

**IN THE LAGRANGE SUPERIOR COURT
SMALL CLAIMS DIVISION
COURTHOUSE, SUITE 2
105 NORTH DETROIT STREET
LAGRANGE, IN 46761
CLERK: (260) 499-6375
COURT: (260) 499-6363**

CAUSE NO. 44D01-_____

Plaintiff's Address/Telephone #

vs.

Defendant's SS#: XXX-XX-_____

Defendant

Garnishee Defendant

Address

City, State & Zip

GARNISHMENT ORDER

Plaintiff appears and the Court finds that notice of hearing has been served upon Defendant and Garnishee-defendant. It is therefore **ORDERED, ADJUDGED AND DECREED** that:

1. The Garnishee-defendant shall withhold from the earnings of the Defendant the lesser of:
 - (a) 25 % of said earnings after subtracting income taxes and social security withholding per week; or
 - (b) the amount by which said earnings exceed thirty (30) times the Federal Minimum wage which is \$154.50.
2. The withholding shall continue until the following amount is fully paid:

Judgment	\$ _____
Interest	_____
Costs	_____
TOTAL	\$ _____

3. The amount to be withheld shall also include interest of 8% per annum on the balance due from The date of this order. **(NOTE: the Clerk does not figure interest. Please contact plaintiff for final payoff).**
4. The Garnishee-defendant is ordered to pay the withheld amounts to the Clerk of this Court every 30 days. Failure to comply with this order may result in contempt of Court and/or Garnishee-defendant being liable for withholdings not pursuant to this order.
5. The Clerk shall serve a copy of this order on the Garnishee-defendant by Certified Mail, return receipt requested.

Date: _____

**Lisa M Bowen-Slaven, Judge
LaGrange Superior Court**

GARNISHEE CALCULATION SHEET

- 1. The principal Defendant’s gross earnings for the pay period \$

- 2. Deductions required by law to be withheld from gross earnings shown on line 1:
 - a. Federal withholding income tax \$
 - b. State withholding income tax \$
 - c. Employee portion of Social Security tax \$
 - d. Employee portion of medicare tax \$
 - e. City withholding income tax \$ _____
 - f. Public employee retirement when required by law \$
 - g. TOTAL (add line 2a through 2f) \$

- 3. Disposable earnings (subtract line 2g from Line 1) \$

- 4. Test I for amount available for garnishment (25 % of said line 3) \$

- 5. Test II for amount available for garnishment (disposable earnings minus federal Minimum wage multiplied by appropriate multiple for normal pay- period):
 - a. Locate the appropriate figure from the chart below and insert here \$
 - b. Subtract amount on line 5A from amount on line 3. Insert amount here \$

- 6. Maximum amount subject to garnishment (line 4 or 5b, which ever is less) \$

CHART

Weekly Earnings \$154.50
Bi-Weekly Earnings \$309.00

OPTIONAL EMPLOYER’S FEE

I.C. 24-4.5-5-105 further provides that:

- (5) An employer who is required to make deductions from an individual’s disposable earnings pursuant to a garnishment order or series of orders arising out of the same judgment debt (excluding a judgment for payment of child support) may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12) or three percent (3%) of the total amount required to be deducted by the garnishment order or series of orders arising out of the same judgment debt. If the employer chooses to impose a fee, the fee shall be allocated as follows:
 - (a) One-half (1/2) of the fee shall be borne by the debtor, and that amount may be deducted by the employer directly from the employee’s disposable earnings.

 - (b) One-half (1/2) of the fee shall be borne by the creditor, and that amount may be retained by the employer from the amount otherwise due creditor.

The deductions made under this subsection for a collection fee do not increase the amount of the judgment debt for which the fee is collected for the purpose of calculating judgment interest. This fee may be collected by an employer only once for each garnishment order or series of orders arising out of the same judgment debt. The employer may collect the entire fee from one (1) or more of the initial deductions from the employee’s disposable earnings. Alternatively, the employer may collect the fee ratably over the number of pay periods during which deductions from the employee’s disposable earnings are required.

