

Approved, SCAO

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| <ul style="list-style-type: none"> • STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT | REQUEST AND WRIT FOR GARNISHMENT (INCOME TAX REFUND/CREDIT) | <ul style="list-style-type: none"> • CASE NO. |
|---|--|---|

Court address • Zip Code Court telephone no.

| | |
|--|----------------------------------|
| Plaintiff's name and address (judgment creditor) | |
| Plaintiff FE no./Social security no. | |
| Plaintiff's attorney, address | |
| Plaintiff attorney FE no. | Plaintiff attorney telephone no. |

v

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|---|
| Defendant's name and address (judgment debtor) |
| Social security no. |
| Garnishee Third Party Withholding Unit Michigan Department of Treasury PO Box 30785 Lansing, Michigan 48909 |

REQUEST **NOTE for item 2:** If a civil judgment includes judgment interest in the "total judgment" field (as in the forms in use before the 5/07 revisions), the interest amount reported in item 2 should not include any postfiling interest already included in the judgment.

1. On _____, the plaintiff received judgment against the defendant for: \$ _____.
2. The total amount of judgment interest accrued to date is: \$ _____.
- The total amount of postjudgment costs accrued to date is: \$ _____.
- The total amount of postjudgment payments made and credits to date is: \$ _____.
- **The amount of the unsatisfied judgment now due (including interest and costs) is:** \$ _____.
3. Plaintiff knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.
- 4. **Plaintiff requests** a writ of income tax garnishment be paid to plaintiff, plaintiff's attorney, the court, and mailed to plaintiff. plaintiff's attorney. the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT To be completed by the court.

TO THE PLAINTIFF:

1. The social security number field is blacked out for security reasons on all parts except the garnishee copy.
2. You must serve this writ on the state treasurer along with a \$6.00 fee and any discovery request for information related to this garnishment.
3. You must serve a copy of this writ on the defendant within 7 days after serving the writ on the state treasurer.
4. You are responsible for paying to the state treasurer any reasonable costs incurred by the state treasurer in providing information in response to your discovery request.
5. If a state tax refund or credit is not intercepted before October 31 of the year during which this writ of garnishment is to be processed, you will not receive a disclosure unless you file a written request with the state treasurer between November 1 and December 31 of the tax year following the tax year for which this writ was filed.

TO THE DEFENDANT: See separate instructions.

1. If a state tax refund or credit is intercepted pursuant to this writ, the state treasurer will notify you on a disclosure form.
2. You have **14 days** after being notified of an intercept to file objections to the writ of garnishment with the court. If you do not object within this time, the intercepted tax refund or credit held under this writ will be applied to the judgment **28 days** after the disclosure was filed with the court.

TO THE GARNISHEE:

1. Upon intercepting a state tax refund or credit, calculate the amount available to satisfy all or part of the garnishment.
2. Within 90 days after establishing any other liability for which the state tax refund or credit may be applied under MCL 205.30a, file with the court a verified disclosure identifying the intercepted amount, less any setoff, counterclaim, or other demand of the state against the defendant.
3. Unless notified by the court that objections to the writ of garnishment have been filed, payment of the intercepted amount must be made not less than 28 days after filing the disclosure.
4. **You are ordered to pay the amount intercepted under this writ as specified in the request.**

Date of issue Deputy court clerk

Approved, SCAO

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Court address • Zip Code Court telephone no.

Plaintiff's name and address (judgment creditor)

Defendant's name and address (judgment debtor)

v



Plaintiff's attorney, address



| | |
|---------------------------|----------------------------------|
| Plaintiff attorney FE no. | Plaintiff attorney telephone no. |
|---------------------------|----------------------------------|

Garnishee

Third Party Withholding Unit
Michigan Department of Treasury
PO Box 30785
Lansing, Michigan 48909

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Date of issue Deputy court clerk

INSTRUCTIONS FOR THE DEFENDANT

1. This writ has been issued because there is a judgment against you that you have not paid. In order to collect on this judgment, income owed to you may be withheld or property belonging to you may be taken from you and sold.
2. You may object to this garnishment if:
 - a. your income is exempt from garnishment by law,
 - b. you have a pending bankruptcy proceeding,
 - c. the maximum withheld exceeds the amount allowed by law,
 - d. you have paid the judgment in full,
 - e. the garnishment was not properly issued or is otherwise invalid.
3. Except for tax garnishments issued in criminal cases, you may send the plaintiff a written request to review postjudgment costs and fees listed in item 2 of the request. Within 28 days after receiving your request, the plaintiff must send an itemized list of the postjudgment costs and fees to you and the court. Within 28 days after receiving the itemized list, you may file a motion with the court to review the postjudgment costs and fees if you believe they are wrong. If the judge rules in your favor, the judge may order the motion fee to be deducted from the judgment balance.
4. For more information on garnishments and debt collection, please visit www.michiganlegalhelp.org.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the request and writ for garnishment and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

- I served personally
 - by registered or certified mail, return receipt requested, and delivery restricted to the garnishee (copy of return receipt attached)
 - electronically pursuant MCR 3.101(F)(3)

a copy of the request and writ for garnishment, together with the \$6.00 fee and the attachments listed below, on:

| | | |
|---|--|--------------------------|
| Garnishee's name Michigan Department of Treasury Third Party Withholding Unit | Complete address of service PO Box 30785 Lansing, Michigan 48909 | Date and time of service |
| Attachments (if any) | | |

- I served personally by first-class mail a copy of the request and writ for garnishment, together with the attachments listed below, on:
- I have attempted to serve a copy of the request and writ for garnishment, together with the attachments listed below, and have been unable to complete service on:

| | | |
|----------------------|-----------------------------|--------------------------|
| Defendant's name | Complete address of service | Date and time of service |
| Attachments (if any) | | |

- I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.
- I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

| | | | |
|-----------------------|----------------|-----|------------------|
| Service fee | Miles traveled | Fee | |
| \$ | | \$ | |
| Incorrect address fee | Miles traveled | Fee | TOTAL FEE |
| \$ | | \$ | \$ |

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the request and writ for garnishment, together with any applicable

fee and _____ on _____ .
Attachments (if any) Date and time

Signature on behalf of _____

Name (type or print)