

## GARNISHMENT PROCEDURES

Effective September 1, 2020

Once you receive a judgment in your favor, contact the Clerk of Court or go to the Iowa Courts.gov website to print off a copy of the General Execution. The Black Hawk County Clerk of Courts phone number is: 319-833-3331.

The Sheriff's Office requires an \$80.00 advance fee for service of the garnishment. If the Garnishee: (Employer or Bank / Credit Union) is in Black Hawk County, you will need to make the check payable to the Black Hawk County Sheriff. If the Garnishee is in another county, you will need to check with the appropriate county sheriff on their requirements. If any money is collected from the garnishment, we will collect our sheriff's fees from these funds. If no money is collected, the sheriff's office will use the advance fee for these charges.

The required paperwork to forward to the Black Hawk County Sheriff's Office is:

- 1) Copy of the General Execution
- 2) Dictation to Sheriff – This MUST include:
  - (i) Garnishee's address and phone number
  - (ii) Last known address, DOB, SSN of the defendant
  - (iii) Name, address, phone number of party requesting garnishment.
- 3) Two (2) copies of the Notice of Garnishment per defendant being garnished

If any objections are filed by the defendant, then the judge can either:

- 1) Make a decision, based on the papers that are filed
- 2) Set the case for a hearing at which time each side will be allowed to present its evidence and then the judge will make a decision.

The Garnishment / Execution will be active in the Sheriff's Office for up to 120 days from the time of filing through the EDMS system. If during this time you wish to inquire about the progress of your Garnishment, you may contact the Sheriff's Office at 319-291-2587, option 1.

Once the Garnishment has been returned to the Clerk of Court, you will need to contact the Black Hawk County Clerk's Office to find out how the monies will be disbursed to you.

If the full amount of the Garnishment is not collected, then you would repeat the procedure until the judgment is satisfied.

For further information on garnishments, you can check the Iowa Code Chapter 642.

## 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

From 15 U.S.C. 1673 (a) (2)

1. If the Defendant-Employee's earnings are less than:
  - a. \$217.50 for a WEEKLY pay period
  - b. \$435.00 for a BI-WEEKLY pay period
  - c. \$471.25 for a SEMI-MONTHLY pay period.
  - d. \$942.50 for a MONTHLY pay periodPay the employee as if his paycheck were not garnished. You withhold nothing.
2. If the Defendant - Employee's disposable earnings are:
  - a. \$217.50 to \$290.00 for a WEEKLY pay period Pay them \$217.50
  - b. \$435.00 to \$580.00 for a BI-WEEKLY pay period Pay them \$435.00
  - c. \$471.25 to \$628.33 for a SEMI-MONTHLY pay period Pay them \$471.25
  - d. \$942.50 to \$1,256.67 for a MONTHLY pay period Pay them \$942.50Pay the balance of the disposable earnings to the sheriff.
3. If the Defendant - Employee's disposable earnings are more than:
  - a. \$290.00 for a WEEKLY pay period Pay them 75% of disposable earnings
  - b. \$580.00 for a BI-WEEKLY pay period Pay them 75% of disposable earnings
  - c. \$628.33 for a SEMI-MONTHLY pay period Pay them 75% of disposable earnings
  - d. \$1,256.67 for a MONTHLY pay period Pay them 75% of disposable earningsPay 25% of disposable earnings to the sheriff.

### COMPUTATION TABLES PER PAY PERIOD FOR CONSUMER CREDIT

From 15 U.S.C. 1673 (a) (2)

1. If the Defendant-Employee's earnings are less than:
  - a. \$290.00 for a WEEKLY pay period
  - b. \$580.00 for a BI-WEEKLY pay period
  - c. \$628.33 for a SEMI-MONTHLY pay period.
  - d. \$1,256.67 for a MONTHLY pay periodPay the employee as if his paycheck were not garnished. You withhold nothing.
2. If the Defendant - Employee's disposable earnings are:
  - a. \$290.00 to \$386.67 for a WEEKLY pay period Pay them \$290.00
  - b. \$580.00 to \$773.33 for a BI-WEEKLY pay period Pay them \$580.00
  - c. \$628.33 to \$837.77 for a SEMI-MONTHLY pay period Pay them \$628.33
  - d. \$1,256.67 to \$1,675.56 for a MONTHLY pay period Pay them \$1,256.67Pay the balance of the disposable earnings to the sheriff.
3. If the Defendant - Employee's disposable earnings are more than:
  - a. \$386.67 for a WEEKLY pay period Pay them 75% of disposable earnings
  - b. \$773.33 for a BI-WEEKLY pay period Pay them 75% of disposable earnings
  - c. \$837.77 for a SEMI-MONTHLY pay period Pay them 75% of disposable earnings
  - d. \$1,675.56 for a MONTHLY pay period Pay them 75% of disposable earningsPay 25% of disposable earnings to the sheriff.

### COMPUTATION FOR STATE TAXES

Code of Iowa 626.29, 626.31, 422.26

Deliver 100% of the employee's disposable earnings to the sheriff.

### COMPUTATION FOR SUPPORT

15 USCA 1673 SUB. (B) (1) (2) & (C) is less restrictive than 627.11 and 627.12 Code of Iowa

If the garnishment is for support of a person, the amount retained from earnings shall be (a) where the Judgment Debtor is supporting his spouse or dependant child (other than a spouse or child with respect to whose support this garnishment is made) fifty (50) percent of the Debtor's disposable earnings each week: or (b) where the Judgment Debtor is not supporting a person as set forth in (1), sixty (60) percent of Debtor's disposable earnings each week. An additional five (5) percent of Debtor's disposable earnings shall be retained if the support being collected is more than twelve (12) weeks past due.

### MAXIMUM AMOUNTS GARNISHABLE FOR CALENDAR YEAR

642.21, subsection 1, Code of Iowa

"The Disposable earnings of an individual are exempt from garnishment to the extent provided by the Federal Consumer Credit Protection Act, Title III, 15 U.S.C., sections 1671-1677. The maximum amount of an employee's earnings which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in section 627.12 or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the Sheriff or by the court pursuant to section 642.5, subsection 4. When the employee's earnings are reasonably expected to be more than twelve thousand dollars, the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:"

- a. Earnings from \$12,001.00 to \$15,999.99 withhold \$400.00
- b. Earnings from \$16,000.00 to \$23,999.99 withhold \$800.00
- c. Earnings from \$24,000.00 to \$34,999.99 withhold \$1,500.00
- d. Earnings from \$35,000.00 to \$49,999.99 withhold \$2000.00
- e. Earnings from \$50,000.00 and more withhold 10%

### VALIDITY OF GARNISHMENT NOTICE

642.22 Code of Iowa

1. A notice of garnishment served upon a garnishee is effective without serving another notice until the earliest of the following:
  - A. Annual maximum under 642.21 has been withheld
  - B. The writ of execution expires
  - C. The judgment is satisfied.
  - D. The garnishment is released by the sheriff at the request of the plaintiff or the plaintiff's attorney.
2. A supervised financial organization, as defined in section 537.1301, subsection 42, 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 6<sup>TH</sup> ST WATERLOO, IA 50703**