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State of Minnesota
HOUSE OF REPRESENTATIVES
Unofficial Engrossment
House Engrossment of a Senate File

S. F. No. 1706

NINETY-FIRST SESSION

- 05/09/2019 Companion to House File No. 2065. (Authors: Davids and Carlson, A.,)
Read First Time and Sent for Comparison
- 05/10/2019 Substituted for H. F. No. 2065
Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Judiciary Finance and Civil Law Division
- 02/24/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to civil actions; extending the 70-day period from date of service of

1.3 garnishment and execution levy to 90 days for earnings; modifying amount of

1.4 earnings subject to garnishment and execution levy; amending Minnesota Statutes

1.5 2018, sections 550.136, subdivisions 3, 4, 5, 9, 10, 12; 551.04, subdivisions 2, 11;

1.6 551.06, subdivisions 3, 4, 5, 9, 10, 12; 571.72, subdivisions 2, 7; 571.73, subdivision

1.7 3; 571.74; 571.75, subdivisions 1, 2; 571.922; 571.923.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 550.136, subdivision 3, is amended to read:

1.10 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,

1.11 the maximum part of the aggregate disposable earnings of an individual for any pay period

1.12 subjected to an execution levy may not exceed the lesser of:

1.13 (1) 25 percent of the judgment debtor's disposable earnings; or

1.14 (2) the amount by which the judgment debtor's disposable earnings exceed the following

1.15 ~~product~~ greater of: (i) 40 times \$9.50 or 40 times the federal minimum hourly wages

1.16 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,

1.17 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number

1.18 of work weeks in the pay period. When a pay period consists of other than a whole number

1.19 of work weeks, each day of that pay period in excess of the number of completed work

1.20 weeks shall be counted as a fraction of a work week equal to the number of excess workdays

1.21 divided by the number of days in the normal work week.

1.22 (b) If the judgment is for child support, the levy may not exceed:

2.1 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
2.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
2.3 to be calculated to the beginning of the work week in which the execution levy is received);

2.4 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
2.5 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
2.6 to be calculated to the beginning of the work week in which the execution levy is received);

2.7 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.8 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
2.9 to be calculated to the beginning of the work week in which the execution levy is received);

2.10 or

2.11 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.12 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
2.13 to be calculated to the beginning of the work week in which the execution levy is received).

2.14 Execution levies under this section on judgments for child support are effective until
2.15 the judgments are satisfied if the judgment creditor is a county and the employer is notified
2.16 by the county when the judgment is satisfied.

2.17 (c) No court may make, execute, or enforce an order or any process in violation of this
2.18 section.

2.19 Sec. 2. Minnesota Statutes 2018, section 550.136, subdivision 4, is amended to read:

2.20 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
2.21 section 518A.53, the priority of multiple earnings execution levies is determined by the
2.22 order in which the execution levies were served on the employer. If the employer is served
2.23 with two or more writs of execution at the same time on the same day, the writ of execution
2.24 issued pursuant to the first judgment entered has priority. If two or more execution levies
2.25 are served on the same day and are based on judgments entered on the same day, then the
2.26 employer shall select the priority of the earnings levies. However, in all cases except earnings
2.27 execution levies on judgments for child support if the judgment creditor is a county and the
2.28 employer is notified by the county when the judgment is satisfied, the execution levies shall
2.29 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

2.30 Sec. 3. Minnesota Statutes 2018, section 550.136, subdivision 5, is amended to read:

2.31 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by sections 550.37
2.32 and 571.922, and any other applicable statute, and except as otherwise provided in paragraph

3.1 (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt
 3.2 disposable earnings owing or to be owed by the third party and earned or to be earned by
 3.3 the judgment debtor before and within the pay period in which the writ of execution is
 3.4 served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 3.5 after the date of service of the writ of execution. "Paydays" means the days upon which the
 3.6 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 3.7 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 3.8 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 3.9 sum.

3.10 (b) The service of a writ of execution on a judgment for child support attaches to all
 3.11 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 3.12 or to be earned by the judgment debtor before and within the pay period in which the writ
 3.13 of execution is served and within all subsequent pay periods until the judgment is satisfied
 3.14 if the judgment creditor is a county and the third party is notified by the county when the
 3.15 judgment is satisfied.

3.16 Sec. 4. Minnesota Statutes 2018, section 550.136, subdivision 9, is amended to read:

3.17 Subd. 9. **Execution earnings disclosure form and worksheet.** The judgment creditor
 3.18 shall provide to the sheriff for service upon the judgment debtor's employer an execution
 3.19 earnings disclosure form and an earnings disclosure worksheet with the writ of execution,
 3.20 that must be substantially in the form set forth below.

3.21	STATE OF MINNESOTA	DISTRICT COURT
3.22	COUNTY OF .....	.....JUDICIAL DISTRICT
3.23		FILE NO.
3.24	..... (Judgment Creditor)	
3.25	against	EARNINGS
3.26	..... (Judgment Debtor)	EXECUTION
3.27	and	DISCLOSURE
3.28	..... (Third Party)	

3.29 DEFINITIONS

3.30 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
 3.31 payable to an employee for personal services or compensation paid or payable to the producer
 3.32 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
 3.33 products produced when the producer is operating a family farm, a family farm corporation,
 3.34 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether

4.1 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
4.2 payments pursuant to a pension or retirement.

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

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

4.10 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
4.11 QUESTIONS:

4.12 (1) Do you now owe, or within ~~70~~90 days from the date the execution levy was served
4.13 on you, will you or may you owe money to the judgment debtor for earnings?

4.14 Yes No

4.15 (2) Does the judgment debtor earn more than \$... per week? (this amount is the federal
4.16 minimum wage per week)

4.17 Yes No

4.18 INSTRUCTIONS FOR COMPLETING THE
4.19 EARNINGS DISCLOSURE

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

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

4.25 For each payday that falls within ~~70~~90 days from the date the execution levy was served
4.26 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
4.27 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
4.28 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
4.29 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
4.30 DISCLOSURE WERE MADE.

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

5.1 You must pay the attached earnings and return this earnings disclosure form and the
5.2 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
5.3 worksheet to the judgment debtor within ten days after the last payday that falls within
5.4 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
5.5 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
5.6 and remittance should be made within ten days after the last payday for which earnings
5.7 were attached.

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

- | | | | |
|------|------|-----------|--|
| 5.10 | (3) | COLUMN A. | Enter the date of judgment debtor's payday. |
| 5.11 | (4) | COLUMN B. | Enter judgment debtor's gross earnings for each payday. |
| 5.12 | (5) | COLUMN C. | Enter judgment debtor's disposable earnings for each |
| 5.13 | | | payday. |
| 5.14 | (6) | COLUMN D. | Enter 25 percent of disposable earnings. (Multiply |
| 5.15 | | | column C by .25.) |
| 5.16 | (7) | COLUMN E. | Enter here <u>the greater of 40 times \$9.50 or 40 times the</u> |
| 5.17 | | | hourly federal minimum wage (\$.....) times the |
| 5.18 | | | number of work weeks included in each payday. (Note: |
| 5.19 | | | If a payday includes days in excess of whole work |
| 5.20 | | | weeks, the additional days should be counted as a |
| 5.21 | | | fraction of a work week equal to the number of |
| 5.22 | | | workdays in excess of a whole work week divided by |
| 5.23 | | | the number of workdays in a normal work week.) |
| 5.24 | (8) | COLUMN F. | Subtract the amount in column E from the amount in |
| 5.25 | | | column C, and enter here. |
| 5.26 | (9) | COLUMN G. | Enter here the lesser of the amount in column D and the |
| 5.27 | | | amount in column F. |
| 5.28 | (10) | COLUMN H. | Enter here any amount claimed by you as a setoff, |
| 5.29 | | | defense, lien, or claim, or any amount claimed by any |
| 5.30 | | | other person as an exemption or adverse interest which |
| 5.31 | | | would reduce the amount of earnings owing to the |
| 5.32 | | | judgment debtor. (Note: Any indebtedness to you |
| 5.33 | | | incurred within ten days prior to your receipt of the first |
| 5.34 | | | execution levy on a debt may not be set off against the |
| 5.35 | | | earnings otherwise subject to this levy. Any wage |
| 5.36 | | | assignment made by the judgment debtor within ten |
| 5.37 | | | days prior to your receipt of the first execution levy on |
| 5.38 | | | a debt is void.) |
| 5.39 | | | You must also describe your claim(s) and the claims of |
| 5.40 | | | others, if known, in the space provided below the |
| 5.41 | | | worksheet and state the name(s) and address(es) of these |
| 5.42 | | | persons. |

