

GARNISHMENTS – EFFECTIVE 01-01-2024

A garnishment is a legal proceeding taken by a plaintiff (*creditor*) after a judgement is awarded from a court against a defendant (*debtor*). If the plaintiff (*creditor*) knows that the defendant (*debtor*) has money, or property, in the hands of a third party (wages owed by the defendant's (*debtor's*) employer, funds in a bank account, etc.) the plaintiff (*creditor*) may have a garnishment served to recover funds owed on the debt. **Iowa Code 642** governs the amount allowed to be withheld.

A \$100.00 advance fee is required. The actual fees for service are added to the amount of the judgement to be garnished. If the Sheriff's Office received enough funds from the garnishee to cover the cost of the Sheriff's fees, the advance fee will be refunded. If the entire advance fee is not needed to cover the fees, the remaining amount will be refunded.

Once you have the **"General Execution"** issued by the clerk, you will need to deliver / mail to the Sheriff's Office with the **"Dictation to Sheriff Garnishment" (PDF)** and **"Notice of Garnishment" (PDF)**.

Most banks and many employers require, besides the defendant's (*debtor's*) name, another identifier such as a social security number / account number. This is to ensure the correct person is being garnished. Without this information the garnishment will still be served, but your chance of receiving any funds may be reduced dramatically.

A garnishment expires 120 days from the date it was issued by the Clerk of Court.

The Sheriff's Office requires the last known address for the defendant (*debtor*), since for all non-wage garnishments a notice of garnishment is required to be mailed by restricted certified mail as well as first class mail.

INSTRUCTIONS TO GARNISHEE FOR WAGE GARNISHMENT

COMPUTATION TABLE AMOUNTS ARE BASED ON DISPOSABLE EARNINGS AFTER WITHHOLDING AMOUNTS REQUIRED BY LAW (TAXES, SOCIAL SECURITY, ETC)

COMPUTATION TABLES PER PAY PERIOD FOR **"NON CONSUMER CREDIT"**

IF THE DEFENDANT-EMPLOYEE'S EARNINGS ARE LESS THAN THE BELOW THEN PAY THEM AS IF THEY WEREN'T BEING GARNISHED

1. \$217.50 FOR A WEEKLY PAY PERIOD
2. \$435.00 FOR A BI-WEEKLY PAY PERIOD
3. \$471.25 FOR A SEMI-MONTHLY PAY PERIOD
4. \$942.50 FOR A MONTHLY PAY PERIOD

IF THE BALANCE OF THE DISPOSABLE EARNINGS ARE

1. \$217.50 - \$290.00 FOR A WEEKLY PAY PERIOD PAY THEM \$217.50
2. \$435.00 - \$580.00 FOR A BI-WEEKLY PAY PERIOD PAY THEM \$435.00
3. \$471.25 - \$628.33 FOR SEMI-MONTHLY PAY PERIOD PAY THEM \$471.25
4. \$942.50 - \$1256.67 FOR A MONTHLY PAY PERIOD PAY THEM \$942.50

PAY THE BALANCE OF THE DISPOSABLE EARNINGS TO THE SHERIFF

IF THE DEFENDANT-EMPLOYEE'S DISPOSABLE EARNINGS ARE MORE THAN:

1. \$290.00 FOR A WEEKLY PAY PERIOD PAY THEM 75% OF EARNINGS
2. \$580.00 FOR A BI-WEEKLY PAY PERIOD PAY THEM 75% OF EARNINGS
3. \$828.33 FOR A SEMI-MONTHLY PAY PERIOD PAY THEM 75% OF EARNINGS
4. \$1,256.67 FOR A MONTHLY PAY PERIOD PAY THEM 75% OF EARNINGS

PAY 25% OF DISPOSABLE EARNINGS TO THE SHERIFF

INSTRUCTIONS TO GARNISHEE FOR WAGE GARNISHMENT

COMPUTATION TABLE AMOUNTS ARE BASED ON DISPOSABLE EARNINGS AFTER WITHHOLDING AMOUNTS REQUIRED BY LAW (TAXES, SOCIAL SECURITY, ETC)

