**IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*(Justice Court, Justice Court of Record, Municipal Court, City Court, City Court of Record)*

 **COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, STATE OF MONTANA**

 *(County)*

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Plaintiff,vs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant. |  **Case No:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**PROCESS SERVER’S****NOTICE OF LEVY** |

**Pursuant to Mont. Code Ann. § 25-13-402(1)(b)(ii), this writ must be forwarded to the person responsible for processing levies. If you are not the person responsible for processing this levy, you must forward this writ to such person.**

This Levy Was Served Upon: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For the Property of the Following Debtor(s): **Defendant(s) Name**

Identifying information of the Debtor(s):

• Social Security #(s).:

• Address:

**AMOUNT NOW DUE: \_\_\_\_\_\_\_\_\_\_\_\_**

o The accompanying writ of execution was issued for the enforcement of a judgment against the debtor(s). This levy upon the wages of the judgment debtor(s) applies to earnings due on or after the date of service through the expiration of the writ, or until the judgment is satisfied, whichever occurs first. **Earnings subject to garnishment must be remitted to the levying officer within five days of the withholding.**

o Pursuant to the attached writ of execution, you are ordered not to deliver the attached funds to anyone but the levying officer. Do not remit proceeds in excess of the "TOTAL AMOUNT NOW DUE" plus additional fees accrued without first contacting the levying officer for a pay-in-full amount.

**o TO CALCULATE THIS GARNISHMENT:** Use the attached worksheet to determine whether a remittance can be made.

o Remittance checks must be dated no later than five business days after \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Please Make Checks Payable to:

Please Respond as Follows:

[ ] EMPLOYED & NEXT PAYROLL IS: \_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] PRIOR WRIT WHICH EXPIRES: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] PAYING ON CHILD SUPPORT

[ ] STUDENT LOAN GARNISHMENT \*\*SEE CALCULATIONS NEXT PAGE\*\*

[ ] LIMITED HOURS WILL NEVER EARN ENOUGH [ ] NOT ENOUGH EARNINGS THIS PAY PERIOD

[ ] NO LONGER EMPLOYED [ ] THE NEW EMPLOYER IS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**If you received this notice of levy via U.S. mail, your signed response on this or any other instrument shall constitute your written consent as required under Mont. Code Ann. § 25-13-402(1)(b)(ii).**

Response to This Levy Was Made By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_

**Garnishment Formula for Wage Levy**

Federal Consumer Credit Protection Act, Title III (15 USC Sec. 1671-1677) and Montana Statute 25-13-614, MCA, provide exemptions from garnishment.

Definitions:

• Earnings: Compensation for personal services, whether called wages, salary, commissions, or bonuses, and payments to pension or retirement program.

• Disposable Income: Earnings remaining after (tax) deductions required by law (Federal and State taxes, FICA, etc.)

• Garnishment: Any legal or equitable procedure by which the earnings of an individual are required to be withheld for payment of a debt.

**Computation of Garnishment Amount**

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter total earnings

(-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct federal withholding

(-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct state withholding

(-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct tips (if included in total earnings) Payroll Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct FICA

(-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct Medicare Expiration Date:

2. (=) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Disposable Income

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter 25% (0.25) of line 2

4. (-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct any child support, student loan garnishments and/or IRS levies

5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Line 3 minus line 4

6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Disposable Income (from line 2)

7. (-) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deduct amount from below based on pay schedule\*:

 Use: **($0.00 if no wages)**

 **($217.50 if paid weekly)**

 **($435.00 if paid bi-weekly)**

 **($471.25 if paid semi-monthly)**

 **($942.50 if paid monthly)**

8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Line 6 minus line 7

9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SEND THIS AMOUNT TO THE LEVYING OFFICER. – The amount to be garnished is the lesser of line 5 or line 8 for each pay period. If either line 5 or line 8 is zero or less, send no money, and return the notice of levy with NOT ENOUGH EARNINGS THIS PAY PERIOD checked.

\*The amounts in the pay schedule are based on working 30 hours per week at minimum wage (currently $7.25 per hour). 29 USC Sec. 206(a)(1).

\*Mail a copy of the completed form with your remittance, if applicable, or any other necessary information to:

Fees for processing this levy are deducted throughout the life of the writ.

Please call the levying officer at (406) \_\_\_\_\_\_\_-\_\_\_\_\_\_for an updated **Total Amount Due.**

**Retain a copy of this form for your records**