9 and

16.10 .....(Garnishee)

16.11 On the ..... day of ....., ....., the time of service of garnishment summons  
16.12 herein, there was due and owing the debtor from the garnishee the following:

16.13 (1) Money. Enter on the line below any amounts due and owing the debtor, except  
16.14 earnings, from the garnishee.

16.15 .....

16.16 (2) Property. Describe on the line below any personal property, instruments, or papers  
16.17 belonging to the debtor and in the possession of the garnishee.

16.18 .....

16.19 (3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which  
16.20 the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts  
16.21 by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee  
16.22 incurred by the debtor within the ten days before the receipt of the first garnishment on a  
16.23 debt may not be set off against amounts otherwise subject to the garnishment.)

16.24 .....

16.25 (4) Exemption. Enter on the line below any amounts or property claimed by the debtor  
16.26 to be exempt from execution.

16.27 .....

16.28 (5) Adverse Interest. Enter on the line below any amounts claimed by other persons by  
16.29 reason of ownership or interest in the debtor's property.

16.30 .....

16.31 (6) Enter on the line below the total of lines (3), (4), and (5).



17.1 .....

17.2 (7) Enter on the line below the difference obtained (never less than zero) when line (6)  
17.3 is subtracted from the sum of lines (1) and (2).

17.4 .....

17.5 (8) Enter on the line below 110 percent of the amount of the creditor's claim which  
17.6 remains unpaid.

17.7 .....

17.8 (9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if  
17.9 it is \$10 or more.

17.10 .....

17.11 AFFIRMATION

17.12 I, ..... (person signing Affirmation), am the garnishee or I am authorized  
17.13 by the garnishee to complete this nonearnings garnishment disclosure, and have done so  
17.14 truthfully and to the best of my knowledge.

17.15 Dated: .....  
17.16 Signature

17.17 .....

17.18 Title

17.19 .....

17.20 Telephone Number

17.21 Sec. 7. Minnesota Statutes 2018, section 571.922, is amended to read:

17.22 **571.922 LIMITATION ON WAGE GARNISHMENT.**

17.23 (a) Unless the judgment is for child support, the maximum part of the aggregate  
17.24 disposable earnings of an individual for any pay period subjected to garnishment may not  
17.25 exceed the lesser of:

17.26 (1) 25 percent of the debtor's disposable earnings; or

17.27 (2) the amount by which the debtor's disposable earnings exceed the ~~following product~~  
17.28 greater of:

17.29 (i) 40 times the state minimum hourly wage prescribed by section 177.24, subdivision

17.30 1; or

18.1 (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair  
18.2 Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1); The calculation  
18.3 of the amount that is subject to garnishment must be based on the hourly wage in effect at  
18.4 the time the earnings are payable, times the number of work weeks in the pay period. When  
18.5 a pay period consists of other than a whole number of work weeks, each day of that pay  
18.6 period in excess of the number of completed work weeks shall be counted as a fraction of  
18.7 a work week equal to the number of excess workdays divided by the number of days in the  
18.8 normal work week.

18.9 (b) If the judgment is for child support, the garnishment may not exceed:

18.10 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is  
18.11 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks  
18.12 to be calculated to the beginning of the work week in which the execution levy is received);

18.13 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is  
18.14 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks  
18.15 to be calculated to the beginning of the work week in which the garnishment summons is  
18.16 received);

18.17 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not  
18.18 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks  
18.19 to be calculated to the beginning of the work week in which the execution levy is received);

18.20 or

18.21 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not  
18.22 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks  
18.23 to be calculated to the beginning of the work week in which the garnishment summons is  
18.24 received).

18.25 Wage garnishments on judgments for child support are effective until the judgments are  
18.26 satisfied if the judgment creditor is a county and the employer is notified by the county  
18.27 when the judgment is satisfied.

18.28 (c) No court may make, execute, or enforce an order or any process in violation of this  
18.29 section.

19.1 Sec. 8. Minnesota Statutes 2018, section 571.923, is amended to read:

19.2 **571.923 MULTIPLE EARNINGS GARNISHMENTS.**

19.3 Except as otherwise provided in this chapter or section 518A.53, the priority of multiple  
19.4 earnings garnishments shall be determined by the order in which the garnishment summonses  
19.5 were served on the employer. If the employer is served with two or more garnishment  
19.6 summonses at the same time on the same day, the garnishment summons issued pursuant  
19.7 to the first judgment entered has priority. If two or more garnishment summonses are served  
19.8 on the same day and are based on judgments entered on the same day or if there are two or  
19.9 more garnishment summonses based on prejudgment garnishment pursuant to section 571.93,  
19.10 then the employer shall select the priority of the earnings garnishments. However, in all  
19.11 cases except wage garnishments on judgments for child support if the judgment creditor is  
19.12 a county and the employer is notified by the county when the judgment is satisfied,  
19.13 garnishments shall be effective no longer than ~~70~~ 90 days from the date of the service of  
19.14 the garnishment summons.