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

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

6.8 AFFIRMATION

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

6.12 DATED:

6.13 Signature

6.14

6.15 Title

6.16

6.17 Telephone Number

6.18 EARNINGS DISCLOSURE WORKSHEET

6.19 Debtor's Name

6.20	A	B	C
6.21	Payday Date	Gross Earnings	Disposable
6.22			Earnings

6.23 1. \$..... \$.....

6.24 2.

6.25 3.

6.26 4.

6.27 5.

6.28 6.

6.29 7.

6.30 8.

6.31 9.

6.32 10.

6.33	D	E	F
6.34	25% of	<u>Greater of 40 x</u>	Column C minus
6.35	Column C	<u>\$9.50 or 40 X</u>	Column E
6.36		<u>Fed. Min. Wage</u>	

6.37 1.

6.38 2.

7.1	3. ....	.....	.....
7.2	4. ....	.....	.....
7.3	5. ....	.....	.....
7.4	6. ....	.....	.....
7.5	7. ....	.....	.....
7.6	8. ....	.....	.....
7.7	9. ....	.....	.....
7.8	10. ....	.....	.....
7.9	G	H	I
7.10	Lesser of	Setoff, Lien,	Column G minus
7.11	Column D and	Adverse Interest,	Column H
7.12	Column F	or Other Claims	
7.13	1. ....	.....	.....
7.14	2. ....	.....	.....
7.15	3. ....	.....	.....
7.16	4. ....	.....	.....
7.17	5. ....	.....	.....
7.18	6. ....	.....	.....
7.19	7. ....	.....	.....
7.20	8. ....	.....	.....
7.21	9. ....	.....	.....
7.22	10. ....	.....	.....

7.23 TOTAL OF COLUMN I \$

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

7.27
7.28
7.29

7.30 AFFIRMATION

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

7.34
7.35 Signature

8.1 Dated: (..)

8.2 Title Phone Number

8.3 Sec. 5. Minnesota Statutes 2018, section 550.136, subdivision 10, is amended to read:

8.4 Subd. 10. **Execution earnings disclosure form and worksheet for child support**
8.5 **judgments.** The judgment creditor shall provide to the sheriff for service upon a child
8.6 support judgment debtor's employer an execution earnings disclosure form and an earnings
8.7 disclosure worksheet with the writ of execution, that must be substantially in the form set
8.8 forth below.

8.9 STATE OF MINNESOTA DISTRICT COURT

8.10 COUNTY OF JUDICIAL DISTRICT

8.11 FILE NO.

8.12 (Judgment Creditor)

8.13 against EARNINGS

8.14 (Judgment Debtor) EXECUTION

8.15 and DISCLOSURE

8.16 (Third Party)

8.17 DEFINITIONS

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

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

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

8.33 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

9.1 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
9.2 on you, will you or may you owe money to the judgment debtor for earnings?

9.3 Yes No

9.4 INSTRUCTIONS FOR COMPLETING THE
9.5 EARNINGS DISCLOSURE

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

9.9 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
9.10 Disclosure Worksheet as follows:

9.11 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
9.12 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
9.13 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.

9.14 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
9.15 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
9.16 DISCLOSURE WERE MADE.

9.17 Each payday, you must retain the amount of earnings listed in column G on the Earnings
9.18 Disclosure Worksheet.

9.19 You must pay the attached earnings and return this earnings disclosure form and the
9.20 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
9.21 worksheet to the judgment debtor within ten days after the last payday that falls within
9.22 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
9.23 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
9.24 and remittance should be made within ten days after the last payday for which earnings
9.25 were attached.

9.26 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

9.27 (2) COLUMN A. Enter the date of judgment debtor's payday.

9.28 (3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

9.29 (4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

9.30 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
9.31 on which of the following descriptions fits the child support judgment debtor:

10.1 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
10.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
10.3 to be calculated to the beginning of the work week in which the execution levy is received);

10.4 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
10.5 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
10.6 to be calculated to the beginning of the work week in which the execution levy is received);

10.7 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
10.8 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
10.9 to be calculated to the beginning of the work week in which the execution levy is received);

10.10 or

10.11 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
10.12 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
10.13 to be calculated to the beginning of the work week in which the execution levy is received).

10.14 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

10.15 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
10.16 claim, or any amount claimed by any other person as an exemption or adverse interest that
10.17 would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness
10.18 to you incurred within ten days prior to your receipt of the first execution levy may not be
10.19 set off against the earnings otherwise subject to this levy. Any wage assignment made by
10.20 the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

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

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

10.25 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
10.26 enter here. This is the amount of earnings that you must remit for the payday for which the
10.27 calculations were made.

10.28 AFFIRMATION

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

10.32 DATED:

10.33 Signature

11.1
 11.2 Title
 11.3
 11.4 Telephone Number

11.5 EARNINGS DISCLOSURE WORKSHEET
 11.6 Debtor's Name

11.7	A	B	C
11.8	Payday Date	Gross Earnings	Disposable Earnings
11.9			

11.10	1.	\$.....	\$.....
11.11	2. ....	.....	.....
11.12	3. ....	.....	.....
11.13	4. ....	.....	.....
11.14	5. ....	.....	.....
11.15	6. ....	.....	.....
11.16	7. ....	.....	.....
11.17	8. ....	.....	.....
11.18	9. ....	.....	.....
11.19	10. ....	.....	.....

11.20	D	E	F
11.21	Either 50, 55, 60, or	Setoff, Lien,	Column D minus
11.22	65% of Column C	Adverse Interest,	Column E
11.23		or Other Claims	
11.24	1. ....	.....	.....
11.25	2. ....	.....	.....
11.26	3. ....	.....	.....
11.27	4. ....	.....	.....
11.28	5. ....	.....	.....
11.29	6. ....	.....	.....
11.30	7. ....	.....	.....
11.31	8. ....	.....	.....
11.32	9. ....	.....	.....
11.33	10. ....	.....	.....

11.34 TOTAL OF COLUMN F \$

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

12.1
12.2
12.3

12.4 AFFIRMATION

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

12.8
12.9 Signature
12.10 Dated: (...)
12.11 Title Phone Number

12.12 Sec. 6. Minnesota Statutes 2018, section 550.136, subdivision 12, is amended to read:

12.13 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
12.14 earnings, the third party shall serve the execution earnings disclosure form upon the sheriff
12.15 within 20 days after service of the writ of execution. However, if the judgment debtor has
12.16 attachable earnings, the third party shall serve the execution earnings disclosure form and
12.17 remit to the sheriff the attached earnings within ten days of the last payday to occur within
12.18 the ~~70~~ 90 days after the date of the service of the execution. If the judgment is wholly
12.19 satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~
12.20 90-day period, the disclosure and remittance should be made within ten days after the last
12.21 payday for which earnings were attached. The amount of the third party's execution earnings
12.22 disclosure form and remittance need not exceed 110 percent of the amount of the judgment
12.23 creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses,
12.24 exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made
12.25 by an officer or an authorized agent having knowledge of the facts.

