

GARNISHMENT PROCEDURE GUIDELINES AND FORMS (INSTRUCTIONS FOR THE PLAINTIFF)

JUDGES AND COURT CLERK PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE

A Judgment rendered in Small Claims Division becomes final and executory three days after it is signed or served on the defendant when service is necessary. After an Arbitrator renders a decision, a Judgment To Confirm Arbitrator's Award must be filed. Before filing a Garnishment Petition, you must have been awarded a Judgment. An advance cost for filing a Garnishment Petition is required. Please see the current Civil Court Costs Schedule for the applicable costs and fees. There is additional cost for any and all service outside of the city limits.

IMPORTANT MESSAGE: It is not the duty or the function of the Court to automatically collect what is owed to you. It is your responsibility to take any and all legal action necessary to collect on your Judgment. If you do not know of any assets belonging to the losing party, you may request a "JUDGMENT DEBTOR EXAMINATION" for an ORAL EXAMINATION to determine defendant's assets. (See current Civil Court Costs Schedule for applicable cost.)

IN ORDER TO FILE A GARNISHMENT PETITION, YOU MUST HAVE:

The proper legal name and complete address of the garnishee (Defendant's employer). If the business is incorporated, you should determine the name and address of the REGISTERED AGENT for the corporation, who is the individual who will receive service of the Garnishment Citation.

FILING YOUR PETITION FOR GARNISHMENT

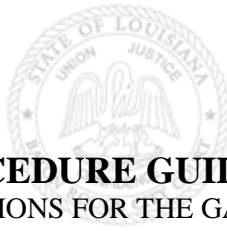
STEP 1 This packet contains a form entitled a "PETITION FOR GARNISHMENT" and "GARNISHMENT INTERROGATORIES." Please provide and complete the following information as indicated on each form:

- a. Suit Caption (Plaintiff Name, Defendant Name, and Suit No.) on Petition for Garnishment and Garnishment Interrogatories.
- b. First and second paragraph on Petition for Garnishment.
- c. List information under Current Statement on Garnishment Petition.
- d. Address for Garnishee/Agent for Service of Process (located on the Order for Petition for Garnishment).
- e. Defendant's Social Security Number (if applicable on Garnishment Interrogatories).
- f. Sign and Print your name, address and phone number on Petition for Garnishment.

STEP 2 PLEASE DETACH THE LAST PAGE "JUDGMENT OF GARNISHMENT" AND SUBMIT AT THE PROPER TIME (See Step #4).

STEP 3 The Petition for Garnishment will then be submitted to the Judge for the Order to be signed and served on the garnishee. Hereafter, any seizure of wages and/or commissions of defendant is effective upon receipt of the Petition, and the garnishee is to begin withholding the non-exempt portion of wages and/or commissions from the date of service. Thereafter, the garnishee has fifteen days from service of process to answer the GARNISHMENT INTERROGATORIES under OATH. When we receive the Answers to the Interrogatories, we will review them for compliance and process accordingly. (If it appears that a copy was mailed to the plaintiff/attorney, we will not send you a copy.)

STEP 4 Once you have received your copy of the ANSWERS TO INTERROGATORIES, you must prepare and submit the Judgment of Garnishment, along with a copy for service on the garnishee. The GARNISHMENT JUDGMENT is an order instructing the garnishee to deliver defendant's wages and/or commission to the Constable of the City of Baton Rouge. ANY QUESTIONS YOU MAY HAVE CONCERNING THE SEIZED WAGES AND/OR COMMISSIONS ARE TO BE DIRECTED TO THE CONSTABLE'S OFFICE AT NUMBER (225) 389-3004.



GARNISHMENT PROCEDURE GUIDELINES AND FORMS
(INSTRUCTIONS FOR THE GARNISHEE)

JUDGES AND COURT CLERK PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE

You have received a **PETITION FOR GARNISHMENT**, which identifies you as the garnishee.

RESPONDING TO THE PETITION FOR GARNISHMENT CITATION:

COMPLETE THE FOLLOWING STEPS:

STEP 1 In accordance with CCP Article 2412, you are commanded to answer, categorically and under Oath, the accompanying Interrogatories. You have fifteen (15) days from date of service (or 30 days if service is made through the Long Arm Statute) to return the original (not a copy), to the Office of the Clerk of Baton Rouge City Court, Room 251, 233 St. Louis, Street, Baton Rouge, LA 70802.

Prior to submitting your answer, please ensure the following actions are complete:

- a. All interrogatories have been answered.
- b. The Document has been notarized.
- c. Document contains an original signature of your company's representative.
- d. It is the ORIGINAL DOCUMENT, and not a photocopy.

STEP 2 Please furnish a copy to the plaintiff, or plaintiff's attorney.

STEP 3 After you receive the JUDGMENT OF GARNISHMENT, please make checks payable to:
BATON ROUGE CITY CONSTABLE and mail to P.O. Box 1471, Baton Rouge, LA 70821.

(DO NOT MAKE CHECKS PAYABLE TO CITY COURT).

