

Janet Z
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Time *1541* Date *3/1*
Address _____
561-4278
3920351 - L1

EDWIN B. PARRY (2532)
Attorney for Plaintiff
The Law Office of Edwin B. Parry
PO Box 25727
Salt Lake City UT 84125-0727
Telephone: (801) 486-2942

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH
SALT LAKE COUNTY, WEST JORDAN DEPARTMENT
8080 S REDWOOD RD, WEST JORDAN UT 84088

EXPRESS RECOVERY SERVICES, INC., *
A Debt Collection Agency
Plaintiff, *
WRIT OF CONTINUING GARNISHMENT
AND INSTRUCTIONS
vs. * Civil No.: 110417812CV
HOLLY A MONTOYA
XXX-XX-5232
Defendant(s). * Judge: MARK KOURIS
*

The THIRD District Court of the State of Utah to:
REDMAN VAN AND STORAGE COMPANY
JOHN C EBERHARDT
2571 WEST 2590 SOUTH, SALT LAKE CITY, UT 84119:
801-972-4420

1. Under Utah Code Section 78A-2-216, the plaintiff should have included with this Writ of Garnishment a fee to you of \$25.00. If the fee was not included, sign here and return to the plaintiff or plaintiff's attorney.
2. A judgment has been entered against the defendant, and the defendant still owes \$6837.80. Papers filed with the court show that you may possess or control some of the defendant's property (property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee (holder of the property) and you are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.
3. Within 7 business days after this writ is served on you, you must:
 - (A) answer the attached Interrogatories under oath or affirmation;
 - (B) serve a copy of your Answers to the Interrogatories on the Plaintiff or Plaintiff's attorney;

(C) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

- 1) one copy of this Writ of Continuing Garnishment;
- 2) one copy of your Answers to the Interrogatories;
- 3) one copy of the Notice of Garnishment and Exemptions form; and
- 4) two copies of the Reply and Request for Hearing form.

4. You may serve the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the plaintiff's attorney is at the top of the first page of this writ. The address of the defendant is: 581 E STATE HWY # 5, COPPERTON UT 84006 .

5. There are two sets of Answers to the Interrogatory forms; one for the initial pay period and one for subsequent pay periods.

(A) If the defendant's earnings are the same for every pay period, you may copy the answers for the initial pay period and re-submit them for subsequent pay periods.

(B) If the defendant's earnings change from one pay period to the next, you may use the Answers to Interrogatories for Subsequent pay period form, which is shorter than the first. If you have been served with only one copy of the Answers to Interrogatories for Subsequent Pay Periods form, you should make additional copies before completing it.

(C) If you are an employer who is garnishing earnings, the Utah Courts have prepared an interactive worksheet that will calculate the amount to be withheld and prepare an Answers to the Interrogatories form ready for filing. To use the worksheet, go to the Utah Courts' web site at www.utcourts.gov. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.

6. This Writ of Continuing Garnishment is effective for 120 calendar days after the date on which it was served on you or 120 calendar days after the date of expiration of an earlier writ, whichever is later. Within 7 business days after the close of each pay period occurring within that time, you are required to:

(A) Answer the attached Interrogatories under oath or affirmation;

(B) serve a copy of your Answers to the Interrogatories on Plaintiff's attorney, the defendant and on any other person shown by your records to have interest in the property.

7. What to do with the property for the initial and subsequent pay periods:

(A) You must withhold from the defendant the amount shown in your Answers to the Interrogatories. Unless you are a governmental entity You are to hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive from the defendant a Reply and Request for hearing within 20 days after serving the defendant, you are to deliver the property to the plaintiff's attorney. You are then relieved from any liability unless it is shown that your answers to the interrogatories are incorrect. **DO NOT SEND THE PROPERTY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

(D) Governmental entities are not required to hold the funds in escrow or to vary from their normal disbursement cycles pursuant to 5 C.F.R. Section 382.305 (h) (i).

8. If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

9. You may deliver to the defendant in the normal course any property greater than you are required to withhold.

10. You may be served with more than one Writ of Continuing Garnishment for the same defendant, but only one Writ of Continuing Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Continuing Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing other Writs on hold. These instructions do not apply to writs or orders entered by courts of other states or other governmental agencies.

Dated this 24 day of January, 2012.

Clerk of the Court:

By:

Deputy Clerk

This is an attempt to collect a debt, any information obtained will be used for that purpose.