12.26 Sec. 7. Minnesota Statutes 2018, section 551.04, subdivision 2, is amended to read:

12.27 Subd. 2. **Property attachable.** Subject to the exemptions provided by subdivision 3 and
12.28 section 550.37, and any other applicable statute, the service of a writ of execution under
12.29 this chapter attaches:

12.30 (a) Except as otherwise provided in paragraph (c), all unpaid nonexempt disposable
12.31 earnings owing or to be owed by the third party and earned or to be earned by the judgment
12.32 debtor within the pay period in which the writ of execution is served and within all subsequent

13.1 pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ
13.2 of execution. "Payday" means the day upon which the third party pays earnings to the
13.3 judgment debtor in the ordinary course of business. If the judgment debtor has no regular
13.4 paydays, payday means the 15th day and the last day of each month.

13.5 (b) All other nonexempt indebtedness or money due or belonging to the judgment debtor
13.6 and owing by the third party or in the possession or under the control of the third party at
13.7 the time of service of the writ of execution, whether or not the same, has become payable.
13.8 The third party shall not be compelled to pay or deliver the same before the time specified
13.9 by any agreement unless the agreement was fraudulently contracted to defeat an execution
13.10 levy or other collection remedy.

13.11 (c) For an execution on a judgment for child support, all unpaid nonexempt disposable
13.12 earnings owing or to be owed by the third party and earned or to be earned by the judgment
13.13 debtor within the pay period in which the writ of execution is served and within all subsequent
13.14 pay periods until the judgment is satisfied if the judgment creditor is a county and the third
13.15 party is notified by the county when the judgment is satisfied.

13.16 Sec. 8. Minnesota Statutes 2018, section 551.04, subdivision 11, is amended to read:

13.17 Subd. 11. **Forms.** No judgment creditor shall use a form that contains alterations or
13.18 changes from the statutory forms that mislead judgment debtors as to their rights and the
13.19 execution procedure generally. If a court finds that a judgment creditor has used a misleading
13.20 form, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's
13.21 fees resulting from additional proceedings, and an amount not to exceed \$100. All forms
13.22 must be clearly legible and printed in not less than the equivalent of 10-point type. A form
13.23 that uses both sides of a sheet must clearly indicate on the front side that there is additional
13.24 information on the back side of the sheet.

13.25 Forms, including the statutory forms, used in executions upon earnings for the satisfaction
13.26 of judgments for child support must be changed by the creditor to reflect the fact that the
13.27 ~~70-day~~ 90-day period of effectiveness does not apply to these executions if the judgment
13.28 creditor is a county and the employer is notified by the county when the judgment is satisfied.

13.29 Sec. 9. Minnesota Statutes 2018, section 551.06, subdivision 3, is amended to read:

13.30 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
13.31 the maximum part of the aggregate disposable earnings of an individual for any pay period
13.32 subjected to an execution levy may not exceed the lesser of:

14.1 (1) 25 percent of the judgment debtor's disposable earnings; or

14.2 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
14.3 ~~product~~ greater of: (i) 40 times \$9.50 or 40 times the federal minimum hourly wages
14.4 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
14.5 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
14.6 of work weeks in the pay period. When a pay period consists of other than a whole number
14.7 of work weeks, each day of that pay period in excess of the number of completed work
14.8 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
14.9 divided by the number of days in the normal work week.

14.10 (b) If the judgment is for child support, the levy may not exceed:

14.11 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
14.12 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.13 to be calculated to the beginning of the work week in which the execution levy is received);

14.14 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
14.15 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.16 to be calculated to the beginning of the work week in which the execution levy is received);

14.17 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.18 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.19 to be calculated to the beginning of the work week in which the execution levy is received);

14.20 or

14.21 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.22 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.23 to be calculated to the beginning of the work week in which the execution levy is received).

14.24 Execution levies under this section on judgments for child support are effective until
14.25 the judgments are satisfied if the judgment creditor is a county and the employer is notified
14.26 by the county when the judgment is satisfied.

14.27 (c) No court may make, execute, or enforce an order or any process in violation of this
14.28 section.

14.29 Sec. 10. Minnesota Statutes 2018, section 551.06, subdivision 4, is amended to read:

14.30 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
14.31 section 518A.53, the priority of multiple earnings execution levies is determined by the
14.32 order in which the execution levies were served on the employer. If the employer is served

15.1 with two or more writs of execution at the same time on the same day, the writ of execution
 15.2 issued pursuant to the first judgment entered has priority. If two or more execution levies
 15.3 are served on the same day and are based on judgments entered on the same day, then the
 15.4 employer shall select the priority of the earnings levies. However, in all cases except earnings
 15.5 execution levies on judgments for child support if the judgment creditor is a county and the
 15.6 employer is notified by the county when the judgment is satisfied, the execution levies shall
 15.7 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

15.8 Sec. 11. Minnesota Statutes 2018, section 551.06, subdivision 5, is amended to read:

15.9 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by subdivision
 15.10 3 and section 550.37, and any other applicable statute, and except as otherwise provided in
 15.11 paragraph (b), the service of a writ of execution under this chapter attaches all unpaid
 15.12 nonexempt disposable earnings owing or to be owed by the third party and earned or to be
 15.13 earned by the judgment debtor before and within the pay period in which the writ of execution
 15.14 is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 15.15 after the date of service of the writ of execution. "Paydays" means the days upon which the
 15.16 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 15.17 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 15.18 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 15.19 sum.

15.20 (b) The service of a writ of execution on a judgment for child support attaches to all
 15.21 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 15.22 or to be earned by the judgment debtor before and within the pay period in which the writ
 15.23 of execution is served and within all subsequent pay periods until the judgment is satisfied
 15.24 if the judgment creditor is a county and the third party is notified by the county when the
 15.25 judgment is satisfied.

15.26 Sec. 12. Minnesota Statutes 2018, section 551.06, subdivision 9, is amended to read:

15.27 Subd. 9. **Notice of levy on earnings, disclosure, and worksheet.** The attorney for the
 15.28 judgment creditor shall serve upon the judgment debtor's employer a notice of levy on
 15.29 earnings and an execution earnings disclosure form and an earnings disclosure worksheet
 15.30 with the writ of execution, that must be substantially in the form set forth below.

15.31 STATE OF MINNESOTA DISTRICT COURT
 15.32 COUNTY OF JUDICIAL DISTRICT
 15.33 FILE NO.....

16.1 (Judgment Creditor)

16.2 against

NOTICE OF LEVY ON
EARNINGS AND DISCLOSURE

16.3 (Judgment Debtor)

16.4 and

16.5 (Third Party)

16.7 PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and
16.8 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and
16.9 levies execution upon all earnings due and owing by you (up to \$10,000) to the judgment
16.10 debtor for the amount of the judgment specified below. A copy of the writ of execution
16.11 issued by the court is enclosed. The unpaid judgment balance is \$.....

16.12 This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by
16.13 you and earned or to be earned by the judgment debtor before and within the pay period in
16.14 which the writ of execution is served and within all subsequent pay periods whose paydays
16.15 occur within the ~~70~~ 90 days after the service of this levy.

16.16 In responding to this levy, you are to complete the attached disclosure form and worksheet
16.17 and mail it to the undersigned attorney for the judgment creditor, together with your check
16.18 payable to the above-named judgment creditor, for the nonexempt amount owed by you to
16.19 the judgment debtor or for which you are obligated to the judgment debtor, within the time
16.20 limits set forth in the aforementioned statutes.

