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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2065**

03/04/2019 Authored by Davids and Carlson, A.,
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division
03/25/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to civil actions; extending the 70-day period from date of service of
1.3 garnishment to 90 days for earnings; modifying amount of earnings subject to
1.4 garnishment; amending Minnesota Statutes 2018, sections 550.136, subdivisions
1.5 3, 4, 5, 9, 10, 12; 551.04, subdivisions 2, 11; 551.06, subdivisions 3, 4, 5, 9, 12;
1.6 571.72, subdivisions 2, 7; 571.73, subdivision 3; 571.74; 571.75, subdivisions 1,
1.7 2; 571.922; 571.923.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 550.136, subdivision 3, is amended to read:

1.10 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
1.11 the maximum part of the aggregate disposable earnings of an individual for any pay period
1.12 subjected to an execution levy may not exceed the lesser of:

1.13 (1) 25 percent of the judgment debtor's disposable earnings; or

1.14 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
1.15 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
1.16 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages
1.17 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
1.18 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
1.19 of work weeks in the pay period. When a pay period consists of other than a whole number
1.20 of work weeks, each day of that pay period in excess of the number of completed work
1.21 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
1.22 divided by the number of days in the normal work week.

1.23 (b) If the judgment is for child support, the levy may not exceed:

2.1 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
2.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
2.3 to be calculated to the beginning of the work week in which the execution levy is received);

2.4 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
2.5 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
2.6 to be calculated to the beginning of the work week in which the execution levy is received);

2.7 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.8 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
2.9 to be calculated to the beginning of the work week in which the execution levy is received);

2.10 or

2.11 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.12 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
2.13 to be calculated to the beginning of the work week in which the execution levy is received).

2.14 Execution levies under this section on judgments for child support are effective until
2.15 the judgments are satisfied if the judgment creditor is a county and the employer is notified
2.16 by the county when the judgment is satisfied.

2.17 (c) No court may make, execute, or enforce an order or any process in violation of this
2.18 section.

2.19 Sec. 2. Minnesota Statutes 2018, section 550.136, subdivision 4, is amended to read:

2.20 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
2.21 section 518A.53, the priority of multiple earnings execution levies is determined by the
2.22 order in which the execution levies were served on the employer. If the employer is served
2.23 with two or more writs of execution at the same time on the same day, the writ of execution
2.24 issued pursuant to the first judgment entered has priority. If two or more execution levies
2.25 are served on the same day and are based on judgments entered on the same day, then the
2.26 employer shall select the priority of the earnings levies. However, in all cases except earnings
2.27 execution levies on judgments for child support if the judgment creditor is a county and the
2.28 employer is notified by the county when the judgment is satisfied, the execution levies shall
2.29 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

2.30 Sec. 3. Minnesota Statutes 2018, section 550.136, subdivision 5, is amended to read:

2.31 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by sections 550.37
2.32 and 571.922, and any other applicable statute, and except as otherwise provided in paragraph

3.1 (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt
 3.2 disposable earnings owing or to be owed by the third party and earned or to be earned by
 3.3 the judgment debtor before and within the pay period in which the writ of execution is
 3.4 served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 3.5 after the date of service of the writ of execution. "Paydays" means the days upon which the
 3.6 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 3.7 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 3.8 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 3.9 sum.

3.10 (b) The service of a writ of execution on a judgment for child support attaches to all
 3.11 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 3.12 or to be earned by the judgment debtor before and within the pay period in which the writ
 3.13 of execution is served and within all subsequent pay periods until the judgment is satisfied
 3.14 if the judgment creditor is a county and the third party is notified by the county when the
 3.15 judgment is satisfied.

3.16 Sec. 4. Minnesota Statutes 2018, section 550.136, subdivision 9, is amended to read:

3.17 Subd. 9. **Execution earnings disclosure form and worksheet.** The judgment creditor
 3.18 shall provide to the sheriff for service upon the judgment debtor's employer an execution
 3.19 earnings disclosure form and an earnings disclosure worksheet with the writ of execution,
 3.20 that must be substantially in the form set forth below.

3.21	STATE OF MINNESOTA	DISTRICT COURT
3.22	COUNTY OF .....	.....JUDICIAL DISTRICT
3.23		FILE NO.
3.24	..... (Judgment Creditor)	
3.25	against	EARNINGS
3.26	..... (Judgment Debtor)	EXECUTION
3.27	and	DISCLOSURE
3.28	..... (Third Party)	

3.29 DEFINITIONS

3.30 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
 3.31 payable to an employee for personal services or compensation paid or payable to the producer
 3.32 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
 3.33 products produced when the producer is operating a family farm, a family farm corporation,
 3.34 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether

4.1 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
 4.2 payments pursuant to a pension or retirement.

4.3 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 4.4 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 4.5 required by law to be withheld do not include items such as health insurance, charitable
 4.6 contributions, or other voluntary wage deductions.)

4.7 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
 4.8 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
 4.9 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

4.10 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
 4.11 QUESTIONS:

4.12 (1) Do you now owe, or within ~~70~~90 days from the date the execution levy was served
 4.13 on you, will you or may you owe money to the judgment debtor for earnings?

4.14 Yes No

4.15 (2) Does the judgment debtor earn more than \$... per week? (this amount is the greater
 4.16 of \$9.50 per hour or the federal minimum wage per week)

4.17 Yes No

4.18 INSTRUCTIONS FOR COMPLETING THE
 4.19 EARNINGS DISCLOSURE

4.20 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
 4.21 below and return this disclosure to the sheriff within 20 days after it was served on you,
 4.22 and you do not need to answer the remaining questions.

4.23 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
 4.24 and the Earnings Disclosure Worksheet as follows:

4.25 For each payday that falls within ~~70~~90 days from the date the execution levy was served
 4.26 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
 4.27 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.

4.28 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
 4.29 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
 4.30 DISCLOSURE WERE MADE.

4.31 Each payday, you must retain the amount of earnings listed in column I on the Earnings
 4.32 Disclosure Worksheet.

5.1 You must pay the attached earnings and return this earnings disclosure form and the
 5.2 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
 5.3 worksheet to the judgment debtor within ten days after the last payday that falls within
 5.4 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
 5.5 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
 5.6 and remittance should be made within ten days after the last payday for which earnings
 5.7 were attached.

5.8 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure
 5.9 Worksheet.

- 5.10 (3) COLUMN A. Enter the date of judgment debtor's payday.
- 5.11 (4) COLUMN B. Enter judgment debtor's gross earnings for each payday.
- 5.12 (5) COLUMN C. Enter judgment debtor's disposable earnings for each
 5.13 payday.
- 5.14 (6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply
 5.15 column C by .25.)
- 5.16 (7) COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
 5.17 hourly federal minimum wage (\$.....) times the
 5.18 number of work weeks included in each payday. (Note:
 5.19 If a payday includes days in excess of whole work
 5.20 weeks, the additional days should be counted as a
 5.21 fraction of a work week equal to the number of
 5.22 workdays in excess of a whole work week divided by
 5.23 the number of workdays in a normal work week.)
- 5.24 (8) COLUMN F. Subtract the amount in column E from the amount in
 5.25 column C, and enter here.
- 5.26 (9) COLUMN G. Enter here the lesser of the amount in column D and the
 5.27 amount in column F.
- 5.28 (10) COLUMN H. Enter here any amount claimed by you as a setoff,
 5.29 defense, lien, or claim, or any amount claimed by any
 5.30 other person as an exemption or adverse interest which
 5.31 would reduce the amount of earnings owing to the
 5.32 judgment debtor. (Note: Any indebtedness to you
 5.33 incurred within ten days prior to your receipt of the first
 5.34 execution levy on a debt may not be set off against the
 5.35 earnings otherwise subject to this levy. Any wage
 5.36 assignment made by the judgment debtor within ten
 5.37 days prior to your receipt of the first execution levy on
 5.38 a debt is void.)

