

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ADAMS )

IN THE ADAMS SUPERIOR COURT  
SMALL CLAIM  
CASE NO: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

VS.

**GARNISHMENT ORDER**

\_\_\_\_\_  
Defendant  
XXX-XX-

\_\_\_\_\_  
Garnishee Defendant  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff appears and makes proof of service of notice of hearing upon Defendant and Garnishee Defendant. The Court now finds and orders:

1. That Garnishee Defendant withhold from the earnings of the Defendant the lesser of the following sums:

- A. Twenty-five percent (25%) of said earnings after subtracting income taxes and social security withholdings per week; OR
- B. All of said earnings after subtracting income taxes, social security withholdings, and \$\_\_\_\_\_ [insert thirty (30) times the federal minimum hourly wage per week].

2. That withholding of said amounts shall be continued until the following sums are fully paid:

- A. Judgment \$ \_\_\_\_\_
- B. Costs \$ \_\_\_\_\_
- C. Interest \$ \_\_\_\_\_
- D. Payments \$ \_\_\_\_\_
- E. **Total Amount Owing** \$ \_\_\_\_\_

(Interest owing at the rate of \_\_\_\_\_ percent from the date of this order will be applied to Judgment Amount)

3. The Garnishee Defendant is ordered to pay to the Clerk of Courts the withheld amounts every thirty (30) days.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Samuel K. Conrad  
Judge, Adams Superior Court

CERTIFICATE OF SERVICE

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

Date \_\_\_\_\_

## DEDUCTION CALCULATIONS

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

LIMITATIONS ON GARNISHMENT AND PROCEEDINGS SUPPLEMENTAL TO EXECUTION – FEE TO COMPENSATE EMPLOYER FOR MAKING DEDUCTIONS.

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

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

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

- (a) Twenty-five percent (25%) of his disposable earnings for that week; OR
- (b) The amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable; whichever is less. In the case of earnings for a pay period other than a week, the earnings shall be computed upon a multiple of the federal minimum hourly wage as prescribed in this section.

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

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

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

## OPTIONAL EMPLOYER’S FEE

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

An employer is required to make deductions from an individual’s disposable earnings pursuant to a garnishment order or series of orders arising out of the same judgment debt (excluding a judgment for payment of child support) may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12) or three percent (3%) of the total amount required to be deducted by the garnishment order or series of orders arising out of the same judgment debt. If the employer chooses to impose a fee, the fee shall be allocated as follows:

- (a) One-half (1/2) of the fee shall be borne by the debtor, and that amount may be deducted by the employer directly from employee’s disposable earnings.
- (b) One-half (1/2) of the fee shall be borne by the creditor, and that amount may be retained by the employer from the amount otherwise due the creditor.

The deductions made under this subsection for a collection fee do not increase the amount of the judgment debt for which the fee is collected for the purpose of calculating or collecting judgment interest. This fee may be collected by an employer only once for each garnishment order or series of orders arising out of the same judgment debt. The employer may collect the entire fee from one (1) or more of the initial deductions from the employee’s disposable earnings. Alternatively, the employer may collect the fee ratably over the number of pay periods during which deductions from the employee’s disposable earnings are required.

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

## **PAYMENT GUIDELINES FOR THE GARNISHEE DEFENDANT**

In order for funds to be applied by the Clerk's Office, the following information must be included with every payment submitted:

- 1) **Individual's full name.**
- 2) **Court's full case number** (located at the upper right corner of the garnishment order).
- 3) When a group of names are submitted (rather than one check per person), the above two items should be listed for each person, in addition to the amount of money to be applied to each case.
- 4) Please remit your payment and the above information to:

**Clerk of Adams Superior Court  
112 South 2nd Street  
Decatur, IN 46733**

This information is vital to the timely and accurate processing of payments received. Your cooperation is greatly appreciated. If you have questions regarding the guidelines described above, you may contact the Clerk's Office at (260) 724-5309.