

**CHAPTER 571  
GARNISHMENT**

571.75 Garnishee disclosure.  
571.81 Garnishment lien; priorities of creditors.

571.922 Limitation on wage garnishment.

**571.75 GARNISHEE DISCLOSURE.**

*[For text of subd 1, see M.S.1990]*

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

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

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

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

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

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

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

**EARNINGS DISCLOSURE FORM AND WORKSHEET**

STATE OF MINNESOTA  
COUNTY OF .....  
.....(Creditor)  
.....(Debtor)  
.....(Garnishee)

DISTRICT COURT  
..... JUDICIAL DISTRICT

GARNISHMENT  
EARNINGS DISCLOSURE

**DEFINITIONS**

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

**"DISPOSABLE EARNINGS":** Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be

withheld. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

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

**THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:**

1. Do you now owe, or within 70 days from the date the garnishment summons was served on you, will you or do you expect to owe money to the debtor for earnings?  
Yes ..... No .....
2. Does the debtor earn more than \$..... per week? (This amount is the federal minimum wage per week.)  
Yes ..... No .....

**INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE**

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

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

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

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

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

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

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

3. COLUMN A. Enter the date of debtor's payday.
4. COLUMN B. Enter debtor's gross earnings for each payday.
5. COLUMN C. Enter debtor's disposable earnings for each payday.
6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply Column C by .25.)

- 7. **COLUMN E.** Enter here 40 times the hourly federal minimum wage (\$....) times the number of work weeks included in each payday. (Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
- 8. **COLUMN F.** Subtract the amount in Column E from the amount in Column C, and enter here.
- 9. **COLUMN G.** Enter here the lesser of the amount in Column D and the amount in Column F.
- 10. **COLUMN H.** Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the debtor. (Note: Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment. Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void.)

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

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

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

**AFFIRMATION**

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

Dated: .....

.....  
Signature

.....  
Title

.....  
Telephone Number

**EARNINGS DISCLOSURE WORKSHEET**

		.....	
		Debtor's Name	
<b>A</b>	<b>B</b>	<b>C</b>	
<b>Payday</b>	<b>Gross</b>	<b>Disposable</b>	
<b>Date</b>	<b>Earnings</b>	<b>Earnings</b>	
1. ....	\$.....	\$.....	
2. ....	.....	.....	
3. ....	.....	.....	
4. ....	.....	.....	
5. ....	.....	.....	
6. ....	.....	.....	
7. ....	.....	.....	
8. ....	.....	.....	
9. ....	.....	.....	
10. ....	.....	.....	
<b>D</b>	<b>E</b>	<b>F</b>	
<b>25% of</b>	<b>40 X Min.</b>	<b>Column C</b>	
<b>Column C</b>	<b>Wage</b>	<b>minus</b>	
		<b>Column E</b>	
1. ....	.....	.....	
2. ....	.....	.....	
3. ....	.....	.....	
4. ....	.....	.....	
5. ....	.....	.....	
6. ....	.....	.....	
7. ....	.....	.....	
8. ....	.....	.....	
9. ....	.....	.....	
10. ....	.....	.....	
<b>G</b>	<b>H</b>	<b>I</b>	
<b>Lesser of</b>	<b>Setoff, Lien,</b>	<b>Column G</b>	
<b>Column D</b>	<b>Adverse</b>	<b>minus</b>	
<b>and</b>	<b>Interest, or</b>	<b>Column H</b>	
<b>Column F</b>	<b>Other Claims</b>		
1. ....	.....	.....	
2. ....	.....	.....	
3. ....	.....	.....	
4. ....	.....	.....	
5. ....	.....	.....	
6. ....	.....	.....	
7. ....	.....	.....	
8. ....	.....	.....	
9. ....	.....	.....	
10. ....	.....	.....	

**TOTAL OF COLUMN I \$.....**

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

.....  
 .....  
 .....

**AFFIRMATION**

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

Dated: .....

Signature .....

Title .....

Telephone Number (...):.....

**EARNINGS DISCLOSURE FORM AND WORKSHEET**

**FOR CHILD SUPPORT DEBTOR**

STATE OF MINNESOTA

COUNTY OF .....

.....(Creditor)

.....(Debtor)

.....(Garnishee)

DISTRICT COURT

..... JUDICIAL DISTRICT

GARNISHMENT  
 EARNINGS DISCLOSURE

**DEFINITIONS**

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

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

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

**THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:**

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

.....  
 Yes                      No

**INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AFFIRMATION**

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

Dated: .....

.....  
Signature

.....  
Title

.....  
Telephone Number

**EARNINGS DISCLOSURE WORKSHEET**

		Debtor's Name	
<b>A</b>	<b>B</b>	<b>C</b>	
Payday	Gross	Disposable	
Date	Earnings	Earnings	
1. ....	\$.....	\$.....	
2. ....	.....	.....	
3. ....	.....	.....	
4. ....	.....	.....	
5. ....	.....	.....	
6. ....	.....	.....	
7. ....	.....	.....	
8. ....	.....	.....	
9. ....	.....	.....	
10. ....	.....	.....	
<b>D</b>	<b>E</b>	<b>F</b>	
Either 50, 55,	Setoff, Lien,	Column D	
60, or 65% of	Adverse	minus	
Column C	Interest, or	Column E	
	Other Claims		
1. ....	.....	.....	
2. ....	.....	.....	
3. ....	.....	.....	
4. ....	.....	.....	
5. ....	.....	.....	
6. ....	.....	.....	
7. ....	.....	.....	
8. ....	.....	.....	
9. ....	.....	.....	
10. ....	.....	.....	
		<b>TOTAL OF COLUMN F</b>	<b>\$.....</b>

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

.....  
.....  
.....

**AFFIRMATION**

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

Dated: .....  
 .....  
 Title .....  
 Signature .....  
 (...) .....  
 Phone Number .....

**NONEARNINGS DISCLOSURE FORM**

STATE OF MINNESOTA  
COUNTY OF .....

DISTRICT COURT  
..... JUDICIAL DISTRICT

.....(Creditor)

against

.....(Debtor)

**NONEARNINGS DISCLOSURE**

and

.....(Garnishee)

On the ... day of ....., 19.., the time of service of garnishment summons herein, there was due and owing the debtor from the garnishee the following:

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

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

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

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

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

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

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

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

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

**AFFIRMATION**

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



Dated: .....  
 Signature .....  
 Title .....  
 Telephone Number .....

*[For text of subs 3 and 4, see M.S.1990]*

**History:** 1991 c 156 s 19; 1991 c 199 art 1 s 82

**571.81 GARNISHMENT LIEN; PRIORITIES OF CREDITORS.**

*[For text of subd 1, see M.S.1990]*

Subd. 2. **Priorities of creditors.** Except as provided in this subdivision or in section 518.611, subdivision 6, a perfected lien by garnishment is subordinate to a preexisting voluntary or involuntary transfer, setoff, security interest, lien, or other encumbrance that is perfected, but a lien perfected by garnishment is superior to such interests subsequently perfected. Priorities of creditors relating to multiple wage garnishments are set forth in section 571.923. An assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to the garnishee incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.

*[For text of subd 3, see M.S.1990]*

**History:** 1991 c 199 art 1 s 83

**571.922 LIMITATION ON WAGE GARNISHMENT.**

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

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

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

If the judgment is for child support, the garnishment may not exceed:

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

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

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

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

(12 weeks to be calculated to the beginning of the work week in which the garnishment summons is received).

No court may make, execute, or enforce an order or any process in violation of this section.

**History:** 1991 c 156 s 20