5.39 You must also describe your claim(s) and the claims of
 5.40 others, if known, in the space provided below the
 5.41 worksheet and state the name(s) and address(es) of these
 5.42 persons.

6.1 Enter zero in column H if there are no claims by you or
 6.2 others which would reduce the amount of earnings
 6.3 owing to the judgment debtor.

6.4 (11) COLUMN I. Subtract the amount in column H from the amount in
 6.5 column G and enter here. This is the amount of earnings
 6.6 that you must remit for the payday for which the
 6.7 calculations were made.

6.8 AFFIRMATION

6.9 I, (person signing Affirmation), am the third party/employer or I am
 6.10 authorized by the third party/employer to complete this earnings disclosure, and have done
 6.11 so truthfully and to the best of my knowledge.

6.12 DATED:

6.13 Signature

6.14

6.15 Title

6.16

6.17 Telephone Number

6.18 EARNINGS DISCLOSURE WORKSHEET

6.19 Debtor's Name

6.20	A	B	C
6.21	Payday Date	Gross Earnings	Disposable
6.22			Earnings

6.23	1.	\$.....	\$.....
------	---------	---------	---------

6.24	2.
------	---------	-------	-------

6.25	3.
------	---------	-------	-------

6.26	4.
------	---------	-------	-------

6.27	5.
------	---------	-------	-------

6.28	6.
------	---------	-------	-------

6.29	7.
------	---------	-------	-------

6.30	8.
------	---------	-------	-------

6.31	9.
------	---------	-------	-------

6.32	10.
------	----------	-------	-------

6.33	D	E	F
6.34	25% of	<u>Greater of 40 X</u>	Column C minus
6.35	Column C	<u>\$9.50 or 40 X</u>	Column E
6.36		<u>Fed. Min. Wage</u>	

6.37	1.
------	---------	-------	-------

6.38	2.
------	---------	-------	-------

7.1	3. ....	.....	.....
7.2	4. ....	.....	.....
7.3	5. ....	.....	.....
7.4	6. ....	.....	.....
7.5	7. ....	.....	.....
7.6	8. ....	.....	.....
7.7	9. ....	.....	.....
7.8	10. ....	.....	.....
7.9	G	H	I
7.10	Lesser of	Setoff, Lien,	Column G minus
7.11	Column D and	Adverse Interest,	Column H
7.12	Column F	or Other Claims	
7.13	1. ....	.....	.....
7.14	2. ....	.....	.....
7.15	3. ....	.....	.....
7.16	4. ....	.....	.....
7.17	5. ....	.....	.....
7.18	6. ....	.....	.....
7.19	7. ....	.....	.....
7.20	8. ....	.....	.....
7.21	9. ....	.....	.....
7.22	10. ....	.....	.....
7.23		TOTAL OF COLUMN I \$	.....

7.24 *If you entered any amount in column H for any payday(s), you must describe below
7.25 either your claims, or the claims of others. For amounts claimed by others, you must both
7.26 state the names and addresses of such persons, and the nature of their claim, if known.

7.27
7.28
7.29

7.30 AFFIRMATION

7.31 I, (person signing Affirmation), am the third party or I am authorized by the
7.32 third party to complete this earnings disclosure worksheet, and have done so truthfully and
7.33 to the best of my knowledge.

7.34
7.35 Signature

8.1 Dated: (..)

8.2 Title Phone Number

8.3 Sec. 5. Minnesota Statutes 2018, section 550.136, subdivision 10, is amended to read:

8.4 Subd. 10. **Execution earnings disclosure form and worksheet for child support**

8.5 **judgments.** The judgment creditor shall provide to the sheriff for service upon a child

8.6 support judgment debtor's employer an execution earnings disclosure form and an earnings

8.7 disclosure worksheet with the writ of execution, that must be substantially in the form set

8.8 forth below.

8.9 STATE OF MINNESOTA DISTRICT COURT

8.10 COUNTY OF JUDICIAL DISTRICT

8.11 FILE NO.

8.12 (Judgment Creditor)

8.13 against EARNINGS

8.14 (Judgment Debtor) EXECUTION

8.15 and DISCLOSURE

8.16 (Third Party)

8.17 DEFINITIONS

8.18 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or

8.19 payable to an employee for personal services or compensation paid or payable to the producer

8.20 for the sale of agricultural products; milk or milk products; or fruit or other horticultural

8.21 products produced when the producer is operating a family farm, a family farm corporation,

8.22 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether

8.23 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic

8.24 payments pursuant to a pension or retirement, workers' compensation, or unemployment

8.25 benefits.

8.26 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining

8.27 after the deduction from those earnings of amounts required by law to be withheld. (Amounts

8.28 required by law to be withheld do not include items such as health insurance, charitable

8.29 contributions, or other voluntary wage deductions.)

8.30 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which

8.31 the employer pays earnings to the debtor in the ordinary course of business. If the judgment

8.32 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

8.33 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

9.1 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
9.2 on you, will you or may you owe money to the judgment debtor for earnings?

9.3 Yes No

9.4 INSTRUCTIONS FOR COMPLETING THE
9.5 EARNINGS DISCLOSURE

9.6 A. If your answer to question 1 is "No," then you must sign the affirmation below and
9.7 return this disclosure to the sheriff within 20 days after it was served on you, and you do
9.8 not need to answer the remaining questions.

9.9 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
9.10 Disclosure Worksheet as follows:

9.11 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
9.12 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
9.13 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
9.14 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
9.15 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
9.16 DISCLOSURE WERE MADE.

9.17 Each payday, you must retain the amount of earnings listed in column G on the Earnings
9.18 Disclosure Worksheet.

9.19 You must pay the attached earnings and return this earnings disclosure form and the
9.20 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
9.21 worksheet to the judgment debtor within ten days after the last payday that falls within
9.22 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
9.23 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
9.24 and remittance should be made within ten days after the last payday for which earnings
9.25 were attached.

9.26 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

9.27 (2) COLUMN A. Enter the date of judgment debtor's payday.

9.28 (3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

9.29 (4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

9.30 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
9.31 on which of the following descriptions fits the child support judgment debtor:

10.1 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
10.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
10.3 to be calculated to the beginning of the work week in which the execution levy is received);

10.4 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
10.5 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
10.6 to be calculated to the beginning of the work week in which the execution levy is received);

10.7 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
10.8 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
10.9 to be calculated to the beginning of the work week in which the execution levy is received);

10.10 or

10.11 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
10.12 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
10.13 to be calculated to the beginning of the work week in which the execution levy is received).

10.14 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

10.15 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
10.16 claim, or any amount claimed by any other person as an exemption or adverse interest that
10.17 would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness
10.18 to you incurred within ten days prior to your receipt of the first execution levy may not be
10.19 set off against the earnings otherwise subject to this levy. Any wage assignment made by
10.20 the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

10.21 You must also describe your claim(s) and the claims of others, if known, in the space
10.22 provided below the worksheet and state the name(s) and address(es) of these persons.

10.23 Enter zero in column E if there are no claims by you or others that would reduce the
10.24 amount of earnings owing to the judgment debtor.

10.25 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
10.26 enter here. This is the amount of earnings that you must remit for the payday for which the
10.27 calculations were made.

10.28 AFFIRMATION

10.29 I, (person signing Affirmation), am the third party/employer or I am
10.30 authorized by the third party/employer to complete this earnings disclosure, and have done
10.31 so truthfully and to the best of my knowledge.

10.32 DATED:

10.33 Signature

11.1
11.2 Title

11.3
11.4 Telephone Number

11.5 EARNINGS DISCLOSURE WORKSHEET

11.6 Debtor's Name

11.7 A B C

11.8 Payday Date Gross Earnings Disposable
11.9 Earnings

11.10 1. \$ \$

11.11 2.

11.12 3.

11.13 4.

11.14 5.

11.15 6.

11.16 7.

11.17 8.

11.18 9.

11.19 10.

