

Creditor: \_\_\_\_\_

Debtor: \_\_\_\_\_

and

Garnishee: \_\_\_\_\_

**Earnings Garnishment –  
Exemption Notice**

Case No. \_\_\_\_\_

To the debtor:

The creditor has been awarded a judgment against you or your spouse as indicated below. That judgment has not been fully paid. The creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

County of Judgment	Case Number	Date of Judgment
Unpaid balance on judgment		\$
Unpaid post judgment statutory interest		\$
Estimated costs of this earnings garnishment		\$
<b>Total amount owed by the debtor</b>		\$ as of [Date] _____.

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level. See the enclosed schedules and worksheet to determine if you qualify for this exemption.
2. You receive relief funded under public assistance, relief funded under §59.53(21), Wis. Stats., medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or §45.351(1), Wis. Stats., or have received these benefits within the past 6 months, or are eligible but have not yet received these benefits.
3. At least 25% of your disposable earnings are assigned by court order for support.

If the garnishment in either situation below would result in the income of your household being below the poverty line, the garnishment is limited to the amount of your household's income in excess of the poverty line. Those two situations are:

1. Garnishment of 20% of your disposable earnings, or;
2. Garnishment of the amount by which disposable earnings exceed thirty times the federal minimum hourly wage.

There are no exemptions to this garnishment if the debt arises out of one of the following obligations:

1. A debt amortization under §128.21 or a bankruptcy order under 11 USC 1301 to 1330.
2. For the support of any person; or,
3. Unpaid taxes.

If you qualify for a complete exemption or a limitation in the amount subject to garnishment, you must give or mail a copy of the completed enclosed debtor's answer form to the garnishee/employer.

If your circumstances change while the garnishment is in effect, you may file a new answer form at any time.

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If you do not qualify for a complete exemption or limitation but will not be able to acquire the necessities of life for yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

### **IF YOU NEED ASSISTANCE, CONSULT AN ATTORNEY**

If you have garnished earnings that are exempt, limited or subject to a defense, the sooner you file your answer form with the garnishee/employer or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee/employer. You may agree in writing with the creditor to extend it for additional 13-week periods until the debt is paid.

### **PENALTIES**

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.