

County Court, Denver County, Colorado 1437 Bannock Street, Room 135 Denver, Colorado 80202, 720-865-7840		<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Plaintiff(s): v. Defendant(s):		
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number:	E-mail:	Division: <b>Civil</b> Courtroom:
FAX Number:	Atty. Reg. #:	
<b>WRIT OF CONTINUING GARNISHMENT</b>		

### Read This Whole Document

Judgment Debtor's name, last known physical and mailing addresses or a statement that Judgment Debtor's physical and mailing addresses are not known, and other identifying information: \_\_\_\_\_

1. Original or Revived Amount of Judgment Entered on \_\_\_\_\_ (date) for \$ \_\_\_\_\_

**a. Effective Garnishment Period**

☐ 91 days (Judgment entered prior to August 8, 2001)

☐ 182 days (Judgment entered on or after August 8, 2001)

2. Plus any Interest Due on Judgment (currently \_\_\_\_\_ % per annum)      \$ \_\_\_\_\_

3. Taxable Costs (including estimated cost of service of this Writ)      \$ \_\_\_\_\_

4. Less any Amount Paid      \$ \_\_\_\_\_

5. Principal Balance/Total Amount Due and Owing      \$ \_\_\_\_\_

I affirm under penalty of perjury that I am authorized to act for the Judgment Creditor and this is a correct statement as of \_\_\_\_\_ (date).

☐ By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

☐ By checking this box, I am acknowledging that I have made a change to the original content of this form.

\_\_\_\_\_  
Print Judgment Creditor's Name

Address: \_\_\_\_\_

By: \_\_\_\_\_  
Signature (Type Name, Title, Address and Phone)

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## Writ of Continuing Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **Two Copies** of this Writ of Continuing Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

**To The Garnishee: You Are Summoned as Garnishee in This Action and Ordered:**

- a. To answer the following questions under oath and file your answers with the Clerk of Court AND mail a completed copy with your answers to the Judgment Creditor or attorney no later than 7 days after you have been served with this writ. **Your failure to answer this writ of continuing garnishment may result in the entry of a default against you.**
- b. To pay any nonexempt earnings to the party designated in “e” below no less than 7 nor more than 14 days following each time you pay the Judgment Debtor during the effective Garnishment Period of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under “Questions to be Answered by Garnishee” should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form, and an Explanation Of Wage Garnishment In Colorado to Judgment Debtor on the same day the copy of this Writ and Calculation of the Amount of Exempt Earnings are sent to Judgment Creditor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **Make Checks Payable and Mail To:** ☐ Judgment Creditor named above (only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ Judgment Creditor’s Attorney (if applicable); or to the ☐ **Manager of Finance**, Denver County Court, **1437 Bannock St., Room 135, Denver, Colorado 80202**. (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.)

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Please** - put the case number (shown above) on the front of the check.

CLERK OF THE COURT

**By Deputy Clerk:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Notice to Garnishee

- a. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph “e” on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any prior Writ terminates.**
- b. **“Earnings” includes all forms of compensation for Personal Services.** Also read “Notice to Judgment Debtor” below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.
- d. **If you determine that the judgment debtor is your employee and the Writ of Continuing Garnishment contains all required information, you are required to send the judgment debtor this Writ of Continuing Garnishment and the document attached to it titled “EXPLANATION OF WAGE GARNISHMENT IN COLORADO” on the same day that you send your answer to this Writ of Continuing Garnishment to the judgment creditor.**

## Questions to be Answered by Garnishee

Judgment Debtor's Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

The following questions MUST be answered by you under oath:

- a. Is the Judgment Debtor your employee?
1. ☐ Yes
  2. ☐ No
- b. Does the Writ of Continuing Garnishment contain: the name of the Judgment Debtor, the last-known physical and mailing addresses of the Judgment Debtor or a statement that the information is not known, the amount of the Judgment, information sufficient to identify the judgment on which the continuing garnishment is based, an Explanation of Wage Garnishment in Colorado?
1. ☐ Yes
  2. ☐ No
- c. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1a on the front of this Writ? (Mark appropriate box(es)):
1. ☐ WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES NOT INCLUDING TIPS (Earnings)
  2. ☐ Health, Accident or Disability Insurance Funds or Payments
  3. ☐ Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)
  4. ☐ Health insurance coverage provided by you and withheld from the individual's earnings