11.20 D E F

11.21 Either 50, 55, 60, or Setoff, Lien, Column D minus
11.22 65% of Column C Adverse Interest, Column E
11.23 or Other Claims

11.24 1.

11.25 2.

11.26 3.

11.27 4.

11.28 5.

11.29 6.

11.30 7.

11.31 8.

11.32 9.

11.33 10.

11.34 TOTAL OF COLUMN F \$

11.35 *If you entered any amount in column E for any payday(s), you must describe below
11.36 either your claims, or the claims of others. For amounts claimed by others, you must both
11.37 state the names and addresses of such persons, and the nature of their claim, if known.

12.1
 12.2
 12.3

AFFIRMATION

12.5 I, (person signing Affirmation), am the third party or I am authorized by the
 12.6 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 12.7 to the best of my knowledge.

12.8
 12.9 Signature
 12.10 Dated: (...)
 12.11 Title Phone Number

12.12 Sec. 6. Minnesota Statutes 2018, section 550.136, subdivision 12, is amended to read:

12.13 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
 12.14 earnings, the third party shall serve the execution earnings disclosure form upon the sheriff
 12.15 within 20 days after service of the writ of execution. However, if the judgment debtor has
 12.16 attachable earnings, the third party shall serve the execution earnings disclosure form and
 12.17 remit to the sheriff the attached earnings within ten days of the last payday to occur within
 12.18 the ~~70~~ 90 days after the date of the service of the execution. If the judgment is wholly
 12.19 satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~
 12.20 90-day period, the disclosure and remittance should be made within ten days after the last
 12.21 payday for which earnings were attached. The amount of the third party's execution earnings
 12.22 disclosure form and remittance need not exceed 110 percent of the amount of the judgment
 12.23 creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses,
 12.24 exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made
 12.25 by an officer or an authorized agent having knowledge of the facts.

12.26 Sec. 7. Minnesota Statutes 2018, section 551.04, subdivision 2, is amended to read:

12.27 Subd. 2. **Property attachable.** Subject to the exemptions provided by subdivision 3 and
 12.28 section 550.37, and any other applicable statute, the service of a writ of execution under
 12.29 this chapter attaches:

12.30 (a) Except as otherwise provided in paragraph (c), all unpaid nonexempt disposable
 12.31 earnings owing or to be owed by the third party and earned or to be earned by the judgment
 12.32 debtor within the pay period in which the writ of execution is served and within all subsequent

13.1 pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ
13.2 of execution. "Payday" means the day upon which the third party pays earnings to the
13.3 judgment debtor in the ordinary course of business. If the judgment debtor has no regular
13.4 paydays, payday means the 15th day and the last day of each month.

13.5 (b) All other nonexempt indebtedness or money due or belonging to the judgment debtor
13.6 and owing by the third party or in the possession or under the control of the third party at
13.7 the time of service of the writ of execution, whether or not the same, has become payable.
13.8 The third party shall not be compelled to pay or deliver the same before the time specified
13.9 by any agreement unless the agreement was fraudulently contracted to defeat an execution
13.10 levy or other collection remedy.

13.11 (c) For an execution on a judgment for child support, all unpaid nonexempt disposable
13.12 earnings owing or to be owed by the third party and earned or to be earned by the judgment
13.13 debtor within the pay period in which the writ of execution is served and within all subsequent
13.14 pay periods until the judgment is satisfied if the judgment creditor is a county and the third
13.15 party is notified by the county when the judgment is satisfied.

13.16 Sec. 8. Minnesota Statutes 2018, section 551.04, subdivision 11, is amended to read:

13.17 Subd. 11. **Forms.** No judgment creditor shall use a form that contains alterations or
13.18 changes from the statutory forms that mislead judgment debtors as to their rights and the
13.19 execution procedure generally. If a court finds that a judgment creditor has used a misleading
13.20 form, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's
13.21 fees resulting from additional proceedings, and an amount not to exceed \$100. All forms
13.22 must be clearly legible and printed in not less than the equivalent of 10-point type. A form
13.23 that uses both sides of a sheet must clearly indicate on the front side that there is additional
13.24 information on the back side of the sheet.

13.25 Forms, including the statutory forms, used in executions upon earnings for the satisfaction
13.26 of judgments for child support must be changed by the creditor to reflect the fact that the
13.27 ~~70-day~~ 90-day period of effectiveness does not apply to these executions if the judgment
13.28 creditor is a county and the employer is notified by the county when the judgment is satisfied.

13.29 Sec. 9. Minnesota Statutes 2018, section 551.06, subdivision 3, is amended to read:

13.30 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
13.31 the maximum part of the aggregate disposable earnings of an individual for any pay period
13.32 subjected to an execution levy may not exceed the lesser of:

14.1 (1) 25 percent of the judgment debtor's disposable earnings; or

14.2 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
14.3 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
14.4 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages
14.5 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
14.6 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
14.7 of work weeks in the pay period. When a pay period consists of other than a whole number
14.8 of work weeks, each day of that pay period in excess of the number of completed work
14.9 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
14.10 divided by the number of days in the normal work week.

14.11 (b) If the judgment is for child support, the levy may not exceed:

14.12 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
14.13 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.14 to be calculated to the beginning of the work week in which the execution levy is received);

14.15 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
14.16 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.17 to be calculated to the beginning of the work week in which the execution levy is received);

14.18 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.19 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.20 to be calculated to the beginning of the work week in which the execution levy is received);

14.21 or

14.22 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.23 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.24 to be calculated to the beginning of the work week in which the execution levy is received).

14.25 Execution levies under this section on judgments for child support are effective until
14.26 the judgments are satisfied if the judgment creditor is a county and the employer is notified
14.27 by the county when the judgment is satisfied.

14.28 (c) No court may make, execute, or enforce an order or any process in violation of this
14.29 section.

14.30 Sec. 10. Minnesota Statutes 2018, section 551.06, subdivision 4, is amended to read:

14.31 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
14.32 section 518A.53, the priority of multiple earnings execution levies is determined by the

15.1 order in which the execution levies were served on the employer. If the employer is served
 15.2 with two or more writs of execution at the same time on the same day, the writ of execution
 15.3 issued pursuant to the first judgment entered has priority. If two or more execution levies
 15.4 are served on the same day and are based on judgments entered on the same day, then the
 15.5 employer shall select the priority of the earnings levies. However, in all cases except earnings
 15.6 execution levies on judgments for child support if the judgment creditor is a county and the
 15.7 employer is notified by the county when the judgment is satisfied, the execution levies shall
 15.8 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

15.9 Sec. 11. Minnesota Statutes 2018, section 551.06, subdivision 5, is amended to read:

15.10 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by subdivision
 15.11 3 and section 550.37, and any other applicable statute, and except as otherwise provided in
 15.12 paragraph (b), the service of a writ of execution under this chapter attaches all unpaid
 15.13 nonexempt disposable earnings owing or to be owed by the third party and earned or to be
 15.14 earned by the judgment debtor before and within the pay period in which the writ of execution
 15.15 is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 15.16 after the date of service of the writ of execution. "Paydays" means the days upon which the
 15.17 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 15.18 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 15.19 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 15.20 sum.

15.21 (b) The service of a writ of execution on a judgment for child support attaches to all
 15.22 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 15.23 or to be earned by the judgment debtor before and within the pay period in which the writ
 15.24 of execution is served and within all subsequent pay periods until the judgment is satisfied
 15.25 if the judgment creditor is a county and the third party is notified by the county when the
 15.26 judgment is satisfied.

15.27 Sec. 12. Minnesota Statutes 2018, section 551.06, subdivision 9, is amended to read:

15.28 Subd. 9. **Notice of levy on earnings, disclosure, and worksheet.** The attorney for the
 15.29 judgment creditor shall serve upon the judgment debtor's employer a notice of levy on
 15.30 earnings and an execution earnings disclosure form and an earnings disclosure worksheet
 15.31 with the writ of execution, that must be substantially in the form set forth below.