16.21
16.22 Attorney for the Judgment Creditor
16.23
16.24
16.25
16.26 Address
16.27 (...)
16.28 Phone Number

16.29 DISCLOSURE

16.30 DEFINITIONS

16.31 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
16.32 payable to an employee for personal services or compensation paid or payable to the producer
16.33 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
16.34 products produced when the producer is operating a family farm, a family farm corporation,
16.35 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether

17.1 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
17.2 payments pursuant to a pension or retirement.

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

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

17.11 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
17.12 QUESTIONS:

17.13 1. Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
17.14 on you, will you or may you owe money to the judgment debtor for earnings?

17.15 Yes No

17.16 2. Does the judgment debtor earn more than \$... per week? (This amount is the greater
17.17 of \$9.50 per hour or the federal minimum wage per week.)

17.18 Yes No

17.19 INSTRUCTIONS FOR COMPLETING THE
17.20 EARNINGS DISCLOSURE

17.21 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
17.22 on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after
17.23 it was served on you, and you do not need to answer the remaining questions.

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

17.26 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
17.27 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
17.28 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
17.29 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
17.30 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
17.31 DISCLOSURE WERE MADE.

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

18.3 You must pay the attached earnings and return this Earnings Disclosure Form and the
18.4 Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy
18.5 to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~
18.6 90-day period.

18.7 If the judgment is wholly satisfied or if the judgment debtor's employment ends before
18.8 the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be
18.9 made within ten days after the last payday for which earnings were attached.

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

- | | | | |
|-------|-----|-----------|--|
| 18.11 | 3. | COLUMN A. | Enter the date of judgment debtor's payday. |
| 18.12 | 4. | COLUMN B. | Enter judgment debtor's gross earnings for each payday. |
| 18.13 | 5. | COLUMN C. | Enter judgment debtor's disposable earnings for each |
| 18.14 | | | payday. |
| 18.15 | 6. | COLUMN D. | Enter 25 percent of disposable earnings. (Multiply |
| 18.16 | | | Column C by .25.) |
| 18.17 | 7. | COLUMN E. | Enter here <u>the greater of 40 times \$9.50 or 40 times the</u> |
| 18.18 | | | hourly federal minimum wage (\$.....) times the number |
| 18.19 | | | of work weeks included in each payday. (Note: If a pay |
| 18.20 | | | period includes days in excess of whole work weeks, |
| 18.21 | | | the additional days should be counted as a fraction of a |
| 18.22 | | | work week equal to the number of workdays in excess |
| 18.23 | | | of a whole work week divided by the number of |
| 18.24 | | | workdays in a normal work week.) |
| 18.25 | 8. | COLUMN F. | Subtract the amount in Column E from the amount in |
| 18.26 | | | Column C, and enter here. |
| 18.27 | 9. | COLUMN G. | Enter here the lesser of the amount in Column D and |
| 18.28 | | | the amount in Column F. |
| 18.29 | 10. | COLUMN H. | Enter here any amount claimed by you as a setoff, |
| 18.30 | | | defense, lien, or claim, or any amount claimed by any |
| 18.31 | | | other person as an exemption or adverse interest which |
| 18.32 | | | would reduce the amount of earnings owing to the |
| 18.33 | | | judgment debtor. (Note: Any indebtedness to you |
| 18.34 | | | incurred within ten days prior to your receipt of the first |
| 18.35 | | | execution levy on a debt may not be set off against the |
| 18.36 | | | earnings otherwise subject to this levy. Any wage |
| 18.37 | | | assignment made by the judgment debtor within ten |
| 18.38 | | | days prior to your receipt of the first execution levy on |
| 18.39 | | | a debt is void.) |
| 18.40 | | | You must also describe your claim(s) and the claims of |
| 18.41 | | | others, if known, in the space provided below the |
| 18.42 | | | worksheet and state the name(s) and address(es) of these |
| 18.43 | | | persons. |

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

19.4 11. COLUMN I. Subtract the amount in Column H from the amount in
19.5 Column G and enter here. This is the amount of earnings
19.6 that you must retain for the payday for which the
19.7 calculations were made. The total of all amounts entered
19.8 in Column I is the amount to be remitted to the attorney
19.9 for the judgment creditor.

19.10 AFFIRMATION

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

19.14 Dated:

19.15 Signature

19.16

19.17 Title

19.18

19.19 Telephone Number

19.20 EARNINGS DISCLOSURE WORKSHEET

19.21

19.22 Judgment Debtor's Name

19.23 A	B	C
19.24 Payday Date	Gross Earnings	Disposable Earnings
19.25		
19.26 1.	\$.....	\$.....
19.27 2.
19.28 3.
19.29 4.
19.30 5.
19.31 6.
19.32 7.
19.33 8.
19.34 9.
19.35 10.

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

21.4

21.5 Title

21.6 Dated: (...)

21.7 Signature Phone Number

21.8 Sec. 13. Minnesota Statutes 2018, section 551.06, subdivision 10, is amended to read:

21.9 Subd. 10. **Notice of levy on earnings, disclosure, and worksheet for child support**
21.10 **judgment.** The attorney for the judgment creditor shall serve upon the judgment debtor's
21.11 employer a notice of levy on earnings and an execution earnings disclosure form and an
21.12 earnings disclosure worksheet with the writ of execution, that must be substantially in the
21.13 form set forth below.

21.14 STATE OF MINNESOTA DISTRICT COURT

21.15 COUNTY OF JUDICIAL DISTRICT

21.16 FILE NO.

21.17 (Judgment Creditor)

21.18 against NOTICE OF LEVY ON

21.19 EARNINGS AND DISCLOSURE

21.20 (Judgment Debtor)

21.21 and

21.22 (Third Party)

21.23 PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and
21.24 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and
21.25 levies execution upon all earnings due and owing by you (up to \$10,000) to the judgment
21.26 debtor for the amount of the judgment specified below. A copy of the writ of execution
21.27 issued by the court is enclosed. The unpaid judgment balance is \$.....

21.28 This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by
21.29 you and earned or to be earned by the judgment debtor before and within the pay period in
21.30 which the writ of execution is served and within all subsequent pay periods whose paydays
21.31 occur within the ~~70~~ 90 days after the service of this levy.

21.32 In responding to this levy, you are to complete the attached disclosure form and worksheet
21.33 and mail it to the undersigned attorney for the judgment creditor, together with your check
21.34 payable to the above-named judgment creditor, for the nonexempt amount owed by you to

22.1 the judgment debtor or for which you are obligated to the judgment debtor, within the time
22.2 limits set forth in the aforementioned statutes.

22.3

22.4 Attorney for the Judgment Creditor

22.5

22.6

22.7

22.8 Address

22.9 (...)

22.10 Phone Number

22.11 DISCLOSURE

22.12 DEFINITIONS

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

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

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

22.28 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

22.29 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
22.30 on you, will you or may you owe money to the judgment debtor for earnings?

22.31 Yes No

22.32 INSTRUCTIONS FOR COMPLETING THE
22.33 EARNINGS DISCLOSURE

23.1 A. If your answer to question 1 is "No," then you must sign the affirmation below and
23.2 return this disclosure to the judgment creditor's attorney within 20 days after it was served
23.3 on you, and you do not need to answer the remaining questions.

23.4 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
23.5 Disclosure Worksheet as follows:

23.6 For each payday that falls within ~~70~~90 days from the date the execution levy was served
23.7 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
23.8 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
23.9 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
23.10 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
23.11 DISCLOSURE WERE MADE.

23.12 Each payday, you must retain the amount of earnings listed in column G on the Earnings
23.13 Disclosure Worksheet.

23.14 You must pay the attached earnings and return this earnings disclosure form and the
23.15 Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy
23.16 of the disclosure and worksheet to the judgment debtor within ten days after the last
23.17 payday that falls within the ~~70-day~~90-day period. If the judgment is wholly satisfied or
23.18 if the judgment debtor's employment ends before the expiration of the ~~70-day~~90-day
23.19 period, your disclosure and remittance should be made within ten days after the last
23.20 payday for which earnings were attached.

