

STATE OF INDIANA)
)
COUNTY OF HENDRICKS)

IN THE HENDRICKS SUPERIOR COURT NO. ___
SS:
CASE NO. 32DO ___-___-___-___

Plaintiff(s)

VS.

Defendant(s)

MOTION TO ISSUE FINAL ORDER IN GARNISHMENT

COMES NOW the Plaintiff(s), _____, and
request the court issue a Final Order In Garnishment on this cause of action as the
Defendant(s) _____ has/have failed to maintain
voluntary payments.

DATE

PLAINTIFF (S)

FORM 7a-SC

NOTE: 1. Garnishment Proceedings are governed by the Federal Consumer Credit Protection Act 15 USCS Section 1673 and by the Indiana Code Section 24-4.5-5-105.

2. Disposable Earnings are the wages or salaries paid after all legally required deductions are withheld (i.e. (A) Federal Income Tax, (B) Federal Social Security, (C) Indiana Adjudged Gross Income Tax).

3. As of September 1, 1997, the Minimum Federal Hourly Rate is \$5.15 an hour. The minimum exemption is based on 30 times the Federal Hourly Wage. A subsequent increase of the minimum wage shall increase the amount exempt from garnishment.

4. The Federal Law 15 USCS Section 1674 prohibits the discharge of any employee for garnishment for any one indebtedness.

5. The Indiana Code Section 24-4.5-5-106 prohibits the discharge of any employee for garnishment or like proceedings being directed to the employer for the purpose of paying a Judgment or Judgments.

6. 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 may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12.00) 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. This fee shall be collected by the employer as follows:

(A) One-Half (1/2) of the fee shall be borne by the Debtor, and the Garnishment Order shall increase the Judgment Debt by the appropriate amount and allow the employer to retain that amount; and

(B) One-Half (1/2) of the fee shall be borne by the Creditor and the Garnishment Order shall allow the employer to retain the appropriate amount from the funds that would otherwise be paid to the Creditor.

THIS FEE MAY BE COLLECTED BY AN EMPLOYER ONLY ONCE FOR EACH GARNISHMENT ORDER OF SERIES OF ORDERS ARISING OUT OF THE SAME JUDGMENT DEBT. THE EMPLOYER MAY COLLECT SUCH FEE IN EQUAL PORTIONS. BUT NO PORTION MAY BE LESS THAN ONE DOLLAR (\$1.00) UNLESS IT IS THE FINAL PORTION TO BE COLLECTED OVER THE NUMBER OF PAY PERIODS DURING WHICH DEDUCTIONS FOR ONE (1) GARNISHMENT ORDER OR SERIES OF ORDERS ARISING OUT OF THE SAME JUDGMENT DEBT ARE REQUIRED.

PLEASE NOTE: THE GARNISHMENT REMITTANCE SHOULD BE MADE BY CHECK PAYABLE TO THE CLERK OF HENDRICKS COUNTY, AND MAILED TO CLERK, P.O. BOX 599, HENDRICKS COUNTY COURTHOUSE, DANVILLE, INDIANA 46122.