SUMMARY INSTRUCTIONS FOR WRITS OF GARNISHMENT

For the Judgment Debtor (Defendant):

1. Read the Notice of Garnishment and Exemptions Form.
2. Determine whether you qualify for any exemptions.
3. If you want to claim an exemption, challenge the garnishee's answers to the interrogatories, challenge the issuance of the Writ, or claim a set-off or a debt owed to you by the creditor file and serve the Reply and Request for Hearing Form.
4. Attend any hearings scheduled.

For the Garnishee (Holder of debtor's property, such as bank or employer):

1. Read the Writ of Garnishment and Instructions.
2. Complete the Answers to the Interrogatories Form.
3. Employers, visit the Utah Courts' web site at www.utcourts.gov to decide whether it is easier to complete the Answers to the Interrogatories on-line or in paper form. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.
4. Withhold from the defendant the property shown by your answers to be subject to garnishment.
5. File and serve your Answers to the Interrogatories and other forms.
6. Withhold the property for 20 calendar days unless you are a governmental entity. Governmental entities are not required to hold the funds in escrow or vary from their normal disbursement cycles pursuant to 5 C.F.R. 582.305 (h) (i).
7. If you receive a Reply and Request for Hearing form, continue to hold the property until instructed by the court.
8. If you do not receive a Reply and Request for Hearing form, deliver the property to the Plaintiff's attorney.
9. You must attend any hearing for which you are subpoenaed. You may attend other hearings that are scheduled if you wish.

EDWIN B. PARRY (2532)
Attorney for Plaintiff
The Law Office of Edwin B. Parry
PO Box 25727
Salt Lake City UT 84125-0727
Telephone: (801) 486-2942

3920351 - L1

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH
SALT LAKE COUNTY, WEST JORDAN DEPARTMENT

EXPRESS RECOVERY SERVICES, INC., *
A Debt Collection Agency
Plaintiff, *

GARNISHEE'S ANSWERS TO
INTERROGATORIES FOR CONTINUING
GARNISHMENT. INITIAL PAY PERIOD.

vs.

* Civil No.: 110417812CV

HOLLY A MONTROYA

Defendant(s).

* Judge: MARK KOURIS
*

Write your answers in the spaces provided. Attach additional sheets,
if necessary.

1. Are there any other Writs of Continuing Garnishment in effect?

ANSWER: Yes ✓ No

2. If yes, when will the last of them expire?

ANSWER: 1st approx 3/16/12 2nd approx 7/19/12

3. What is the pay period to which these answers relate?:

ANSWER: Start Date: 1/16/12
End Date: 1/29/12

4. Is the Writ of Continuing Garnishment in effect on the last day of this period? (The Writ is in effect for 120 days after the date of service on you or for 120 days after the date the previous writ expired, whichever is later. A Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services is effective when served on you and continues indefinitely until fully satisfied.)

ANSWER: Yes No X

5(A). Do you pay the defendant money on a periodic basis?

ANSWER: Yes X No

(B) What is the pay period?

ANSWER: Weekly ____; Biweekly X; Semi-Monthly ____;
Monthly ____; Other ____

(C) What is the next pay date?

ANSWER: 2/3/12

(D) What is the regular pay date?

ANSWER: every other Friday

6. Calculate, in the table below, the amount to be withheld from the defendant. Assume you are calculating this on the last pay period for which these answers apply.

ANSWER:

(1) Gross earning from all sources payable to the defendant for personal services including salary wages, tips, commissions, bonuses, per diem, reimbursement of expenses, etc..

\$ 704.-

(2) Deductions required by law:

(A) Federal Income Tax

\$ 0

(B) State Income Tax

\$ 0

(C) Social Security Tax (FICA)

\$ 0

(D) Medicare Tax (FICA)

\$ > 39.08

(E) Other amounts required by law to be deducted. (Please describe reason for deduction.)

\$ _____

(3) Total deductions. Calculate and record the sum of lines 2(A) through 2(E).

\$ 39.08

(4) DISPOSABLE EARNINGS. Calculate line (1) minus line (3).

\$ 664.92

(5) Calculate:

(A) 25% of the amount in Line (4)

\$ 166.23

(B) the difference between Line (4) and the federal minimum hourly wage (\$7.25) times thirty, times the number of weeks in the pay period;

FOR EXAMPLE: Line (4) DISPOSABLE EARNINGS minus (\$7.25 x 30 x 2 weeks)

\$ 229.92

(6) Of line (5)(A) and line (5)(B), record the lesser amount.

