

Affidavit For Garnishment – Non-Wage

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

_____,
Petitioner

vs.

_____,
Respondent

and

_____,
Garnishee

}
NO.
}

AFFIDAVIT FOR GARNISHMENT – NON-WAGE

_____ on oath states:

- Judgment was entered on _____, 20____, for judgment creditor _____ and against judgment debtor _____ for \$_____ and costs.
- \$_____ has been paid on the judgment.
- There is unpaid on the judgment
 \$_____ principle
 \$_____ costs
 \$_____ interest
 \$_____ TOTAL
- I believe garnishee _____ is indebted to the judgment debtor or has in his possession, custody or control property belonging to him or in which he has an interest.

I request that summons issue directed to garnishee.

Signed and sworn to before me

_____, 20____.

Attorney Name: _____
 Representing: _____
 Address: _____
 City, State: _____
 Phone: _____
 Email: _____

Notary Public

INTERROGATORIES TO GARNISHEE

- 1. When you were served with summons did you have in your possession, custody or control any property belonging to the judgment debtor or in which he had an interest

Answer: _____

- 2. If your answer is yes, describe the property:

- 3. When you were served with the summons were you otherwise indebted to him, no matter when payable?

Answer: _____

- 4. If your answer is yes, state:

Description: _____

Amount: \$ _____

Date Due: _____, 20____

AFFIDAVIT

_____ on oath states that the answers to the interrogatories are true.

Signed and Sworn to before me

_____, 20____.

Notary Public

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

_____, Plaintiff

vs

NO: _____

_____, Defendant

GARNISHMENT NOTICE – NON-WAGE

ADDRESS OF JUDGMENT DEBTOR: _____

NAME AND ADDRESS OF ATTORNEY FOR JUDGMENT CREDITOR:

NAME OF GARNISHEE: _____

RETURN DATE: _____, 20____

NOTICE: The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishment summons was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount state above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

(a) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$2,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$750 in value, in any implements, professional books or tools of the trade of the debtor. The judgment debtor may have other possible exemptions from garnishment under the law. The judgement debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at the address of the court listed above on or before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000 the judgment debtor must notify the Clerk of the Court in writing at the address of the Court listed above on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail.

(b) An officer or other person authorized by law to serve process shall serve the summons, interrogatories and the garnishment notice required by subsection (a) of this Section upon the garnishee and shall, (1) within 2 business days of the service upon the garnishee, mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice and (2) within 4 business days of the service upon the garnishee file with the clerk of the court a certificate of mailing in substantially the following form:

“CERTIFICATE OF MAILING BY PERSON SERVING PROCESS”

I hereby certify that, within 2 business days of service upon the garnishee of the garnishment summons, interrogatories and garnishment notice, I served upon the judgment debtor in this cause a copy of the garnishment summons and garnishment notice by first class mail to the judgment debtor's address as indicated in the garnishment notice.

Date: _____

Signature of person serving process

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

_____,
Petitioner

vs.

_____,
Respondent

and

_____,
Garnishee

} NO.

GARNISHMENT SUMMONS – NON-WAGE

To the garnishee

YOU ARE SUMMONED and required to file answers to the judgment creditor’s interrogatories, in the office of

the clerk of this court _____,

Illinois, on or before* _____, 20____. However, if this summons is served on you less than 10 days before that date, you must file answers to the interrogatories on or before 14 days after that date. IF YOU FAIL TO DO SO, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than the above date.

(Seal of Court)

WITNESS, _____, 20____.

Clerk of court

Attorney Name: _____

Representing: _____

Address: _____

City, State: _____

Phone: _____

Email: _____

Date of Service _____, 20____.

(To be inserted by officer on copy left with garnishee defendant or other person)

*21 to 30 days after date of issuance of this summons.

SHERIFF'S FEES { Service and return \$ _____
 Miles _____ _____
 Total \$ _____

I certify that I served this summons on defendants as follows:

(a) – (Individual garnishees – personal):

By leaving a copy and 2 copies of the interrogatories with each individual garnishee personally, as follows:
 (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the garnishee with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the garnishee.)

(b) – (Individual garnishee – abode):

By leaving a copy and 2 copies of the interrogatories at the usual place of abode of each individual garnishee with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons.
 (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the garnishee, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person.)

and also by sending a copy of the summons and 2 copies of the interrogatories in a sealed envelope with postage fully prepaid, addressed to each individual garnishee at his usual place of abode, as follows:

Name of garnishee	Mailing Address	Date of mailing
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) – (Corporation garnishee):

By leaving a copy and 2 copies of the interrogatories with the registered agent, officer or agent of each garnishee corporation, as follows:

Garnishee corporation	Registered agent, officer or agent	Date of service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d) – (Other service):

_____, Sheriff of Jackson County

By _____, Deputy

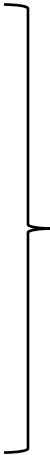
_____,
Petitioner

vs.

_____,
Respondent

and

_____,
Garnishee



No.

NON-WITHHOLDING WAGE DEDUCTION ORDER

THIS CAUSE coming on to be heard on the return of a Wage Deduction Summons, the Court finding:

- The employer has failed to file an Answer after service of the Wage Deduction Summons.
- The employer has filed an Answer showing no funds available to the judgment creditor due to non-employment or bankruptcy of the judgment debtor
- The employer has filed an Answer of no funds due to the employee's insufficient income or prior support or Wage Deduction Orders;

The Court having jurisdiction and being fully advised in the premises;

IT IS HEREBY ORDERED:

- That Conditional Judgment is entered against the employer, _____ in favor of defendant, _____, for the use of the plaintiff in the sum of \$ _____.
- That the employer is hereby discharged on its no funds Answer and these proceedings are dismissed.
- That these Wage Deduction proceedings are hereby continued to _____ for further hearing as to:
 - A. Status of current deduction orders
 - B. Other _____
- That the lien of this Wage Deduction proceeding shall continue in full force and effect even though it may be subordinate to prior proceedings and no funds are being held at this time.

Date: _____

Judge