23.21 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

23.22 (2) COLUMN A. Enter the date of judgment debtor's payday.

23.23 (3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

23.24 (4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

23.25 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
23.26 on which of the following descriptions fits the child support judgment debtor:

23.27 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
23.28 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
23.29 to be calculated to the beginning of the work week in which the execution levy is received);

23.30 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
23.31 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
23.32 to be calculated to the beginning of the work week in which the execution levy is received);

24.1 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
24.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
24.3 to be calculated to the beginning of the work week in which the execution levy is received);
24.4 or

24.5 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
24.6 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
24.7 to be calculated to the beginning of the work week in which the execution levy is received).
24.8 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

24.9 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
24.10 claim, or any amount claimed by any other person as an exemption or adverse interest that
24.11 would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness
24.12 to you incurred within ten days prior to your receipt of the first execution levy on a debt
24.13 may not be set off against the earnings otherwise subject to this levy. Any wage assignment
24.14 made by the judgment debtor within ten days prior to your receipt of the first execution levy
24.15 on a debt is void.)

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

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

24.20 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
24.21 enter here. This is the amount of earnings that you must remit for the payday for which the
24.22 calculations were made.

24.23 AFFIRMATION

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

24.27 DATED:

24.28 Signature
24.29

24.30 Title
24.31

24.32 Telephone Number

24.33 EARNINGS DISCLOSURE WORKSHEET

24.34 Debtor's Name

25.1	A	B	C
25.2	Payday Date	Gross Earnings	Disposable Earnings
25.3			
25.4	1.	\$.....	\$.....
25.5	2. ....	.....	.....
25.6	3. ....	.....	.....
25.7	4. ....	.....	.....
25.8	5. ....	.....	.....
25.9	6. ....	.....	.....
25.10	7. ....	.....	.....
25.11	8. ....	.....	.....
25.12	9. ....	.....	.....
25.13	10. ....	.....	.....

25.14	D	E	F
25.15	Either 50, 55, 60, or	Setoff, Lien,	Column D minus
25.16	65% of Column C	Adverse Interest,	Column E
25.17		or Other Claims	
25.18	1. ....	.....	.....
25.19	2. ....	.....	.....
25.20	3. ....	.....	.....
25.21	4. ....	.....	.....
25.22	5. ....	.....	.....
25.23	6. ....	.....	.....
25.24	7. ....	.....	.....
25.25	8. ....	.....	.....
25.26	9. ....	.....	.....
25.27	10. ....	.....	.....

25.28 TOTAL OF COLUMN F \$

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

25.32
25.33
25.34

25.35 AFFIRMATION

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

26.4

26.5 Signature

26.6 Dated: (...)

26.7 Title Phone Number

26.8 Sec. 14. Minnesota Statutes 2018, section 551.06, subdivision 12, is amended to read:

26.9 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
26.10 earnings, the third party shall serve the execution earnings disclosure form upon the attorney
26.11 for the judgment creditor within 20 days after service of the writ of execution. However, if
26.12 the judgment debtor has attachable earnings, the third party shall serve the execution earnings
26.13 disclosure form upon both the attorney for the judgment creditor and the judgment debtor
26.14 and remit to the attorney for the judgment creditor the attached earnings within ten days of
26.15 the last payday to occur within the ~~70~~ 90 days after the date of the service of the writ of
26.16 execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends
26.17 before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be
26.18 made within ten days after the last payday for which earnings were attached. The amount
26.19 of the third party's execution earnings disclosure form and remittance need not exceed 100
26.20 percent of the amount of the judgment creditor's judgment that remains unpaid, after
26.21 subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the
26.22 disclosure is by a corporation, it shall be made by an officer or an authorized agent having
26.23 knowledge of the facts.

26.24 Sec. 15. Minnesota Statutes 2018, section 571.72, subdivision 2, is amended to read:

26.25 Subd. 2. **Service of garnishment summons.** To enforce a claim asserted in a civil action
26.26 venued in a court of record, a garnishment summons may be issued by a creditor and served
26.27 upon the garnishee in the same manner as other summons in that court of record, except
26.28 that service may not be made by publication. Service of a garnishment summons on the
26.29 garnishee may also be made by certified mail, return receipt requested. A garnishment
26.30 summons served by certified mail is effective if served at the garnishee's regular place of
26.31 business. The effective date of service by certified mail is the time of receipt by the garnishee.
26.32 A single garnishment summons may be addressed to two or more garnishees but must state
26.33 whether each is summoned separately or jointly.

27.1 The garnishment summons must state:

27.2 (1) the full name of the debtor, the debtor's last known mailing address, and the amount
27.3 of the claim that remains unpaid;

27.4 (2) the date of the entry of judgment against the debtor or that the debtor is in default
27.5 pursuant to rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts.

27.6 Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment
27.7 summons must include a copy of the court order;

27.8 (3) if the garnishment is on any indebtedness, money, or property other than earnings,
27.9 the garnishee shall serve upon the creditor and upon the debtor within 20 days after service
27.10 of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money,
27.11 or other property owing to the debtor and answers to all written interrogatories that are
27.12 served with the garnishment summons. The garnishment summons shall also state that if
27.13 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
27.14 serve the disclosure within ten days of the last payday to occur within the ~~70~~ 90 days after
27.15 the date of service of the garnishment summons;

27.16 (4) that the creditor shall not require disclosure of the disposable earnings, indebtedness,
27.17 money, or property of debtor in the garnishee's possession or under the garnishee's control
27.18 in excess of 110 percent of the amount of the claim that remains unpaid;

27.19 (5) that the garnishee shall retain disposable earnings, indebtedness, money, or property
27.20 of the debtor in the garnishee's possession or under the garnishee's control not in excess of
27.21 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ
27.22 of execution to be served upon the garnishee, until the debtor authorizes release to the
27.23 creditor, until the creditor authorizes release to the debtor, upon court order, or by operation
27.24 of law;

27.25 (6) that after the expiration of the period of time specified in section 571.79 from the
27.26 date of service of the garnishment summons, the garnishee's retention obligation
27.27 automatically expires;

27.28 (7) that an assignment of wages made by the debtor within ten days before the service
27.29 of the first garnishment summons on a debt is void and that any indebtedness to the garnishee
27.30 incurred with ten days before the service of the first garnishment summons on a debt may
27.31 not be set off against amounts otherwise subject to the garnishment.

28.1 Sec. 16. Minnesota Statutes 2018, section 571.72, subdivision 7, is amended to read:

28.2 Subd. 7. **Forms.** No creditor shall use a form that contains alterations or changes from
28.3 the statutory forms that mislead debtors as to their rights and the garnishment procedure
28.4 generally. If a court finds that a creditor has used a misleading form, the debtor shall be
28.5 awarded actual damages, costs, reasonable attorney's fees resulting from additional
28.6 proceedings, and an amount not to exceed \$100. All forms must be clearly legible and
28.7 printed in not less than the equivalent of 10-point type. A form that uses both sides of a
28.8 sheet must clearly indicate on the front side that there is additional information on the back
28.9 side of the sheet.

28.10 Forms, including the statutory forms, used in garnishments of earnings for the satisfaction
28.11 of judgments for child support must be changed by the creditor to reflect the fact that the
28.12 ~~70-day~~ 90-day period of effectiveness does not apply to these garnishments if the judgment
28.13 creditor is a county and the employer is notified by the county when the judgment is satisfied.