15.32 STATE OF MINNESOTA
 15.33 COUNTY OF

DISTRICT COURT
JUDICIAL DISTRICT

16.1 FILE NO.....

16.2 (Judgment Creditor)

16.3 against NOTICE OF LEVY ON

16.4 EARNINGS AND DISCLOSURE

16.5 (Judgment Debtor)

16.6 and

16.7 (Third Party)

16.8 PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and

16.9 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and

16.10 levies execution upon all earnings due and owing by you (up to \$10,000) to the judgment

16.11 debtor for the amount of the judgment specified below. A copy of the writ of execution

16.12 issued by the court is enclosed. The unpaid judgment balance is \$.....

16.13 This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by

16.14 you and earned or to be earned by the judgment debtor before and within the pay period in

16.15 which the writ of execution is served and within all subsequent pay periods whose paydays

16.16 occur within the ~~70~~ 90 days after the service of this levy.

16.17 In responding to this levy, you are to complete the attached disclosure form and worksheet

16.18 and mail it to the undersigned attorney for the judgment creditor, together with your check

16.19 payable to the above-named judgment creditor, for the nonexempt amount owed by you to

16.20 the judgment debtor or for which you are obligated to the judgment debtor, within the time

16.21 limits set forth in the aforementioned statutes.

16.22

16.23 Attorney for the Judgment Creditor

16.24

16.25

16.26

16.27 Address

16.28 (...)

16.29 Phone Number

16.30 DISCLOSURE

16.31 DEFINITIONS

16.32 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or

16.33 payable to an employee for personal services or compensation paid or payable to the producer

16.34 for the sale of agricultural products; milk or milk products; or fruit or other horticultural

16.35 products produced when the producer is operating a family farm, a family farm corporation,

17.1 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
 17.2 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
 17.3 payments pursuant to a pension or retirement.

17.4 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 17.5 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 17.6 required by law to be withheld do not include items such as health insurance, charitable
 17.7 contributions, or other voluntary wage deductions.)

17.8 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
 17.9 the employer pays earnings to the judgment debtor in the ordinary course of business. If
 17.10 the judgment debtor has no regular payday, payday(s) means the 15th and the last day of
 17.11 each month.

17.12 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
 17.13 QUESTIONS:

17.14 1. Do you now owe, or within ~~70~~90 days from the date the execution levy was served
 17.15 on you, will you or may you owe money to the judgment debtor for earnings?

17.16 Yes No

17.17 2. Does the judgment debtor earn more than \$... per week? (This amount is the greater
 17.18 of \$9.50 per hour of the federal minimum wage per week.)

17.19 Yes No

17.20 INSTRUCTIONS FOR COMPLETING THE
 17.21 EARNINGS DISCLOSURE

17.22 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
 17.23 on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after
 17.24 it was served on you, and you do not need to answer the remaining questions.

17.25 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
 17.26 and the Earnings Disclosure Worksheet as follows:

17.27 For each payday that falls within ~~70~~90 days from the date the execution levy was served
 17.28 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
 17.29 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.

17.30 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
 17.31 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
 17.32 DISCLOSURE WERE MADE.

18.1 Each payday, you must retain the amount of earnings listed in column I on the Earnings
 18.2 Disclosure Worksheet.

18.3 You must pay the attached earnings and return this Earnings Disclosure Form and the
 18.4 Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy
 18.5 to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~
 18.6 90-day period.

18.7 If the judgment is wholly satisfied or if the judgment debtor's employment ends before
 18.8 the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be
 18.9 made within ten days after the last payday for which earnings were attached.

18.10 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- 18.11 3. COLUMN A. Enter the date of judgment debtor's payday.
- 18.12 4. COLUMN B. Enter judgment debtor's gross earnings for each payday.
- 18.13 5. COLUMN C. Enter judgment debtor's disposable earnings for each
 18.14 payday.
- 18.15 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply
 18.16 Column C by .25.)
- 18.17 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
 18.18 hourly federal minimum wage (\$.....) times the number
 18.19 of work weeks included in each payday. (Note: If a pay
 18.20 period includes days in excess of whole work weeks,
 18.21 the additional days should be counted as a fraction of a
 18.22 work week equal to the number of workdays in excess
 18.23 of a whole work week divided by the number of
 18.24 workdays in a normal work week.)
- 18.25 8. COLUMN F. Subtract the amount in Column E from the amount in
 18.26 Column C, and enter here.
- 18.27 9. COLUMN G. Enter here the lesser of the amount in Column D and
 18.28 the amount in Column F.
- 18.29 10. COLUMN H. Enter here any amount claimed by you as a setoff,
 18.30 defense, lien, or claim, or any amount claimed by any
 18.31 other person as an exemption or adverse interest which
 18.32 would reduce the amount of earnings owing to the
 18.33 judgment debtor. (Note: Any indebtedness to you
 18.34 incurred within ten days prior to your receipt of the first
 18.35 execution levy on a debt may not be set off against the
 18.36 earnings otherwise subject to this levy. Any wage
 18.37 assignment made by the judgment debtor within ten
 18.38 days prior to your receipt of the first execution levy on
 18.39 a debt is void.)
- 18.40 You must also describe your claim(s) and the claims of
 18.41 others, if known, in the space provided below the
 18.42 worksheet and state the name(s) and address(es) of these
 18.43 persons.

19.1 Enter zero in Column H if there are no claims by you
 19.2 or others which would reduce the amount of earnings
 19.3 owing to the judgment debtor.

19.4 11. COLUMN I. Subtract the amount in Column H from the amount in
 19.5 Column G and enter here. This is the amount of earnings
 19.6 that you must retain for the payday for which the
 19.7 calculations were made. The total of all amounts entered
 19.8 in Column I is the amount to be remitted to the attorney
 19.9 for the judgment creditor.

19.10 AFFIRMATION

19.11 I, (person signing Affirmation), am the third party/employer or I am
 19.12 authorized by the third party/employer to complete this earnings disclosure, and have done
 19.13 so truthfully and to the best of my knowledge.

19.14 Dated:
 19.15 Signature
 19.16
 19.17 Title
 19.18
 19.19 Telephone Number

19.20 EARNINGS DISCLOSURE WORKSHEET

19.21

19.22 Judgment Debtor's Name

19.23 A	19.23 B	19.23 C
19.24 Payday Date	19.24 Gross Earnings	19.24 Disposable Earnings
19.26 1.	19.26 \$.....	19.26 \$.....
19.27 2.	19.27	19.27
19.28 3.	19.28	19.28
19.29 4.	19.29	19.29
19.30 5.	19.30	19.30
19.31 6.	19.31	19.31
19.32 7.	19.32	19.32
19.33 8.	19.33	19.33
19.34 9.	19.34	19.34
19.35 10.	19.35	19.35

20.1	D	E	F
20.2	25% of	<u>Greater of 40 X</u>	Column C minus
20.3	Column C	<u>\$9.50 or 40 X</u>	Column E
20.4		<u>Fed. Min. Wage</u>	

- | | | | |
|-------|----------|-------|-------|
| 20.5 | 1. .... | ..... | ..... |
| 20.6 | 2. .... | ..... | ..... |
| 20.7 | 3. .... | ..... | ..... |
| 20.8 | 4. .... | ..... | ..... |
| 20.9 | 5. .... | ..... | ..... |
| 20.10 | 6. .... | ..... | ..... |
| 20.11 | 7. .... | ..... | ..... |
| 20.12 | 8. .... | ..... | ..... |
| 20.13 | 9. .... | ..... | ..... |
| 20.14 | 10. .... | ..... | ..... |

20.15	G	H	I
20.16	Lesser of	Setoff, Lien,	Column G minus
20.17	Column D and	Adverse Interest,	Column H
20.18	Column F	or Other Claims	

- | | | | |
|-------|----------|-------|-------|
| 20.19 | 1. .... | ..... | ..... |
| 20.20 | 2. .... | ..... | ..... |
| 20.21 | 3. .... | ..... | ..... |
| 20.22 | 4. .... | ..... | ..... |
| 20.23 | 5. .... | ..... | ..... |
| 20.24 | 6. .... | ..... | ..... |
| 20.25 | 7. .... | ..... | ..... |
| 20.26 | 8. .... | ..... | ..... |
| 20.27 | 9. .... | ..... | ..... |
| 20.28 | 10. .... | ..... | ..... |

20.29 TOTAL OF COLUMN I \$

20.30 *If you entered any amount in Column H for any payday(s), you must describe below
 20.31 either your claims, or the claims of others. For amounts claimed by others, you must both
 20.32 state the names and addresses of these persons, and the nature of their claim, if known.