\$ 166.23

(7) Amount deducted for an undisputed debt owed to you by [] plaintiff [] defendant.

\$ 0

(8) Total amount to be withheld. (Calculate and record Line (6) minus Line (7).)

\$ 166.23

pd on
another
garnishment

7. Does Defendant receive his/her wages through direct deposit?

ANSWER: Yes _____ No _____

8. If Defendant receives direct deposits, provide the following information:

Name of Financial Institution _____

Account Number used for deposits _____

9. What is Defendant's last known address?: 110 W Park St,
Copperton, UT 84004

10. Do you possess or control any other property or money in which defendant has an interest?

ANSWER: Yes _____ No X

11. If yes, explain below.

ANSWER:

Description of the property: _____

Nature of defendant's interest in the property: _____

The property is due to the defendant on: _____

Value of defendant's interest in the property: _____

12. Do you know of any other employment, income or income-producing activities of the defendant?

ANSWER: YES _____ NO X

13. If yes, explain in the space below.

ANSWER:

14. Do you know about any of the defendant's other property or other debts to defendant?

ANSWER: YES _____ NO X

15. If yes, explain below:

ANSWER:

Description of property: _____

Name and address of person with possession: _____

Nature and value of defendant's interest: _____

16. I served a copy of these Answers to Interrogatories on the Plaintiff's attorney by:

- ☒ First Class Mail
☐ by hand delivery

address: _____

date: 2/3/12

17. I served a copy of the Writ of Garnishment, these Answers to interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form on the **defendant** by:

☒ First Class Mail
☐ by hand delivery

address: _____

date: 2/3/12

18. I served a copy of the Writ of Garnishment, these Answers to interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for hearing form upon the **following persons other than the defendant shown by my records to have an interest in the property** by:

☐ First Class Mail
☐ by hand delivery

to: _____

address: _____

date: _____

19. I swear or affirm that the above statements are true to the best of my information and belief.

I swear under penalty of Section 78B-5-705 that this document is true and correct.

Janet Zidon
Printed Name

Janet Zidon
Signature of the
☐ Garnishee
☒ Garnishee's agent

801-972-4420 x 330
Telephone Number

NOTICE OF GARNISHMENT AND EXEMPTIONS NOTICE

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR.
PLEASE READ THIS CAREFULLY.

1. If you are the defendant in this action, your rights may be affected. You should read this notice and take steps to protect your rights.
2. If you are not the defendant in this action, papers filed with the court indicate that you may have an interest in the defendant's property. Your rights may be affected and you should read this notice carefully to protect your rights.
3. The garnishee (someone who possesses your property) has been ordered to hold your property. This means that you cannot obtain the property and it may be used to pay a judgment creditor.
4. Certain property and money are exempt from execution (cannot be seized). The following is a partial list of exempt property and money, but these exemptions may not apply to judgments for alimony or child support:
 - (a) A motor vehicle used in trade or business up to the amount allowed by law.
 - (b) Tools of the trade up to the amount allowed by law.
 - (c) Certain furnishings, appliances, musical instruments & heirlooms.
 - (d) Social Security Benefits.
 - (e) Supplemental Security Income Benefits (SSI).
 - (f) Veteran's Benefits.
 - (g) Unemployment Benefits.
 - (h) Workers' Compensation Benefits.
 - (i) Public Assistance.
 - (j) Alimony or Child Support.
 - (k) Certain Pensions.
 - (l) Part of your wages.
 - (m) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.
5. There may be additional exemptions. You should consult the Utah Exemption Act, Utah Code Title 78, Chapter 23 (available at: http://www.le.state.ut.us/~code/TITLE78/78_IE.htm). There is no exemption solely because you are having difficulty paying your debts.
6. If you believe that the Writ of Garnishment was issued improperly, that the Answers to the Interrogatories are inaccurate, that the judgment creditor owes you money, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of 10 business days from the date the garnishee mailed or delivered this notice to you.

- (A) Complete the attached "Reply and Request for Hearing" form.
- (B) Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.
- (C) Mail or deliver the form to: the clerk of the court, the Plaintiff's attorney, and the garnishee. Keep a copy for your records. The name and address of the court clerk, the plaintiff's attorney and the garnishee are on the Writ of Garnishment.

7. The court clerk will schedule the matter for hearing and notify you. You should file with the Reply and Request for Hearing form or bring to the hearing any documents that help you prove your property is exempt.