28.14 Sec. 17. Minnesota Statutes 2018, section 571.73, subdivision 3, is amended to read:

28.15 Subd. 3. **Property attachable.** Subject to the exemptions provided by sections 550.37
28.16 and 571.922 and any other applicable statute, the service of a garnishment summons under
28.17 this chapter attaches:

28.18 (1) except as otherwise provided in clause (4), all unpaid nonexempt disposable earnings
28.19 owed or to be owed by the garnishee and earned or to be earned by the debtor within the
28.20 pay period in which the garnishment summons is served and within all subsequent pay
28.21 periods whose paydays occur within the ~~70~~ 90 days after the date of service of the
28.22 garnishment summons. "Payday" means the day upon which the garnishee pays earnings
28.23 to the debtor in the ordinary course of business. If the debtor has no regular paydays,
28.24 "payday" means the 15th day and the last day of each month;

28.25 (2) all other nonexempt indebtedness, money, or other property due or belonging to the
28.26 debtor and owing by the garnishee or in the possession or under the control of the garnishee
28.27 at the time of service of the garnishment summons, whether or not the same has become
28.28 payable. The garnishee shall not be compelled to pay or deliver the same before the time
28.29 specified by any agreement unless the agreement was fraudulently contracted to defeat a
28.30 garnishment or other collection remedy;

28.31 (3) all other nonexempt intangible or tangible personal property of the debtor in the
28.32 possession or under the control of the garnishee at the time of service of the garnishment
28.33 summons, including property of any kind due from or in the hands of an executor,

29.1 administrator, personal representative, receiver, or trustee, and all written evidences of
29.2 indebtedness whether or not negotiable or not yet underdue or overdue; and

29.3 (4) for a garnishment on a judgment for child support by a county, all unpaid nonexempt
29.4 disposable earnings owed or to be owed by the garnishee and earned or to be earned by the
29.5 debtor within the pay period in which the garnishment summons is served and within all
29.6 subsequent pay periods until the judgment is satisfied.

29.7 Sec. 18. Minnesota Statutes 2018, section 571.74, is amended to read:

29.8 **571.74 GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.**

29.9 The garnishment summons and notice to debtor must be substantially in the following
29.10 form. The notice to debtor must be in no smaller than 14-point type.

29.11 GARNISHMENT SUMMONS

29.12	STATE OF MINNESOTA		DISTRICT COURT
29.13	COUNTY OF .....	.....	JUDICIAL DISTRICT
29.14	.....(Creditor)		
29.15	.....(Debtor)	UNPAID BALANCE	
29.16	.....(Debtor's Address)		Date of Entry
29.17	.....(Garnishee)	of Judgment (or) Subject to Minnesota	
29.18		Statutes, section 571.71, subd. 2	

29.19 GARNISHMENT SUMMONS

29.20 The State of Minnesota

29.21 To the Garnishee named above:

29.22 You are hereby summoned and required to serve upon the creditor's attorney (or the
29.23 creditor if not represented by an attorney) and on the debtor within 20 days after service of
29.24 this garnishment summons upon you, a written disclosure, of the nonexempt indebtedness,
29.25 money, or other property due or belonging to the debtor and owing by you or in your
29.26 possession or under your control and answers to all written interrogatories that are served
29.27 with the garnishment summons. However, if the garnishment is on earnings and the debtor
29.28 has garnishable earnings, you shall serve the completed disclosure form on the creditor's
29.29 attorney, or the creditor if not represented by an attorney, within ten days of the last payday
29.30 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.
29.31 "Payday" means the day which you pay earnings in the ordinary course of business. If the
29.32 debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

30.1 Your disclosure need not exceed 110 percent of the amount of the creditor's claim that
30.2 remains unpaid.

30.3 You shall retain garnishable earnings, other indebtedness, money, or other property in
30.4 your possession in an amount not to exceed 110 percent of the creditor's claim until such
30.5 time as the creditor causes a writ of execution to be served upon you, until the debtor
30.6 authorizes you in writing to release the property to the creditor, or until the expiration of
30.7 days from the date of service of this garnishment summons upon you, at which time
30.8 you shall return the disposable earnings, other indebtedness, money, or other property to
30.9 the debtor.

30.10 EARNINGS

30.11 In the event you are summoned as a garnishee because you owe "earnings" (as defined
30.12 on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if
30.13 applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the
30.14 creditor if not represented by an attorney, a written earnings disclosure form within the time
30.15 limit set forth above.

30.16 In the case of earnings you are further required to retain in your possession all unpaid
30.17 nonexempt disposable earnings owed or to be owed by you and earned or to be earned to
30.18 the debtor within the pay period in which this garnishment summons is served and within
30.19 all subsequent pay periods whose paydays (defined above) occur within the ~~70~~90 days after
30.20 the date of service of this garnishment summons.

30.21 Any assignment of earnings made by the debtor to any party within ten days before the
30.22 receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the
30.23 debtor within the ten days before the receipt of the first garnishment on a debt may not be
30.24 set off against amounts otherwise subject to the garnishment.

30.25 You are prohibited by law from discharging or disciplining the debtor because the debtor's
30.26 earnings have been subject to garnishment.

30.27 This Garnishment Summons includes:

30.28 (check applicable box)

30.29 Earnings garnishment
30.30 (see attached Earnings Disclosure Form)

30.31 Nonearnings garnishment
30.32 (see attached Nonearnings Disclosure Form)

30.33 Both Earnings and Nonearnings garnishment
30.34 (see both attached Earnings and Nonearnings
30.35 Disclosure Form)

31.1 NOTICE TO DEBTOR

31.2 A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment
31.3 Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out
31.4 if not applicable), copies of which are hereby served on you, were served upon the Garnishee
31.5 by delivering copies to the Garnishee. The Garnishee was paid \$15.

31.6 Dated:
31.7 Attorney for Creditor (or creditor)
31.8
31.9
31.10
31.11 Address
31.12
31.13 Telephone
31.14
31.15 Attorney I.D. No

31.16 Sec. 19. Minnesota Statutes 2018, section 571.75, subdivision 1, is amended to read:

31.17 Subdivision 1. **Garnishee to disclose.** The garnishee shall serve on both the creditor
31.18 and the debtor, within 20 days after service of the garnishment summons, a written disclosure
31.19 of the garnishee's indebtedness, money, or other property owing to the debtor. However, if
31.20 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
31.21 serve the disclosure and earnings disclosure worksheet within ten days after the last payday
31.22 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.
31.23 "Payday" means the day upon which the garnishee pays earnings to the debtor in the ordinary
31.24 course of business. If the debtor has no regular paydays, "payday" means the 15th day and
31.25 the last day of each month. The amount of the garnishee's disclosure need not exceed 110
31.26 percent of the amount of the creditor's claim that remains unpaid, after subtracting the total
31.27 of setoffs, defenses, exemptions, ownership claims, or other interests. The answers to the
31.28 garnishment disclosure form may be served personally or by first class mail. If the disclosure
31.29 is by a corporation, it shall be made by an officer, managing agent, or other authorized
31.30 person having knowledge of the facts.

31.31 Sec. 20. Minnesota Statutes 2018, section 571.75, subdivision 2, is amended to read:

31.32 Subd. 2. **Contents of disclosure.** The disclosure must state:

32.1 (a) If an earnings garnishment disclosure, the amount of disposable earnings earned by
32.2 the debtor within the debtor's pay periods as specified in section 571.921.

32.3 (b) If a nonearnings garnishment disclosure, a description of any personal property or
32.4 any instrument or papers relating to this property belonging to the judgment debtor or in
32.5 which the debtor is interested or other indebtedness of the garnishee to the debtor.

32.6 (c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings,
32.7 other indebtedness, money, or property, the garnishee shall disclose the amount and the
32.8 facts concerning the same.

