

State of Minnesota

District Court

County of: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Judicial District: \_\_\_\_\_

Case Type: \_\_\_\_\_

\_\_\_\_\_  
Creditor's full name

vs.

\_\_\_\_\_  
Debtor's full name

and

\_\_\_\_\_  
Third Party (bank, employer, or other)

## Garnishment Earnings Disclosure for Non-Child Support Judgments (JGM803)

Minn. Stat. § 571.75, subd. 2

This form is called an "Garnishment Earnings Disclosure" or "Disclosure." It is for the employer to fill out. The "debtor" is the person who owes money. The debtor gets a copy of this form for their own information. The debtor is also called a "judgement debtor."

The creditor is the party owed the money. The creditor is also called a "judgment creditor."

The employer is called the "third party" or "garnishee." If the debtor asks how the calculations in this document were made, the employer **must** provide information about it.

### Definitions

**"Earnings"**: what is paid or payable to an employee, independent contractor or self-employed person for personal services (a job). Also called compensation. Compensation can be wages, salary, commission, bonus, payments, profit-sharing distributions, severance payment, fees or other. It includes periodic payments from a pension or retirement. It can also be compensation paid or payable to a producer for the sale of agricultural products. This can be things like milk or milk products, or fruit or other horticultural products. Or things produced in the operation of a family farm, a family farm corporation, or an authorized farm corporation. This is defined in [Minn. Stat. § 500.24, subd. 2](https://revisor.mn.gov/statutes/) (revisor.mn.gov/statutes).

**"Disposable Earnings"**: The part of a person's earnings that are left after subtracting the amounts required by law to be withheld. **Note:** Amounts required by law to be withheld do not include things like health insurance, charitable contributions, or other voluntary wage deductions.

**"Payday"**: the date when the employer pays earnings to the debtor for doing their job. If the debtor has no regular payday, then "payday" means the 15th and the last day of each month.

**The Employer/Garnishee Must Answer the Following Questions:**

1. Right now, do you owe money to the debtor for earnings? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Within 90 days from the date you were served with the garnishment, will you or may you owe money to the debtor for earnings? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Does the debtor earn more than the current Minnesota or federal minimum wage per week? (use the number that is more) Yes \_\_\_\_\_ No \_\_\_\_\_
  - A. If you answer "No" to question 1, 2, or 3, you don't need to answer the rest of the questions. You don't have to do the *Earnings Disclosure Worksheet*. Sign the Earnings Disclosure Affirmation below and return this disclosure form to the creditor's attorney (or the creditor if not represented by an attorney). You must return it within 20 days after it was served on you.
  - B. If you answer "Yes" to question 1 or 2, and "Yes" to question 3, sign the Earnings Disclosure Affirmation below. You must return it to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days. You must also fill out the rest of this form. Read the instructions for the *Earnings Disclosure Worksheet*.

**Earnings Disclosure 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.

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

Third Party/Employer Name: \_\_\_\_\_

Third Party/Employer Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Instructions for Completing the Earnings Disclosure Worksheet

For each payday that falls within 90 days from the date the levy was served on you, you **must** calculate the amount of earnings to be withheld. Enter the amounts on the *Earnings Disclosure Worksheet*.

You **must**:

1. Withhold the amount of earnings listed in column I on the *Earnings Disclosure Worksheet* each payday.
2. After 90 days, return this *Earnings Disclosure Worksheet* to the creditor's attorney (or the creditor if not represented by an attorney). Include all the money withheld. Sign the Affirmation at the end of the worksheet before returning.
3. Deliver a copy of the disclosure and worksheet to the debtor within 10 days after the last payday that falls within the 90-day period.

If the debt (judgment) is fully paid off or if the debtor's job ends before the 90-day period is over, you need to do the last disclosure and withholdings within 10 days of their last payday that you withheld money.

### Calculating Percentage of Disposable Earnings

**Note to Creditor:** You must fill out this chart before sending this form to the employer. Use the current minimum wage found online at: <https://www.dli.mn.gov/minwage>.

Minimum Wage = \$MW/hour.

if the weekly gross earnings are:	then this percentage of the disposable earnings are withheld:
Less than [40 X MW]	0%
[40 X MW + .01] to [60 X MW]	10%
[60 X MW + .01] to [80 X MW]	15%
[80 x MW +.01] or more	25%

**Employer:** Use this creditor's calculation chart to know what percentage of earnings should be withheld.

## 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.

**Column A.** Enter the debtor's payday.

**Column B.** Enter the debtor's gross earnings for each payday.

**Column C.** Enter the debtor's disposable earnings for each payday.

D – % of withholding of Column C (Use the creditor's calculation chart)	E – Greater of 40 x MN or Fed. Min. 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.

**Column D.** Enter the percentage of disposable earnings that will be withheld. Get this number from the creditor's calculation chart.

**Column E.** Calculate 40 times the current MN minimum wage (or 40 times the current federal minimum wage) times the number of work weeks in each payday. Enter the bigger number here.

**Note:** If a payday has extra days that are more than a full work week, count those extra days as part of a work week. Do this by dividing the number of extra workdays by the number of workdays in a normal week.

**Column F.** Subtract the amount in column E from the amount in column C and enter here.

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.
	Total of Column I =	

**Column G.** Look at column D and column F. Enter the smaller amount of the two here in column G.

**Column H.** Enter any amount claimed by you that would lower the amount of earnings that will go to the debtor. Things like:

- a setoff,
- a defense,
- a lien,
- a claim, or
- any amount claimed by any other person as an exemption or adverse interest

**Note:** You must describe your claim(s) and the claims of others, if known, in the spaces after this worksheet.

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

**Note:** Any debt that happened within 10 days before you got the first levy on a debt may not be set off against the earnings that are affected by this levy. Any wage assignment made by the debtor within 10 days before you got the first levy on a debt is void. Wage assignment is when a debtor voluntarily agrees to money being taken out of their earnings.

**Column I.** Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that go to the creditor.

**If you entered any amount in column H** for any payday, describe those claims below. It doesn't matter if they are your claims, or the claims of others. For claims by others, list the names and addresses of each, and describe their claims, if you know.

---

---

---

---

---

---

---

---

---

---

---

---

**Earnings Worksheet 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.

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

Third Party's Name: \_\_\_\_\_

Third Party's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_