20.33

20.34

20.35

20.36 AFFIRMATION

21.1 I, (person signing Affirmation), am the third party or I am authorized by the
 21.2 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 21.3 to the best of my knowledge.

21.4
 21.5 Title
 21.6 Dated: (...)
 21.7 Signature Phone Number

21.8 Sec. 13. Minnesota Statutes 2018, section 551.06, subdivision 12, is amended to read:

21.9 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
 21.10 earnings, the third party shall serve the execution earnings disclosure form upon the attorney
 21.11 for the judgment creditor within 20 days after service of the writ of execution. However, if
 21.12 the judgment debtor has attachable earnings, the third party shall serve the execution earnings
 21.13 disclosure form upon both the attorney for the judgment creditor and the judgment debtor
 21.14 and remit to the attorney for the judgment creditor the attached earnings within ten days of
 21.15 the last payday to occur within the ~~70~~ 90 days after the date of the service of the writ of
 21.16 execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends
 21.17 before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be
 21.18 made within ten days after the last payday for which earnings were attached. The amount
 21.19 of the third party's execution earnings disclosure form and remittance need not exceed 100
 21.20 percent of the amount of the judgment creditor's judgment that remains unpaid, after
 21.21 subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the
 21.22 disclosure is by a corporation, it shall be made by an officer or an authorized agent having
 21.23 knowledge of the facts.

21.24 Sec. 14. Minnesota Statutes 2018, section 571.72, subdivision 2, is amended to read:

21.25 Subd. 2. **Service of garnishment summons.** To enforce a claim asserted in a civil action
 21.26 venued in a court of record, a garnishment summons may be issued by a creditor and served
 21.27 upon the garnishee in the same manner as other summons in that court of record, except
 21.28 that service may not be made by publication. Service of a garnishment summons on the
 21.29 garnishee may also be made by certified mail, return receipt requested. A garnishment
 21.30 summons served by certified mail is effective if served at the garnishee's regular place of
 21.31 business. The effective date of service by certified mail is the time of receipt by the garnishee.
 21.32 A single garnishment summons may be addressed to two or more garnishees but must state
 21.33 whether each is summoned separately or jointly.

22.1 The garnishment summons must state:

22.2 (1) the full name of the debtor, the debtor's last known mailing address, and the amount
22.3 of the claim that remains unpaid;

22.4 (2) the date of the entry of judgment against the debtor or that the debtor is in default
22.5 pursuant to rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts.
22.6 Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment
22.7 summons must include a copy of the court order;

22.8 (3) if the garnishment is on any indebtedness, money, or property other than earnings,
22.9 the garnishee shall serve upon the creditor and upon the debtor within 20 days after service
22.10 of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money,
22.11 or other property owing to the debtor and answers to all written interrogatories that are
22.12 served with the garnishment summons. The garnishment summons shall also state that if
22.13 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
22.14 serve the disclosure within ten days of the last payday to occur within the ~~70~~ 90 days after
22.15 the date of service of the garnishment summons;

22.16 (4) that the creditor shall not require disclosure of the disposable earnings, indebtedness,
22.17 money, or property of debtor in the garnishee's possession or under the garnishee's control
22.18 in excess of 110 percent of the amount of the claim that remains unpaid;

22.19 (5) that the garnishee shall retain disposable earnings, indebtedness, money, or property
22.20 of the debtor in the garnishee's possession or under the garnishee's control not in excess of
22.21 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ
22.22 of execution to be served upon the garnishee, until the debtor authorizes release to the
22.23 creditor, until the creditor authorizes release to the debtor, upon court order, or by operation
22.24 of law;

22.25 (6) that after the expiration of the period of time specified in section 571.79 from the
22.26 date of service of the garnishment summons, the garnishee's retention obligation
22.27 automatically expires;

22.28 (7) that an assignment of wages made by the debtor within ten days before the service
22.29 of the first garnishment summons on a debt is void and that any indebtedness to the garnishee
22.30 incurred with ten days before the service of the first garnishment summons on a debt may
22.31 not be set off against amounts otherwise subject to the garnishment.

23.1 Sec. 15. Minnesota Statutes 2018, section 571.72, subdivision 7, is amended to read:

23.2 Subd. 7. **Forms.** No creditor shall use a form that contains alterations or changes from
23.3 the statutory forms that mislead debtors as to their rights and the garnishment procedure
23.4 generally. If a court finds that a creditor has used a misleading form, the debtor shall be
23.5 awarded actual damages, costs, reasonable attorney's fees resulting from additional
23.6 proceedings, and an amount not to exceed \$100. All forms must be clearly legible and
23.7 printed in not less than the equivalent of 10-point type. A form that uses both sides of a
23.8 sheet must clearly indicate on the front side that there is additional information on the back
23.9 side of the sheet.

23.10 Forms, including the statutory forms, used in garnishments of earnings for the satisfaction
23.11 of judgments for child support must be changed by the creditor to reflect the fact that the
23.12 ~~70-day~~ 90-day period of effectiveness does not apply to these garnishments if the judgment
23.13 creditor is a county and the employer is notified by the county when the judgment is satisfied.

23.14 Sec. 16. Minnesota Statutes 2018, section 571.73, subdivision 3, is amended to read:

23.15 Subd. 3. **Property attachable.** Subject to the exemptions provided by sections 550.37
23.16 and 571.922 and any other applicable statute, the service of a garnishment summons under
23.17 this chapter attaches:

23.18 (1) except as otherwise provided in clause (4), all unpaid nonexempt disposable earnings
23.19 owed or to be owed by the garnishee and earned or to be earned by the debtor within the
23.20 pay period in which the garnishment summons is served and within all subsequent pay
23.21 periods whose paydays occur within the ~~70~~ 90 days after the date of service of the
23.22 garnishment summons. "Payday" means the day upon which the garnishee pays earnings
23.23 to the debtor in the ordinary course of business. If the debtor has no regular paydays,
23.24 "payday" means the 15th day and the last day of each month;

23.25 (2) all other nonexempt indebtedness, money, or other property due or belonging to the
23.26 debtor and owing by the garnishee or in the possession or under the control of the garnishee
23.27 at the time of service of the garnishment summons, whether or not the same has become
23.28 payable. The garnishee shall not be compelled to pay or deliver the same before the time
23.29 specified by any agreement unless the agreement was fraudulently contracted to defeat a
23.30 garnishment or other collection remedy;

23.31 (3) all other nonexempt intangible or tangible personal property of the debtor in the
23.32 possession or under the control of the garnishee at the time of service of the garnishment
23.33 summons, including property of any kind due from or in the hands of an executor,

24.1 administrator, personal representative, receiver, or trustee, and all written evidences of
24.2 indebtedness whether or not negotiable or not yet underdue or overdue; and

24.3 (4) for a garnishment on a judgment for child support by a county, all unpaid nonexempt
24.4 disposable earnings owed or to be owed by the garnishee and earned or to be earned by the
24.5 debtor within the pay period in which the garnishment summons is served and within all
24.6 subsequent pay periods until the judgment is satisfied.

24.7 Sec. 17. Minnesota Statutes 2018, section 571.74, is amended to read:

24.8 **571.74 GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.**

24.9 The garnishment summons and notice to debtor must be substantially in the following
24.10 form. The notice to debtor must be in no smaller than 14-point type.

