

The Wage Garnishment! (Step-by-Step Instructions)

How to Collect From Your Debtor's Wages

Sometimes you can get 10 or 15 wage garnishments going at the same time from different debtors, with an average of \$500 a month each. A nice way to earn a living.

Garnish  **Step One** **Locate the debtor's workplace using the databases, JDX', or other methods covered here.**

Garnish  **Step Two** **Apply for a Writ of Execution at the Courthouse**

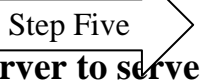
Look back at the Writ Section for information about filing a writ.

Garnish  **Step Three** **Double check to make sure the debtor still works where you think he does.**

A simple phone call to the employer is often good enough. Call and say you want to leave a message for the debtor, and see what the response is. It might be, "He's in the field right now." Or, "He's working somewhere else." Or, "I'll transfer you to his office." Now you know.

Garnish  **Step Four** **Call the Sheriff's office and ask if they still do wage garnishments.**

Shortage of sheriffs in many states and counties makes it difficult for sheriffs to do all that they should. (Don't complain. The governor may raise your taxes.) As mentioned earlier, if the sheriff doesn't do levies or wage garnishments, use a registered process server (RPS).

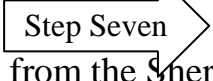
Garnish  **Step Five** **Choose either a Sheriff or a registered process server to serve the employer.**

Using a sheriff will work fine, if they do this in your county. The paperwork itself is fairly simple. Usually only a short **Earnings Withholding Order** form is required along with the **writ**. See the **Course CD** for a sample Earnings Withholding Form.

Important Note: Federal law prohibits taking more than 25% of a JD's wages. After all, the JD has to eat and pay rent too. But 25% is enough, and it's regular. Wage garnishments are a terrific way to satisfy judgments.

Garnish  **Step Six** **Pay the sheriff's fee and let them serve the garnishment.**

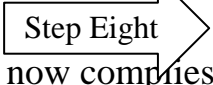
Note: If the employer doesn't respond with a full disclosure of how much the deader earns, then the employer may be liable for all of the money not turned over to you.

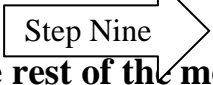
Garnish  **Step Seven** **You do nothing.** Wait to hear back from the Sheriff.

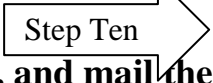
The employer has to respond within a certain time frame (around 10 days), reporting to the sheriff how much the debtor makes each pay period. The sheriff will pass the information on to you. If the employer doesn't respond, the employer may be liable for a portion of the debt. That's covered in the "Handling Complications" section.

Note: About 15% of the time the JD will file a **Claim of Exemption**, saying that his wages should be exempt from garnishment either in part or whole. He has to make a good case, and you can oppose it. I've never lost one yet (knock on wood.)

*Don't Worry: Your How to file your "**Opposition to the Claim of Exemption**" is covered in the "Handling Complications" section.*

Garnish  **Step Eight** **You do nothing.** The employer now complies and sends the money to the Sheriff each pay period.

Garnish  **Step Nine** **The Sheriff takes out certain service fees and sends the rest of the money to you.**

Garnish  **Step Ten** **You cash the check, deduct for your expenses, and mail the Plaintiff-Judgment Creditor his or her percentage. Nice!**

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