If you marked any box above, indicate how the Judgment debtor is paid: ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly  
☐ other

The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period shown on Line 1a (front of this Writ), starting at least twenty-one days after you were served with this Writ of Garnishment: \_\_\_\_\_

- d. Are the Judgment Debtor's earnings subject to deductions other than withholding for local, state, and federal income taxes and pursuant to the "Federal Insurance Contributions Act", 26 U.S.C. sec. 3101 et seq., as amended? If so mark the appropriate boxes and list the nature, number, and amounts of these deductions and the relative priority of this Writ of Garnishment (Mark appropriate box(es)):
5. ☐ Writ of Garnishment for Support (Expected Termination Date: \_\_\_\_\_)
  6. ☐ Writ of Continuing Garnishment (Expected Termination Date: \_\_\_\_\_)
  7. ☐ Any additional deductions (Expected Termination Date: \_\_\_\_\_)
- e. If in paragraph c. above you marked Box 1 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- f. If in paragraph c. above you marked Box 2, 3, or 4 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either box 5, 6, or 7, you must complete Calculations beginning with the first pay period following termination of the prior writ(s) that is at least twenty-one days after service of this writ on you. However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **If the earnings are totally exempt, please mark box 8 below:**
8. ☐ The earnings are totally exempt because: \_\_\_\_\_

## Calculation of The Amount of Exempt Earnings (Each Pay Period)

Gross Earnings for the pay period from \_\_\_\_\_ thru \_\_\_\_\_ \$ \_\_\_\_\_

Less Deductions Required by Law (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) - \$ \_\_\_\_\_

Disposable Earnings (Gross Earnings less Deductions) = \$ \_\_\_\_\_

Less Statutory Exemption (Use Exemption Chart Below) - \$ \_\_\_\_\_

Net Amount Subject to Garnishment = \$ \_\_\_\_\_

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ \_\_\_\_\_

**Amount to be withheld and paid** = \$ \_\_\_\_\_

EXEMPTION CHART ("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, a blank Objection to Calculation of the Amount of Exempt Earnings form, and an EXPLANATION OF WAGE GARNISHMENT IN COLORADO form to the Judgment Debtor.

Name of Garnishee (Print) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

\_\_\_\_\_  
Name of Person Answering (Print)

\_\_\_\_\_  
Signature of Person Answering

## Explanation of Wage Garnishment in Colorado

Notice of garnishment to judgment debtor.

Money will be taken from your pay if you fail to act.

### 1. Why am I getting this notice?

You are getting this notice because a court has ruled that you owe the judgment creditor, who is called "Creditor" in this notice, money. Creditor has started a legal process called a "garnishment". The process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor's lawyer at the address at the very beginning of this form. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you give Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

### 2. How much do I owe?

The amount the court has ruled that you currently owe is listed at the top of the writ of garnishment. The amount could go up if there are more court costs or additional interest. The interest rate on the amount you owe is listed at the top of the Writ of Garnishment. The amount could also go down if you make payments to Creditor.

### 3. How will the amount I owe be paid?

The person who pays you will start taking money from your paycheck on the first payday that is at least 14 days after the day the person who pays you sends you this notice. Money will continue to be taken from your pay for up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment.

The rules about how much of your pay can be taken are explained in the notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or e-mail the person who pays you.

#### **4. Do I have options?**

Yes, you have several options, here are three of them:

- A. You can talk with a lawyer: A lawyer can explain the situations to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can provide you help with resources to find a lawyer.
- B. You can contact Creditor: If you can work something out with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of the writ of garnishment.
- C. You can request a court hearing: A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. If you cannot work it out with the person who pays you, you may seek a hearing in court. If you want a court hearing, you must request one. If you think that you need more money to support your family and yourself, you may seek a court hearing without consulting the person who pays you. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

#### **5. What if I don't do anything?**

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the day the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

#### **6. How does garnishment work in Colorado?**

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced. This is discussed earlier in this notice under **4. Do I have options?**

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ \_\_\_\_\_ will be withheld from each paycheck that is subject to garnishment.