24.11 GARNISHMENT SUMMONS

24.12	STATE OF MINNESOTA	DISTRICT COURT
24.13	COUNTY OF .....	.....JUDICIAL DISTRICT
24.14	.....(Creditor)	
24.15	.....(Debtor)	UNPAID BALANCE
24.16	.....(Debtor's Address)	Date of Entry
24.17	.....(Garnishee)	of Judgment (or) Subject to Minnesota
24.18		Statutes, section 571.71, subd. 2

24.19 GARNISHMENT SUMMONS

24.20 The State of Minnesota

24.21 To the Garnishee named above:

24.22 You are hereby summoned and required to serve upon the creditor's attorney (or the
24.23 creditor if not represented by an attorney) and on the debtor within 20 days after service of
24.24 this garnishment summons upon you, a written disclosure, of the nonexempt indebtedness,
24.25 money, or other property due or belonging to the debtor and owing by you or in your
24.26 possession or under your control and answers to all written interrogatories that are served
24.27 with the garnishment summons. However, if the garnishment is on earnings and the debtor
24.28 has garnishable earnings, you shall serve the completed disclosure form on the creditor's
24.29 attorney, or the creditor if not represented by an attorney, within ten days of the last payday
24.30 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.
24.31 "Payday" means the day which you pay earnings in the ordinary course of business. If the
24.32 debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

25.1 Your disclosure need not exceed 110 percent of the amount of the creditor's claim that
 25.2 remains unpaid.

25.3 You shall retain garnishable earnings, other indebtedness, money, or other property in
 25.4 your possession in an amount not to exceed 110 percent of the creditor's claim until such
 25.5 time as the creditor causes a writ of execution to be served upon you, until the debtor
 25.6 authorizes you in writing to release the property to the creditor, or until the expiration of
 25.7 days from the date of service of this garnishment summons upon you, at which time
 25.8 you shall return the disposable earnings, other indebtedness, money, or other property to
 25.9 the debtor.

25.10 EARNINGS

25.11 In the event you are summoned as a garnishee because you owe "earnings" (as defined
 25.12 on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if
 25.13 applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the
 25.14 creditor if not represented by an attorney, a written earnings disclosure form within the time
 25.15 limit set forth above.

25.16 In the case of earnings you are further required to retain in your possession all unpaid
 25.17 nonexempt disposable earnings owed or to be owed by you and earned or to be earned to
 25.18 the debtor within the pay period in which this garnishment summons is served and within
 25.19 all subsequent pay periods whose paydays (defined above) occur within the ~~70~~90 days after
 25.20 the date of service of this garnishment summons.

25.21 Any assignment of earnings made by the debtor to any party within ten days before the
 25.22 receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the
 25.23 debtor within the ten days before the receipt of the first garnishment on a debt may not be
 25.24 set off against amounts otherwise subject to the garnishment.

25.25 You are prohibited by law from discharging or disciplining the debtor because the debtor's
 25.26 earnings have been subject to garnishment.

25.27 This Garnishment Summons includes:

25.28 (check applicable box)

- 25.29 Earnings garnishment
- 25.30 (see attached Earnings Disclosure Form)
- 25.31 Nonearnings garnishment
- 25.32 (see attached Nonearnings Disclosure Form)
- 25.33 Both Earnings and Nonearnings garnishment
- 25.34 (see both attached Earnings and Nonearnings
- 25.35 Disclosure Form)

26.1

NOTICE TO DEBTOR

26.2 A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment
26.3 Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out
26.4 if not applicable), copies of which are hereby served on you, were served upon the Garnishee
26.5 by delivering copies to the Garnishee. The Garnishee was paid \$15.

26.6 Dated:

26.7 Attorney for Creditor (or creditor)

26.8

26.9

26.10

26.11 Address

26.12

26.13 Telephone

26.14

26.15 Attorney I.D. No

26.16 Sec. 18. Minnesota Statutes 2018, section 571.75, subdivision 1, is amended to read:

26.17 Subdivision 1. **Garnishee to disclose.** The garnishee shall serve on both the creditor
26.18 and the debtor, within 20 days after service of the garnishment summons, a written disclosure
26.19 of the garnishee's indebtedness, money, or other property owing to the debtor. However, if
26.20 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
26.21 serve the disclosure and earnings disclosure worksheet within ten days after the last payday
26.22 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.

26.23 "Payday" means the day upon which the garnishee pays earnings to the debtor in the ordinary
26.24 course of business. If the debtor has no regular paydays, "payday" means the 15th day and
26.25 the last day of each month. The amount of the garnishee's disclosure need not exceed 110
26.26 percent of the amount of the creditor's claim that remains unpaid, after subtracting the total
26.27 of setoffs, defenses, exemptions, ownership claims, or other interests. The answers to the
26.28 garnishment disclosure form may be served personally or by first class mail. If the disclosure
26.29 is by a corporation, it shall be made by an officer, managing agent, or other authorized
26.30 person having knowledge of the facts.

26.31 Sec. 19. Minnesota Statutes 2018, section 571.75, subdivision 2, is amended to read:

26.32 Subd. 2. **Contents of disclosure.** The disclosure must state:

27.1 (a) If an earnings garnishment disclosure, the amount of disposable earnings earned by
27.2 the debtor within the debtor's pay periods as specified in section 571.921.

27.3 (b) If a nonearnings garnishment disclosure, a description of any personal property or
27.4 any instrument or papers relating to this property belonging to the judgment debtor or in
27.5 which the debtor is interested or other indebtedness of the garnishee to the debtor.

27.6 (c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings,
27.7 other indebtedness, money, or property, the garnishee shall disclose the amount and the
27.8 facts concerning the same.

27.9 (d) Whether the debtor asserts any exemption, or any other objection, known to the
27.10 garnishee against the right of the creditor to garnish the disposable earnings, other
27.11 indebtedness, money, or property disclosed.

27.12 (e) If other persons assert claims to any disposable earnings, other indebtedness, money,
27.13 or property disclosed, the garnishee shall disclose the names and addresses of these claimants
27.14 and, so far as known by the garnishee, the nature of their claims.

27.15 (f) The garnishment disclosure forms and earnings disclosure worksheet must be the
27.16 same or substantially similar to the following forms. If the garnishment affects earnings of
27.17 the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment
27.18 affects any indebtedness, money, or property of the debtor, other than earnings, the creditor
27.19 shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph
27.20 limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

27.21 EARNINGS DISCLOSURE FORM AND WORKSHEET

27.22	STATE OF MINNESOTA	DISTRICT COURT
27.23	COUNTY OF .....	.....JUDICIAL DISTRICT
27.24	.....(Creditor)	
27.25	.....(Debtor)	GARNISHMENT
27.26	.....(Garnishee)	EARNINGS DISCLOSURE

27.27 DEFINITIONS

27.28 "EARNINGS": For the purpose of garnishment, "earnings" means compensation paid
27.29 or payable to an employee for personal services or compensation paid or payable to the
27.30 producer for the sale of agricultural products; milk or milk products; or fruit or other
27.31 horticultural products produced when the producer is operating a family farm, a family farm
27.32 corporation, or an authorized farm corporation, as defined in section 500.24, subdivision

28.1 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes
28.2 periodic payments pursuant to a pension or retirement.

28.3 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
28.4 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
28.5 required by law to be withheld do not include items such as health insurance, charitable
28.6 contributions, or other voluntary wage deductions.)

28.7 "PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which
28.8 the employer pays earnings to the debtor in the ordinary course of business. If the debtor
28.9 has no regular payday, payday(s) means the fifteenth and the last day of each month.

28.10 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

28.11 1. Do you now owe, or within ~~70~~ 90 days from the date the garnishment summons was
28.12 served on you, will you or do you expect to owe money to the debtor for earnings?

28.13 Yes No

28.14 2. Does the debtor earn more than \$..... per week? (This amount is the greater of \$9.50
28.15 per hour or the federal minimum wage per week.)