32.9 (d) Whether the debtor asserts any exemption, or any other objection, known to the
32.10 garnishee against the right of the creditor to garnish the disposable earnings, other
32.11 indebtedness, money, or property disclosed.

32.12 (e) If other persons assert claims to any disposable earnings, other indebtedness, money,
32.13 or property disclosed, the garnishee shall disclose the names and addresses of these claimants
32.14 and, so far as known by the garnishee, the nature of their claims.

32.15 (f) The garnishment disclosure forms and earnings disclosure worksheet must be the
32.16 same or substantially similar to the following forms. If the garnishment affects earnings of
32.17 the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment
32.18 affects any indebtedness, money, or property of the debtor, other than earnings, the creditor
32.19 shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph
32.20 limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

32.21 EARNINGS DISCLOSURE FORM AND WORKSHEET

32.22	STATE OF MINNESOTA	DISTRICT COURT
32.23	COUNTY OF .....	.....JUDICIAL DISTRICT
32.24	.....(Creditor)	
32.25	.....(Debtor)	GARNISHMENT
32.26	.....(Garnishee)	EARNINGS DISCLOSURE

32.27 DEFINITIONS

32.28 "EARNINGS": For the purpose of garnishment, "earnings" means compensation paid
32.29 or payable to an employee for personal services or compensation paid or payable to the
32.30 producer for the sale of agricultural products; milk or milk products; or fruit or other
32.31 horticultural products produced when the producer is operating a family farm, a family farm
32.32 corporation, or an authorized farm corporation, as defined in section 500.24, subdivision

33.1 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes
33.2 periodic payments pursuant to a pension or retirement.

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

33.7 "PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which
33.8 the employer pays earnings to the debtor in the ordinary course of business. If the debtor
33.9 has no regular payday, payday(s) means the fifteenth and the last day of each month.

33.10 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

33.11 1. Do you now owe, or within ~~70~~ 90 days from the date the garnishment summons was
33.12 served on you, will you or do you expect to owe money to the debtor for earnings?

33.13 Yes No

33.14 2. Does the debtor earn more than \$..... per week? (This amount is the greater of \$9.50
33.15 per hour or the federal minimum wage per week.)

33.16 Yes No

33.17 INSTRUCTIONS FOR COMPLETING THE
33.18 EARNINGS DISCLOSURE

33.19 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
33.20 on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented
33.21 by an attorney) within 20 days after it was served on you, and you do not need to answer
33.22 the remaining questions.

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

33.25 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons
33.26 was served on you, YOU MUST calculate the amount of earnings to be retained by
33.27 completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure
33.28 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
33.29 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
33.30 DISCLOSURE WERE MADE.

33.31 Each payday, you must retain the amount of earnings listed in Column I on the Earnings
33.32 Disclosure Worksheet.

34.1 You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet
34.2 to the creditor's attorney (or the creditor if not represented by an attorney) and deliver
34.3 a copy to the debtor within ten days after the last payday that falls within the ~~70-day~~
34.4 90-day period.

34.5 If the claim is wholly satisfied or if the debtor's employment ends before the expiration
34.6 of the ~~70-day~~ 90-day period, your disclosure should be made within ten days after the
34.7 last payday for which earnings were attached.

34.8 For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

- 34.9 3. COLUMN A. Enter the date of debtor's payday.
- 34.10 4. COLUMN B. Enter debtor's gross earnings for each payday.
- 34.11 5. COLUMN C. Enter debtor's disposable earnings for each payday.
- 34.12 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply
34.13 Column C by .25.)
- 34.14 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
34.15 hourly federal minimum wage (\$.....) times the
34.16 number of work weeks included in each payday. (Note:
34.17 If a pay period includes days in excess of whole work
34.18 weeks, the additional days should be counted as a
34.19 fraction of a work week equal to the number of
34.20 workdays in excess of a whole work week divided by
34.21 the number of workdays in a normal work week.)
- 34.22 8. COLUMN F. Subtract the amount in Column E from the amount in
34.23 Column C, and enter here.
- 34.24 9. COLUMN G. Enter here the lesser of the amount in Column D and
34.25 the amount in Column F.
- 34.26 10. COLUMN H. Enter here any amount claimed by you as a setoff,
34.27 defense, lien, or claim, or any amount claimed by any
34.28 other person as an exemption or adverse interest which
34.29 would reduce the amount of earnings owing to the
34.30 debtor. (Note: Any indebtedness to you incurred by the
34.31 debtor within the ten days before the receipt of the first
34.32 garnishment on a debt may not be set off against
34.33 amounts otherwise subject to the garnishment. Any
34.34 assignment of earnings made by the debtor to any party
34.35 within ten days before the receipt of the first
34.36 garnishment on a debt is void.)

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

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

35.4 11. COLUMN I. Subtract the amount in Column H from the amount in
35.5 Column G and enter here. This is the amount of earnings
35.6 that you must retain for the payday for which the
35.7 calculations were made.

35.8 AFFIRMATION

35.9 I, (person signing Affirmation), am the garnishee or I am authorized by
35.10 the garnishee to complete this earnings disclosure, and have done so truthfully and to the
35.11 best of my knowledge.

35.12 Dated: Signature

35.13 Title

35.14 Telephone Number

35.15

35.16

35.17

35.18 EARNINGS DISCLOSURE WORKSHEET

35.19

35.20 Debtor's Name

35.21	A	B	C
35.22	Payday Date	Gross Earnings	Disposable Earnings
35.23			

35.24 1. \$..... \$.....

35.25 2.

35.26 3.

35.27 4.

35.28 5.

35.29 6.

35.30 7.

35.31 8.

35.32 9.

35.33 10.

35.34	D	E	F
35.35	25% of	40 X Min. Wage	Column C minus
35.36	Column C	<u>Greater of 40 X</u>	Column E

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

37.4 Dated:

37.5 Signature

37.6 Title

37.7 Telephone Number (....).....

37.8 EARNINGS DISCLOSURE FORM AND WORKSHEET

37.9 FOR CHILD SUPPORT DEBTOR

37.10 STATE OF MINNESOTA DISTRICT COURT

37.11 COUNTY OF JUDICIAL DISTRICT

37.12(Creditor)

37.13(Debtor) GARNISHMENT

37.14(Garnishee) EARNINGS DISCLOSURE

37.15 DEFINITIONS

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

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

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

37.31 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

37.32 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
37.33 on you, will you or may you owe money to the debtor for earnings?

38.1 Yes No

38.2 INSTRUCTIONS FOR COMPLETING THE
38.3 EARNINGS DISCLOSURE

38.4 A. If your answer to question 1 is "No," then you must sign the affirmation below and
38.5 return this disclosure to the creditor's attorney (or the creditor if not represented by an
38.6 attorney) within 20 days after it was served on you, and you do not need to answer the
38.7 remaining questions.

38.8 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
38.9 Disclosure Worksheet as follows:

38.10 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons
38.11 was served on you, YOU MUST calculate the amount of earnings to be retained by
38.12 completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure
38.13 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
38.14 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
38.15 DISCLOSURE WERE MADE.

38.16 Each payday, you must retain the amount of earnings listed in column G on the Earnings
38.17 Disclosure Worksheet.

38.18 You must pay the attached earnings and return this earnings disclosure form and the
38.19 Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented
38.20 by an attorney) and deliver a copy to the debtor within ten days after the last payday
38.21 that falls within the ~~70-day~~ 90-day period. If the claim is wholly satisfied or if the debtor's
38.22 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
38.23 should be made within ten days after the last payday for which earnings were attached.

38.24 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

38.25 (2) COLUMN A. Enter the date of debtor's payday.

38.26 (3) COLUMN B. Enter debtor's gross earnings for each payday.