COMPUTATION TABLES PER PAY PERIOD FOR **"CONSUMER CREDIT"**

IF THE DEFENDANT-EMPLOYEE'S EARNINGS ARE LESS THAN THE BELOW THEN PAY THEM AS IF THEY WEREN'T BEING GARNISHED

1. \$290.00 FOR A WEEKLY PAY PERIOD
2. \$580.00 FOR A BI-WEEKLY PAY PERIOD
3. \$628.33 FOR A SEMI-MONTHLY PAY PERIOD
4. \$1,256.67 FOR A MONTHLY PAY PERIOD

IF THE DEFENDANT-EMPLOYEE'S DISPOSABLE EARNINGS ARE LESS THAN

1. \$290.00 - \$386.67 FOR A WEEKLY PAY PERIOD PAY THEM \$290.00
2. \$580.00 - \$773.33 FOR A BI-WEEKLY PAY PERIOD PAY THEM \$580.00
3. \$628.33 - \$837.77 FOR A SEMI-MONTHLY PAY PERIOD PAY THEM \$628.33
4. \$1,256.67 - \$1,675.56 FOR A MONTHLY PAY PERIOD PAY THEM \$1,256.67

PAY THE BALANCE OF THE DISPOSABLE EARNINGS TO THE SHERIFF

IF THE DEFENDANT-EMPLOYEE'S DISPOSABLE EARNINGS ARE MORE THAN

1. \$386.67 FOR A WEEKLY PAY PERIOD PAY THEM 75% OF EARNINGS
2. \$773.33 FOR A WEEKLY PAY PERIOD PAY THEM 75% OF EARNINGS
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PAY 25% OF DISPOSABLE EARNINGS TO THE SHERIFF

THE MAXIMUM AMOUNT OF EARNINGS WHICH MAY BE GARNISHED DURING A CALENDAR YEAR FOR EACH CREDITOR IS AS FOLLOWS

1. EARNINGS FROM \$12,001.00 - \$15,999.99 WITHHOLD \$400.00
2. EARNINGS FROM \$16,000.00 - \$23,999.99 WITHHOLD \$800.00
3. EARNINGS FROM \$24,000.00 - \$34,999.99 WITHHOLD \$1,500.00
4. EARNINGS FROM \$35,000.00 - \$49,999.99 WITHHOLD \$2000.00
5. EARNINGS FROM \$50,000.00 – MORE WITHHOLD 10%

A NOTICE OF GARNISHMENT SERVED UPON A GARNISHEE IS EFFECTIVE WITHOUT SERVING ANOTHER NOTICE UNTIL THE EARLIEST OF THE FOLLOWING:

1. ANNUAL MAXIMUM UNDER 642.21 HAS BEEN WITHHELD
2. THE WRIT OF EXECUTION EXPIRES
3. THE JUDGEMENT EXPIRES
4. THE JUDGEMENT IS SATISFIED
5. THE GARNISHMENT IS RELEASED BY THE SHERIFF AT THE REQUEST OF THE PLAINTIFF'S ATTORNEY

A SUPERVISED FINANCIAL ORGANIZATION, AS DEFINED IN SECTION 537.1301, SUBSECTION 45, WHICH IS GARNISHED FOR AN ACCOUNT OF A DEFENDANT, AFTER PAYING THE SHERIFF ANY AMOUNTS THEN IN THE ACCOUNT, SHALL MONITOR THE ACCOUNT FOR ANY ADDITIONAL AMOUNTS AT LEAST MONTHLY WHILE THE GARNISHMENT NOTICE IS EFFECTIVE. PAY ALL GARNISHED FUNDS TO THE BLACK HAWK COUNTY SHERIFF AT 225 E 6TH ST WATERLOO, IA 50703