28.16 Yes No

28.17 INSTRUCTIONS FOR COMPLETING THE
28.18 EARNINGS DISCLOSURE

28.19 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
28.20 on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented
28.21 by an attorney) within 20 days after it was served on you, and you do not need to answer
28.22 the remaining questions.

28.23 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
28.24 and the Earnings Disclosure Worksheet as follows:

28.25 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons
28.26 was served on you, YOU MUST calculate the amount of earnings to be retained by
28.27 completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure
28.28 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
28.29 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
28.30 DISCLOSURE WERE MADE.

28.31 Each payday, you must retain the amount of earnings listed in Column I on the Earnings
28.32 Disclosure Worksheet.

29.1 You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet
 29.2 to the creditor's attorney (or the creditor if not represented by an attorney) and deliver
 29.3 a copy to the debtor within ten days after the last payday that falls within the ~~70-day~~
 29.4 90-day period.

29.5 If the claim is wholly satisfied or if the debtor's employment ends before the expiration
 29.6 of the ~~70-day~~ 90-day period, your disclosure should be made within ten days after the
 29.7 last payday for which earnings were attached.

29.8 For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

- 29.9 3. COLUMN A. Enter the date of debtor's payday.
- 29.10 4. COLUMN B. Enter debtor's gross earnings for each payday.
- 29.11 5. COLUMN C. Enter debtor's disposable earnings for each payday.
- 29.12 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply
 29.13 Column C by .25.)
- 29.14 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
 29.15 hourly federal minimum wage (\$.....) times the
 29.16 number of work weeks included in each payday. (Note:
 29.17 If a pay period includes days in excess of whole work
 29.18 weeks, the additional days should be counted as a
 29.19 fraction of a work week equal to the number of
 29.20 workdays in excess of a whole work week divided by
 29.21 the number of workdays in a normal work week.)
- 29.22 8. COLUMN F. Subtract the amount in Column E from the amount in
 29.23 Column C, and enter here.
- 29.24 9. COLUMN G. Enter here the lesser of the amount in Column D and
 29.25 the amount in Column F.
- 29.26 10. COLUMN H. Enter here any amount claimed by you as a setoff,
 29.27 defense, lien, or claim, or any amount claimed by any
 29.28 other person as an exemption or adverse interest which
 29.29 would reduce the amount of earnings owing to the
 29.30 debtor. (Note: Any indebtedness to you incurred by the
 29.31 debtor within the ten days before the receipt of the first
 29.32 garnishment on a debt may not be set off against
 29.33 amounts otherwise subject to the garnishment. Any
 29.34 assignment of earnings made by the debtor to any party
 29.35 within ten days before the receipt of the first
 29.36 garnishment on a debt is void.)

29.37 You must also describe your claim(s) and the claims of
 29.38 others, if known, in the space provided below the
 29.39 worksheet and state the name(s) and address(es) of these
 29.40 persons.

30.1 Enter zero in Column H if there are no claims by you
30.2 or others which would reduce the amount of earnings
30.3 owing to the debtor.

30.4 11. COLUMN I. Subtract the amount in Column H from the amount in
30.5 Column G and enter here. This is the amount of earnings
30.6 that you must retain for the payday for which the
30.7 calculations were made.

30.8 AFFIRMATION

30.9 I, (person signing Affirmation), am the garnishee or I am authorized by
30.10 the garnishee to complete this earnings disclosure, and have done so truthfully and to the
30.11 best of my knowledge.

30.12 Dated: Signature

30.13 Title

30.14 Telephone Number

30.15

30.16

30.17

30.18 EARNINGS DISCLOSURE WORKSHEET

30.19

30.20 Debtor's Name

30.21	A	B	C
30.22	Payday Date	Gross Earnings	Disposable Earnings
30.23			

30.24 1. \$ \$

30.25 2.

30.26 3.

30.27 4.

30.28 5.

30.29 6.

30.30 7.

30.31 8.

30.32 9.

30.33 10.

30.34	D	E	F
30.35	25% of	40 X Min. Wage	Column C minus
30.36	Column C	<u>Greater of 40 X</u>	Column E

31.1 \$9.50 or 40 X
 31.2 Fed. Min. Wage

- 31.3 1.
- 31.4 2.
- 31.5 3.
- 31.6 4.
- 31.7 5.
- 31.8 6.
- 31.9 7.
- 31.10 8.
- 31.11 9.
- 31.12 10.

31.13	G	H	I
31.14	Lesser of	Setoff, Lien,	Column G minus
31.15	Column D and	Adverse Interest,	Column H
31.16	Column F	or Other Claims	

- 31.17 1.
- 31.18 2.
- 31.19 3.
- 31.20 4.
- 31.21 5.
- 31.22 6.
- 31.23 7.
- 31.24 8.
- 31.25 9.
- 31.26 10.

31.27 TOTAL OF COLUMN I \$

31.28 *If you entered any amount in Column H for any payday(s), you must describe below
 31.29 either your claims, or the claims of others. For amounts claimed by others you must both
 31.30 state the names and addresses of these persons, and the nature of their claim, if known.

31.31

31.32

31.33

31.34 AFFIRMATION

32.1 I, (person signing Affirmation), am the third party or I am authorized by
 32.2 the third party to complete this earnings disclosure worksheet, and have done so truthfully
 32.3 and to the best of my knowledge.

32.4 Dated:

32.5 Signature

32.6 Title

32.7 Telephone Number (.....).....

32.8 EARNINGS DISCLOSURE FORM AND WORKSHEET

32.9 FOR CHILD SUPPORT DEBTOR

32.10 STATE OF MINNESOTA DISTRICT COURT

32.11 COUNTY OF JUDICIAL DISTRICT

32.12(Creditor)

32.13(Debtor)

32.14(Garnishee)

GARNISHMENT
EARNINGS DISCLOSURE

32.15 DEFINITIONS

32.16 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
 32.17 payable to an employee for personal services or compensation paid or payable to the producer
 32.18 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
 32.19 products produced when the producer is operating a family farm, a family farm corporation,
 32.20 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
 32.21 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
 32.22 payments pursuant to a pension or retirement, workers' compensation, or unemployment
 32.23 benefits.

32.24 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 32.25 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 32.26 required by law to be withheld do not include items such as health insurance, charitable
 32.27 contributions, or other voluntary wage deductions.)

32.28 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
 32.29 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
 32.30 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

32.31 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

32.32 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
 32.33 on you, will you or may you owe money to the debtor for earnings?

33.1 Yes No

33.2 INSTRUCTIONS FOR COMPLETING THE
33.3 EARNINGS DISCLOSURE

33.4 A. If your answer to question 1 is "No," then you must sign the affirmation below and
33.5 return this disclosure to the creditor's attorney (or the creditor if not represented by an
33.6 attorney) within 20 days after it was served on you, and you do not need to answer the
33.7 remaining questions.

33.8 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
33.9 Disclosure Worksheet as follows:

33.10 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons
33.11 was served on you, YOU MUST calculate the amount of earnings to be retained by
33.12 completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure
33.13 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
33.14 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
33.15 DISCLOSURE WERE MADE.

33.16 Each payday, you must retain the amount of earnings listed in column G on the Earnings
33.17 Disclosure Worksheet.

33.18 You must pay the attached earnings and return this earnings disclosure form and the
33.19 Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented
33.20 by an attorney) and deliver a copy to the debtor within ten days after the last payday
33.21 that falls within the ~~70-day~~ 90-day period. If the claim is wholly satisfied or if the debtor's
33.22 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
33.23 should be made within ten days after the last payday for which earnings were attached.

33.24 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

33.25 (2) COLUMN A. Enter the date of debtor's payday.

33.26 (3) COLUMN B. Enter debtor's gross earnings for each payday.

33.27 (4) COLUMN C. Enter debtor's disposable earnings for each payday.

