

State of Minnesota

County _____

District Court

Judicial District: _____
Court File Number: _____
Case Type: _____

Name of Creditor (first, middle, last)

and

Name of Debtor (first, middle, last)

Name of Third Party (Debtor's Employer)

Earnings Execution Disclosure
For Non-Child Support Judgments
(Minn. Stat. § 550.136, subd. 9)

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within 90 days from the date you were served with the execution levy, will you or may you owe money to the judgment debtor for earnings?

Yes _____ No _____

2. Does the judgment debtor earn more than the greater of \$9.50 per hour or the current federal minimum wage per week?

Yes _____ No _____

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or question 2 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and question 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 90 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be withheld by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must withhold the amount of earnings listed in column I on the Earnings Disclosure Worksheet.

You must pay the withheld earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff. You must also deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 90-day period. If the judgment is completely satisfied or if the judgment debtor's employment ends before the 90-day period is over, your disclosure and the withholdings should be made within ten days after the last payday for which earnings were withheld.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- (3) COLUMN A. Enter the date of judgment debtor's payday.
- (4) COLUMN B. Enter judgment debtor's gross earnings for each payday.
- (5) COLUMN C. Enter judgment debtor's disposable earnings for each payday.
- (6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply column C by .25.)
- (7) COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the current hourly federal minimum wage times the number of work weeks included in each payday. (Note: If a payday includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of workdays in excess of a whole work week divided by the number of workdays in a normal work week.)
- (8) COLUMN F. Subtract the amount in column E from the amount in column C, and enter here.
- (9) COLUMN G. Enter here the lesser of the amount in column D and the amount in column F.
- (10) COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.

(11) COLUMN I. Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, _____ (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

Dated: _____ / _____ / _____
Month Day Year

Signature of Third Party/Employer

Title: _____

Telephone: (_____) _____

EARNINGS DISCLOSURE WORKSHEET

Debtor's Name

A – Payday Date	B – Gross Earnings	C – Disposable Earnings
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.

D – 25% of Column C	E – Greater of 40 x \$9.50 or 40 x Federal Minimum Wage	F – Column C minus Column E
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.

10.	10.	10.
G – Lesser of Column D and Column F	H – Setoff, Lien, Adverse Interest, or Other Claims	I – Column G minus Column H
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.
		Total of Column I:

If you entered any amount in column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must state both the names and addresses of such persons, and the nature of their claim, if known.

AFFIRMATION

I, _____ (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated: _____ / _____ / _____
Month Day Year

Signature of Third Party/Employer

Title: _____

Telephone: (_____) _____