CAUTION:

FAILURE TO BEGIN DEDUCTIONS AT ONCE OR ANSWER TIMELY
CAN MAKE THE EMPLOYER PERSONALLY LIABLE!



PLAINTIFF

VS

DEFENDANT

SUIT NO. _____ Div _____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

PETITION FOR GARNISHMENT

NOW INTO COURT comes petitioner, _____, who requests that this
(Plaintiff)
Court issue a writ of fieri facias ordering the seizure and possession of all property rights and credits of defendant,
_____, by the Constable of this Court, and to cause to be made in
the manner prescribed by law an amount sufficient to pay and satisfy the sum of _____
and having good reason to believe that _____, is indebted to said defendant
(Defendant’s Employer, Bank, Credit Union, Etc.)
or has property or effects in its possession or control belonging to said defendant and venue is proper in this
jurisdiction pursuant to Article 42 and/or 77 of the La. Code of Civil Procedure.

WHEREFORE, petitioner prays that _____ be made garnishee
(Defendant’s Employer, Bank, Credit Union, Etc.)
herein, ordered to answer, under oath, the accompanying Interrogatories, and after all due and legal proceedings, be
condemned to pay the amount of said writ and cost, along with additional costs, interest and fees, as they may accrue
pursuant to Judgment.

CURRENT STATEMENT: (La.R.S. 13:3923)

Principal	_____	(Sign your Name)	_____
Interest	_____	(Print your Name)	_____
Attorney Fees	_____	(Street Address)	_____
B.R. City Court Costs	_____	(City, State, Zip)	_____
Other Costs (Specify)	_____	(Phone Number)	_____
Credit	_____		
Balance to Date	_____		

Above figures do not include future
Court cost, interest or Constable’s commission



SUIT NO. _____ Div ____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

PLAINTIFF

VS

DEFENDANT

ORDER

LET THIS SUPPLEMENTAL PETITION BE FILED, AND LET _____ be
(Defendant's Employer, Bank, Credit Union, Etc.)
made Garnishee herein, and ordered to answer the accompanying Interrogatories, under oath and in writing within
15 days from service of process, or as the law directs.

Baton Rouge, Louisiana, on this _____ day of _____, 20____.

JUDGE, BATON ROUGE CITY COURT DIV ____

SERVE GARNISHEE/AGENT FOR SERVICE OF PROCESS:



PLAINTIFF

VS

DEFENDANT

SUIT NO. _____ Div _____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

GARNISHMENT INTERROGATORIES (La. R.S. 13:3924)

TO BE ANSWERED CATEGORICALLY UNDER OATH AND IN WRITING WITHIN 15 DAYS FROM SERVICE OF PROCESS (30 DAYS, IF SERVICE IS MADE THROUGH THE LONG ARM STATUE): (ALL numbered items must be answered).

DEFENDANT'S SOCIAL SECURITY NO: _____

1. Are you indebted to the defendant herein in a sum sufficient to satisfy amount of said writ? ____ Yes ____ No
2. Is the defendant herein in your employ? ____ Yes ____ No. If yes, state what his wages are, how paid, and if there is any money due for services rendered, exempt by law firm seizure. (See reverse hereof for exemption laws.)

3. Have you in your hands, on deposit, or under your control, not exempt by law from seizure, and money, rights, credits, property, or effects of a description belonging to defendant herein? ____ Yes ____ No If yes, state what it consist of and how much.

4. Have you, since the service of these interrogatories, paid or transferred to the defendant herein money, property, credits, or effects of any description whatever or caused the same to be done, or had nay transaction whatever with defendant? ____ Yes ____ No
If yes, state of what is consisted. _____
5. State whether or not there are other judgments or garnishments affecting such wages, salary, or compensation, and if so, the status thereof.

6. At the time of service of garnishment, or at present time, if the defendant is not presently in your employ, state the name and new address of his new employment.

7. Do you understand that, pursuant to La. R.S. 13:3923, if defendant leaves your employ but subsequently returns to work for within 180 days, then you are to resume making deductions? ____ Yes ____ No
8. Do you understand that, pursuant to Louisiana Code of Civil Procedure Article 2411, any seizure of wages and/ or commissions of defendant hereunder is effective upon receipt of the Petition, Citation, and Interrogatories and that you are to begin withholding the non-exempt portion of said wages and/or commission from the date of service upon you of these Interrogatories? ____ Yes ____ No
9. Do you understand that you are to continue deducting the wages of defendant until you receive written notice that the Judgment of plaintiff has been satisfied in full? ____ Yes ____ No

ANSWER TO INTERROGATORIES MUST BE SIGNED AND NOTARIZED

(Signature of Person answering Interrogatories) _____

(Print name of Person answering Interrogatories) _____

(Attorney Bar Roll #) _____

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

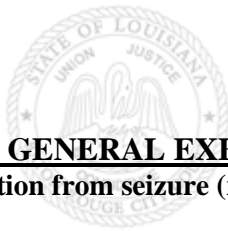
PLEASE RETURN INTERROGATORIES TO:
ELZIE ALFORD, JR., CLERK OF COURT/JUDICIAL ADMINISTRATOR
233 ST. LOUIS STREET, ROOM 251, P O BOX 3438, 70821
BATON ROUGE, LOUISIANA 70802

Notary /Print Name: _____

Notary No.: _____

On the ____ day of _____, 20____, I mailed a copy of the answer of Garnishment Interrogatories to the plaintiff or plaintiff's attorney.