33.28 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
33.29 on which of the following descriptions fits the child support judgment debtor:

33.30 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
33.31 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
33.32 to be calculated to the beginning of the work week in which the execution levy is received);

34.1 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
 34.2 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
 34.3 to be calculated to the beginning of the work week in which the execution levy is received);

34.4 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
 34.5 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
 34.6 to be calculated to the beginning of the work week in which the execution levy is received);

34.7 or

34.8 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
 34.9 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
 34.10 to be calculated to the beginning of the work week in which the execution levy is received).

34.11 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

34.12 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
 34.13 claim, or any amount claimed by any other person as an exemption or adverse interest that
 34.14 would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings
 34.15 made by the debtor to any party within ten days before the receipt of the first garnishment
 34.16 on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before
 34.17 the receipt of the first garnishment on a debt may not be set off against amounts otherwise
 34.18 subject to the garnishment.)

34.19 You must also describe your claim(s) and the claims of others, if known, in the space
 34.20 provided below the worksheet and state the name(s) and address(es) of these persons.

34.21 Enter zero in column E if there are no claims by you or others that would reduce the
 34.22 amount of earnings owing to the judgment debtor.

34.23 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
 34.24 enter here. This is the amount of earnings that you must remit for the payday for which the
 34.25 calculations were made.

34.26 AFFIRMATION

34.27 I, (person signing Affirmation), am the garnishee or I am authorized by the
 34.28 garnishee to complete this earnings disclosure, and have done so truthfully and to the best
 34.29 of my knowledge.

34.30 Dated:

34.31 Signature

34.32

34.33 Title

35.1

.....

35.2

Telephone Number

35.3

EARNINGS DISCLOSURE

35.4

WORKSHEET

.....

35.5

Debtor's Name

35.6

A

B

C

35.7

Payday Date

Gross Earnings

Disposable

35.8

Earnings

35.9

1.

\$.....

\$.....

35.10

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35.11

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35.12

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35.18

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35.19

D

E

F

35.20

Either 50, 55, 60, or

Setoff, Lien,

Column D minus

35.21

65% of Column C

Adverse Interest,

Column E

35.22

or Other Claims

35.23

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35.24

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35.33

TOTAL OF COLUMN F \$.....

35.34

*If you entered any amount in column E for any payday(s), you must describe below

35.35

either your claims, or the claims of others. For amounts claimed by others, you must both

35.36

state the names and addresses of such persons, and the nature of their claim, if known.

35.37

.....

36.1
36.2

36.3 AFFIRMATION

36.4 I, (person signing Affirmation), am the third party or I am authorized by the
36.5 third party to complete this earnings disclosure worksheet, and have done so truthfully and
36.6 to the best of my knowledge.

36.7
36.8 Signature
36.9 Dated: (.....)
36.10 Title Phone Number

36.11 NONEARNINGS DISCLOSURE FORM

36.12 STATE OF MINNESOTA DISTRICT COURT
36.13 COUNTY OF JUDICIAL DISTRICT

36.14(Creditor)
36.15 against
36.16(Debtor) NONEARNINGS DISCLOSURE
36.17 and
36.18(Garnishee)

36.19 On the day of,, the time of service of garnishment summons
36.20 herein, there was due and owing the debtor from the garnishee the following:

36.21 (1) Money. Enter on the line below any amounts due and owing the debtor, except
36.22 earnings, from the garnishee.

36.23

36.24 (2) Property. Describe on the line below any personal property, instruments, or papers
36.25 belonging to the debtor and in the possession of the garnishee.

36.26

36.27 (3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which
36.28 the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts
36.29 by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee
36.30 incurred by the debtor within the ten days before the receipt of the first garnishment on a
36.31 debt may not be set off against amounts otherwise subject to the garnishment.)

36.32

37.1 (4) Exemption. Enter on the line below any amounts or property claimed by the debtor
37.2 to be exempt from execution.

37.3

37.4 (5) Adverse Interest. Enter on the line below any amounts claimed by other persons by
37.5 reason of ownership or interest in the debtor's property.

37.6

37.7 (6) Enter on the line below the total of lines (3), (4), and (5).

37.8

37.9 (7) Enter on the line below the difference obtained (never less than zero) when line (6)
37.10 is subtracted from the sum of lines (1) and (2).

37.11

37.12 (8) Enter on the line below 110 percent of the amount of the creditor's claim which
37.13 remains unpaid.

37.14

37.15 (9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if
37.16 it is \$10 or more.

37.17

37.18 AFFIRMATION

37.19 I, (person signing Affirmation), am the garnishee or I am authorized
37.20 by the garnishee to complete this nonearnings garnishment disclosure, and have done so
37.21 truthfully and to the best of my knowledge.

37.22 Dated:

37.23 Signature

37.24

37.25 Title

37.26

37.27 Telephone Number

38.1 Sec. 20. Minnesota Statutes 2018, section 571.922, is amended to read:

38.2 **571.922 LIMITATION ON WAGE GARNISHMENT.**

38.3 (a) Unless the judgment is for child support, the maximum part of the aggregate
38.4 disposable earnings of an individual for any pay period subjected to garnishment may not
38.5 exceed the lesser of:

38.6 (1) 25 percent of the debtor's disposable earnings; or

38.7 (2) the amount by which the debtor's disposable earnings exceed the ~~following product~~
38.8 greater of:

38.9 (i) 40 times the hourly wage described in section 177.24, subdivision 1, paragraph (b),
38.10 clause (1), item (iii); or

38.11 (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair
38.12 Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1); The calculation
38.13 of the amount that is subject to garnishment must be based on the hourly wage in effect at
38.14 the time the earnings are payable, times the number of work weeks in the pay period. When
38.15 a pay period consists of other than a whole number of work weeks, each day of that pay
38.16 period in excess of the number of completed work weeks shall be counted as a fraction of
38.17 a work week equal to the number of excess workdays divided by the number of days in the
38.18 normal work week.

38.19 (b) If the judgment is for child support, the garnishment may not exceed:

38.20 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
38.21 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
38.22 to be calculated to the beginning of the work week in which the execution levy is received);

38.23 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
38.24 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
38.25 to be calculated to the beginning of the work week in which the garnishment summons is
38.26 received);

38.27 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
38.28 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
38.29 to be calculated to the beginning of the work week in which the execution levy is received);
38.30 or

38.31 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
38.32 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks

39.1 to be calculated to the beginning of the work week in which the garnishment summons is
39.2 received).

39.3 Wage garnishments on judgments for child support are effective until the judgments are
39.4 satisfied if the judgment creditor is a county and the employer is notified by the county
39.5 when the judgment is satisfied.

39.6 (c) No court may make, execute, or enforce an order or any process in violation of this
39.7 section.

39.8 Sec. 21. Minnesota Statutes 2018, section 571.923, is amended to read:

39.9 **571.923 MULTIPLE EARNINGS GARNISHMENTS.**

39.10 Except as otherwise provided in this chapter or section 518A.53, the priority of multiple
39.11 earnings garnishments shall be determined by the order in which the garnishment summonses
39.12 were served on the employer. If the employer is served with two or more garnishment
39.13 summonses at the same time on the same day, the garnishment summons issued pursuant
39.14 to the first judgment entered has priority. If two or more garnishment summonses are served
39.15 on the same day and are based on judgments entered on the same day or if there are two or
39.16 more garnishment summonses based on prejudgment garnishment pursuant to section 571.93,
39.17 then the employer shall select the priority of the earnings garnishments. However, in all
39.18 cases except wage garnishments on judgments for child support if the judgment creditor is
39.19 a county and the employer is notified by the county when the judgment is satisfied,
39.20 garnishments shall be effective no longer than ~~70~~90 days from the date of the service of
39.21 the garnishment summons.

39.22 Sec. 22. **EFFECTIVE DATE.**

39.23 Sections 1 to 21 are effective August 1, 2019, and apply to all earnings garnished or
39.24 levied, or all attorney's summary execution upon earnings, on or after that date.