38.27 (4) COLUMN C. Enter debtor's disposable earnings for each payday.

38.28 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
38.29 on which of the following descriptions fits the child support judgment debtor:

38.30 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
38.31 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
38.32 to be calculated to the beginning of the work week in which the execution levy is received);

39.1 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
39.2 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
39.3 to be calculated to the beginning of the work week in which the execution levy is received);

39.4 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
39.5 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
39.6 to be calculated to the beginning of the work week in which the execution levy is received);

39.7 or

39.8 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
39.9 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
39.10 to be calculated to the beginning of the work week in which the execution levy is received).

39.11 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

39.12 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
39.13 claim, or any amount claimed by any other person as an exemption or adverse interest that
39.14 would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings
39.15 made by the debtor to any party within ten days before the receipt of the first garnishment
39.16 on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before
39.17 the receipt of the first garnishment on a debt may not be set off against amounts otherwise
39.18 subject to the garnishment.)

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

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

39.23 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
39.24 enter here. This is the amount of earnings that you must remit for the payday for which the
39.25 calculations were made.

39.26 AFFIRMATION

39.27 I, (person signing Affirmation), am the garnishee or I am authorized by the
39.28 garnishee to complete this earnings disclosure, and have done so truthfully and to the best
39.29 of my knowledge.

39.30 Dated:

39.31 Signature

39.32

39.33 Title

40.1

.....

40.2

Telephone Number

40.3

EARNINGS DISCLOSURE

40.4

WORKSHEET

.....

40.5

Debtor's Name

40.6

A

B

C

40.7

Payday Date

Gross Earnings

Disposable

40.8

Earnings

40.9

1.

\$.....

\$.....

40.10

2.

.....

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40.11

3.

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40.12

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40.16

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40.17

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40.18

10.

.....

.....

40.19

D

E

F

40.20

Either 50, 55, 60, or

Setoff, Lien,

Column D minus

40.21

65% of Column C

Adverse Interest,

Column E

40.22

or Other Claims

40.23

1.

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40.24

2.

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40.25

3.

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40.26

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40.30

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40.31

9.

.....

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40.32

10.

.....

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40.33

TOTAL OF COLUMN F \$.....

40.34

*If you entered any amount in column E for any payday(s), you must describe below

40.35

either your claims, or the claims of others. For amounts claimed by others, you must both

40.36

state the names and addresses of such persons, and the nature of their claim, if known.

40.37

.....

41.1
41.2

41.3 AFFIRMATION

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

41.7
41.8 Signature
41.9 Dated: (.....)
41.10 Title Phone Number

41.11 NONEARNINGS DISCLOSURE FORM

41.12 STATE OF MINNESOTA DISTRICT COURT
41.13 COUNTY OF JUDICIAL DISTRICT

41.14(Creditor)
41.15 against
41.16(Debtor) NONEARNINGS DISCLOSURE
41.17 and
41.18(Garnishee)

41.19 On the day of,, the time of service of garnishment summons
41.20 herein, there was due and owing the debtor from the garnishee the following:

41.21 (1) Money. Enter on the line below any amounts due and owing the debtor, except
41.22 earnings, from the garnishee.

41.23

41.24 (2) Property. Describe on the line below any personal property, instruments, or papers
41.25 belonging to the debtor and in the possession of the garnishee.

41.26

41.27 (3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which
41.28 the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts
41.29 by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee
41.30 incurred by the debtor within the ten days before the receipt of the first garnishment on a
41.31 debt may not be set off against amounts otherwise subject to the garnishment.)

41.32

42.1 (4) Exemption. Enter on the line below any amounts or property claimed by the debtor
42.2 to be exempt from execution.

42.3

42.4 (5) Adverse Interest. Enter on the line below any amounts claimed by other persons by
42.5 reason of ownership or interest in the debtor's property.

42.6

42.7 (6) Enter on the line below the total of lines (3), (4), and (5).

42.8

42.9 (7) Enter on the line below the difference obtained (never less than zero) when line (6)
42.10 is subtracted from the sum of lines (1) and (2).

42.11

42.12 (8) Enter on the line below 110 percent of the amount of the creditor's claim which
42.13 remains unpaid.

42.14

42.15 (9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if
42.16 it is \$10 or more.

42.17

42.18 AFFIRMATION

42.19 I, (person signing Affirmation), am the garnishee or I am authorized
42.20 by the garnishee to complete this nonearnings garnishment disclosure, and have done so
42.21 truthfully and to the best of my knowledge.

42.22 Dated:

42.23 Signature

42.24

42.25 Title

42.26

42.27 Telephone Number

43.1 Sec. 21. Minnesota Statutes 2018, section 571.922, is amended to read:

43.2 **571.922 LIMITATION ON WAGE GARNISHMENT.**

43.3 (a) Unless the judgment is for child support, the maximum part of the aggregate
43.4 disposable earnings of an individual for any pay period subjected to garnishment may not
43.5 exceed the lesser of:

43.6 (1) 25 percent of the debtor's disposable earnings; or

43.7 (2) the amount by which the debtor's disposable earnings exceed the ~~following product~~
43.8 greater of:

43.9 (i) 40 times the hourly wage described in section 177.24, subdivision 1, paragraph (b),
43.10 item (iii); or

43.11 (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair
43.12 Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1); The calculation
43.13 of the amount that is subject to garnishment must be based on the hourly wage in effect at
43.14 the time the earnings are payable, times the number of work weeks in the pay period. When
43.15 a pay period consists of other than a whole number of work weeks, each day of that pay
43.16 period in excess of the number of completed work weeks shall be counted as a fraction of
43.17 a work week equal to the number of excess workdays divided by the number of days in the
43.18 normal work week.

43.19 (b) If the judgment is for child support, the garnishment may not exceed:

43.20 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
43.21 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
43.22 to be calculated to the beginning of the work week in which the execution levy is received);

43.23 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
43.24 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
43.25 to be calculated to the beginning of the work week in which the garnishment summons is
43.26 received);

43.27 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
43.28 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
43.29 to be calculated to the beginning of the work week in which the execution levy is received);
43.30 or

43.31 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
43.32 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks

44.1 to be calculated to the beginning of the work week in which the garnishment summons is
44.2 received).

44.3 Wage garnishments on judgments for child support are effective until the judgments are
44.4 satisfied if the judgment creditor is a county and the employer is notified by the county
44.5 when the judgment is satisfied.

44.6 (c) No court may make, execute, or enforce an order or any process in violation of this
44.7 section.

44.8 Sec. 22. Minnesota Statutes 2018, section 571.923, is amended to read:

44.9 **571.923 MULTIPLE EARNINGS GARNISHMENTS.**

44.10 Except as otherwise provided in this chapter or section 518A.53, the priority of multiple
44.11 earnings garnishments shall be determined by the order in which the garnishment summonses
44.12 were served on the employer. If the employer is served with two or more garnishment
44.13 summonses at the same time on the same day, the garnishment summons issued pursuant
44.14 to the first judgment entered has priority. If two or more garnishment summonses are served
44.15 on the same day and are based on judgments entered on the same day or if there are two or
44.16 more garnishment summonses based on prejudgment garnishment pursuant to section 571.93,
44.17 then the employer shall select the priority of the earnings garnishments. However, in all
44.18 cases except wage garnishments on judgments for child support if the judgment creditor is
44.19 a county and the employer is notified by the county when the judgment is satisfied,
44.20 garnishments shall be effective no longer than ~~70~~90 days from the date of the service of
44.21 the garnishment summons.

44.22 Sec. 23. **EFFECTIVE DATE.**

44.23 Sections 1 to 22 are effective August 1, 2021, and apply to all earnings garnished or
44.24 levied, or all attorney's summary executions upon earnings on or after that date.