Garnishee signature or representative



La. R. S. 13:3881 (A)(1)- GENERAL EXEMPTIONS FOR SEIZURE
General exemption from seizure (reproduced in part)

A. The following income or property of a debtor is exempt from seizure under any writ, mandate, or process whatsoever:

(1)(a) Seventy-five percent of his disposable earnings for any week, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage in effect at the time the earnings are payable or a multiple of fraction thereof, according to whether the employee's pay period is greater or less than one week. However, the exemption from disposable earnings for the payment of a current or past due support obligation, or both, for a child or children is fifty percent of disposable earnings, and the exemption from seizure of the disposable earnings for the payment of a current or past due support obligation, or both, for a spouse or former spouse is sixty percent of the disposable earnings. For purposes of this Subsection, if the Department of Children & Family Services is providing support enforcement services to the spouse and a judgment or order for support includes an obligation for both a child or children and a spouse or former spouse, or in any case wherein the judgment or order does not clearly indicate which amount is attributable to support of the child or children and which amount is attributable to support of the spouse or former spouse, the support obligation shall be treated as if it is exclusively for the support of a child or children.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and which amounts are reasonable and are being deducted in the usual course of business at the time the garnishment is served upon the employer for the purpose of providing benefits for retirement, medical insurance coverage, life insurance coverage and which amounts are legally due or owed to the employer in the usual course of business at the time the garnishment is served.

CAUTION: Failure to begin deduction at once or answer timely can make employer personally liable.

PLEASE MAKE ALL PAYMENTS TO:

BATON ROUGE CITY CONSTABLE
P.O. BOX 1471
BATON ROUGE, LOUISIANA, 70821

In addition to returning the Answers to Interrogatories to the Baton Rouge City Court, please furnish a copy to the plaintiff, or plaintiffs attorney.



CHANGE IN PROCEDURE

- **EFFECTIVE IMMEDIATELY, BATON ROUGE CITY COURT WILL NO LONGER PREPARE JUDGMENTS OF GARNISHMENT.**
- **WHEN THE ANSWERS TO INTERROGATORIES ARE RECEIVED, WE WILL REVIEW THEM FOR COMPLIANCE AND PROCESS ACCORDINGLY. IF IT APPEARS THAT A COPY WAS MAILED TO THE PLAINTIFF/ATTORNEY, WE WILL NOT SEND A COPY.**
- **UPON RECEIPT OF THE ANSWERS TO THE INTERROGATORIES, IT WILL BE THE RESPONSIBILITY OF THE PLAINTIFF TO PREPARE THE JUDGMENT OF GARNISHMENT AND SUBMIT IT ALONG WITH A COPY FOR SERVICE ON THE GARNISHEE.**
- **ATTACHED IS A BLANK JUDGMENT OF GARNISHMENT. FILL OUT AN ORIGINAL COPY AND SUBMIT AT THE PROPER TIME. KEEP A COPY FOR YOUR RECORDS.**



 PLAINTIFF
 VS

 DEFENDANT

SUIT NO. _____ Div ____
 BATON ROUGE CITY COURT
 CITY OF BATON ROUGE
 STATE OF LOUISIANA

JUDGMENT OF GARNISHMENT

CONSIDERING THE Answer to Interrogatories propounded to Garnishee herein:

IT IS ORDERED, ADJUDGED, AND DECREED that the garnishment filed against _____, garnishee, be placed in proper line for payment, and upon _____ (Defendant’s Employer, Bank, Credit Union, Etc.) reaching preference status, be maintained; that said garnishee deliver unto the Constable of the City of Baton Rouge, Louisiana, twenty-five percent (25%) of the wages of _____, defendant herein, provided said twenty-five percent (25%) does not infringe upon the amount which is exempt by law; and upon payment of said Judgment, the said garnishee be relieved from any further liability in the above numbered and entitled cause;

IT IS ORDERED, ADJUDGED, AND DECREED that the employer may deduct, from the non-exempt portion of the employee’s income, a processing fee of three dollars (\$3.00) for each pay period this Garnishment Judgment is in effect, pursuant to LA. R.S. 13:3921.

JUDGMENT READ AND SIGNED in chambers at Baton Rouge, Louisiana, on this _____ day of _____ 20____.

JUDGE, BATON ROUGE CITY COURT DIV. ____

BY:
 (Sign your name) _____
 (Print your name) _____
 (Street Address) _____
 (City , State, Zip) _____
 (Telephone No.) _____
 (Attorney Bar Roll No.) _____