8. If you fail to take these steps, the property being held may be used to pay the judgment creditor.

9. You may consult an attorney and have the attorney represent you at the hearing.

3920351 - L1

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH
SALT LAKE COUNTY, WEST JORDAN DEPARTMENT

EXPRESS RECOVERY SERVICES, INC.,	*	
A Debt Collection Agency	*	
Plaintiff,	*	REPLY AND REQUEST
		FOR HEARING
vs.	*	Case No. 110417812CV
	*	
	*	Judge: MARK KOURIS
Defendant.	*	

1. I have read the Notice of Garnishment and Exemptions Form.

2. I request that this matter be scheduled for a hearing.

3. Funds in my account were garnished. Yes _____ No _____
If you answered yes, Answer (A) through (E) if they apply:

(A) The Writ of Garnishment was issued improperly because:

(B) The Answers to Interrogatories are inaccurate because:

(C) The funds in my account are exempt from garnishment because they are (Check applicable boxes):

- ☐ Social Security Benefits
- ☐ Supplemental Security Income
- ☐ Veterans' Benefits
- ☐ Unemployment Benefits
- ☐ Worker's Compensation Benefits
- ☐ Public Assistance (Welfare)
- ☐ Alimony or Child Support
- ☐ Pensions
- ☐ Wages or other earnings from personal services
- ☐ Owned by another person
- ☐ Partly owned by me
- ☐ Other (describe) _____

(D) The judgment creditor owes me money because:

(E) I claim ownership of all or part of the money or property taken, and I am not one of the persons against whom a judgment was entered. Explain:

4. My wages were garnished. Yes _____ No _____
If you answered Yes, answer (A) through (D) if they apply.

(A) The Writ of Garnishment was issued improperly because:

(B) The Answers to Interrogatories are inaccurate because:

(C) All or part of my wages are exempt from garnishment because:

(D) The judgment creditor owes me money because:

5. I have attached copies of the documents that support my claims.
Yes _____ No _____

6. I served this Reply and Request for Hearing on:

- ☐ The plaintiff's attorney
- ☐ The garnishee
- ☐ The court

and the service was made to the above parties by:

- ☐ first class mail
- ☐ by hand delivery

at the addresses of: _____

7. The statements made in this reply are true to the best of my belief.

Dated: _____

Signature: _____

Printed Name: _____

Address: _____

Telephone Number: _____

3920351 - L1

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH
SALT LAKE COUNTY, WEST JORDAN DEPARTMENT

EXPRESS RECOVERY SERVICES, INC., *
A Debt Collection Agency * REPLY AND REQUEST
Plaintiff, * FOR HEARING

vs. * Case No. 110417812CV

_____, *
Defendant. * Judge: MARK KOURIS

1. I have read the Notice of Garnishment and Exemptions Form.

2. I request that this matter be scheduled for a hearing.

3. Funds in my account were garnished. Yes _____ No _____
If you answered yes, Answer (A) through (E) if they apply:

(A) The Writ of Garnishment was issued improperly because:

(B) The Answers to Interrogatories are inaccurate because:

(C) The funds in my account are exempt from garnishment because they
are (Check applicable boxes):

- () Social Security Benefits
- () Supplemental Security Income
- () Veterans' Benefits
- () Unemployment Benefits
- () Worker's Compensation Benefits
- () Public Assistance (Welfare)
- () Alimony or Child Support
- () Pensions
- () Wages or other earnings from personal services
- () Owned by another person
- () Partly owned by me
- () Other (describe) _____

(D) The judgment creditor owes me money because:

(E) I claim ownership of all or part of the money or property taken,
and I am not one of the persons against whom a judgment was entered.
Explain:

4. My wages were garnished. Yes _____ No _____
If you answered Yes, answer (A) through (D) if they apply.

(A) The Writ of Garnishment was issued improperly because:

(B) The Answers to Interrogatories are inaccurate because:

(C) All or part of my wages are exempt from garnishment because:

(D) The judgment creditor owes me money because:

5. I have attached copies of the documents that support my claims.
Yes _____ No _____

6. I served this Reply and Request for Hearing on:

- ☐ The plaintiff's attorney
- ☐ The garnishee
- ☐ The court

and the service was made to the above parties by:

- ☐ first class mail
- ☐ by hand delivery

at the addresses of: _____

7. The statements made in this reply are true to the best of my belief.

Dated: _____

Signature: _____

Printed Name: _____

Address: _____

Telephone Number: _____