

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN SUPERIOR COURT
SMALL CLAIMS DIVISION
FORT WAYNE, INDIANA

CASE NUMBER:

Plaintiff(s) **VS.**

Defendant(s)

Street Address

City, State Zip Code

XXX-XX-_____ (last 4 digits only)
Social Security Number **AND**

Garnishee Defendant

INTERROGATORIES PROPOUNDED TO GARNISHEE DEFENDANT

(PLEASE REFER TO THE INSTRUCTIONS LISTED
ON THE REVERSE SIDE / PAGE 2 OF THIS FORM.)

Plaintiff submits the following interrogatories to be answered by the Garnishee Defendant. (ALL QUESTIONS MUST BE ANSWERED.)

QUESTION	ANSWER
1. Is the Defendant in your employ?	1.
2. If the Defendant is not in your employ, give the date of the separation.	2.
3. If the Defendant is no longer in your employ, do you retain any monies payable to him/her? If yes, how much?	3.
4. If the Defendant is no longer employed by you, what is the name of Defendant's current employer?	4.
5. If the Defendant is on an hourly pay rate, what is that rate?	5.
6. What is the Defendant's normal gross salary?	6.
7. Does the Defendant draw or receive any other wages, payments, salary, commissions, rebates, profits or income from you other than those above? If so, please list.	7.
8. At present, are there any garnishments or wage attachments on the Defendant's earnings? If so, please list the case numbers.	8.
9. What is the Defendant's Social Security Number?	9. XXX-XX-_____ (last 4 digits only)
10. What is the address of the Defendant's residence?	10.
11. What is your e-mail address? This e-mail address will be sent an electronic copy of any Garnishment Order that is issued.	11.

I affirm, under the penalty of perjury, that the foregoing representations are true.

Dated: _____

Please return these interrogatories to:
Clerk of Allen Circuit and Superior Courts
Small Claims Division
1 West Superior St., Suite 100
Fort Wayne IN, 46802

Signature

Printed Name Work Phone Number

Position with Garnishee Defendant

Certificate of Service

I hereby certify that a copy of this document was sent to the parties or their counsel by _____
(US Mail, E-Service, Sheriff, other manner allowed by IN Trial Rules.)

Date

Name

DEDUCTION CALCULATIONS

I.C. 24-4.5-5-105 PROVIDES THAT:

LIMITATION ON GARNISHMENT AND PROCEEDINGS SUPPLEMENTAL TO EXECUTION - FEE TO COMPENSATE EMPLOYER FOR MAKING DEDUCTIONS.

(1) For the purposes of I.C. 24-4.5-5-101 through I.C. 24-4.5-5-108:

- (a) "Disposable earnings" means that part of the earnings of an individual, including wages, commissions, income, rents, or profits remaining after the deduction from those earnings of amounts required by law to be withheld;
- (b) "Garnishment" means any legal or equitable proceedings through which the earnings of an individual are required to be withheld by a garnishee, by the individual debtor, or by another person for the payment of a judgment; and
- (c) "Support Withholding" means that part of the earnings that are withheld from an individual for child support in accordance with the laws of this state.

(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment to enforce the payment of one (1) or more judgments against him may not exceed:

- (a) Twenty-five percent (25%) of his disposable earnings for that week; OR
- (b) The amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable;

whichever is less. In the case of earnings for a pay period other than a week, the earnings shall be computed upon a multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed in this section.

(3) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment or withholding to enforce any order for the support of any person shall not exceed:

- (a) Where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), fifty percent (50%) of such individual's disposable earnings for that week; and
- (b) Where such individual is not supporting such a spouse or dependent child described in subdivision (a), sixty percent (60%) of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the fifty percent (50%) specified in subdivision (a) shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in subdivision (b) shall be deemed to be sixty-five percent (65%), if and to the extent that such earnings are subject to garnishment or support withholding to enforce a support order with respect to a period which is prior to the twelve (12) week period which ends with the beginning of such workweek.

OPTIONAL EMPLOYER'S FEE

I.C. 24-4.5-5-105 FURTHER PROVIDES THAT:

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 the 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 or collecting 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.

A [child] support withholding order takes priority over a garnishment order irrespective of their dates of entry or activation. If a person is subject to a [child] support withholding order and a garnishment order, the garnishment order shall be honored only to the extent that disposable earnings withheld under the [child] support withholding order do not exceed the maximum amount subject to garnishment as computed under subsection (2).