

The Order of the Court is stated below:

Dated: April 08, 2019
08:07:24 AM

/s/ LEAH RYAN
District Court Clerk



Lacey M. Cherrington (14430)
Kelly J. Baldwin (16391)
THE CHERRINGTON FIRM, PLLC
Attorney for Plaintiff
746 East 1910 South, Suite 3
Provo, UT 84606
801-437-4995
tcf@cherringtonfirm.com

File No. 1068853

[Handwritten signature]
PIRBY AVIANA
PIRBY AVIANA
DATE 4/10/19 TIME 09:10 HRS.
AT ROE WHO MIKE
320W1550N/B LAYTON UT
801-775-8111 *[Handwritten signature]*

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

EPN, INC. NKA CHECKNET

Plaintiff,

vs.

DAVID K SALT
8464 W STATE HWY APT 5
COPPERTON, UT 84006
Defendant,

REDMAN VAN AND STORAGE
COMPANY
ATTN: PAYROLL
2571 W 2590 S
SALT LAKE CITY UT 84119
Garnishee.

WRIT OF CONTINUING
GARNISHMENT AND INSTRUCTIONS

Judge: L DOUGLAS HOGAN

Civil No.: 130409916

APR 10 2019

THE STATE OF UTAH TO: REDMAN VAN AND STORAGE COMPANY

1. Under Utah Code Section 78A-2-216, the Plaintiff should have included with this Writ of Continuing Garnishment a fee to you of \$25.00. If the fee was not included, sign here and return to the Plaintiff's attorney.
2. A judgment has been entered against the Defendant and \$855.80 is now due. Papers filed with the court show that you may possess or control some of the Defendant's property (Property includes real and personal. 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 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 anything that is served on you.

3. Within 7 days after the Writ is served on you, you must:
 - (A) answer the attached Interrogatories under oath or affirmation;
 - (B) serve a copy of your Answers to Interrogatories on the 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:
 - i. one copy of the Writ of Continuing Garnishment;
 - ii. one copy of your Answers to the Interrogatories;
 - iii. one copy of the Notice of Garnishment and Exemptions form; and
 - iv. two copies of the Reply and Request for Hearing form.
4. You may serve the Plaintiff's attorney, the Defendant and any other person by hand delivery or by first class mail. The address of the clerk of the court and Plaintiff's attorney are at the top of the first page of this Writ. The address of the Defendant is:
8464 W STATE HWY APT 5
COPPERTON, UT 84006
5. There are two sets of Answers to the Interrogatory forms: one for the initial pay period and one for the subsequent pay periods.
 - (A) If the Defendant's earnings are the same for every pay period, you may copy your 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 Answer to the Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' website at www.utcourts.gov/ocap follow the links to Employer's Answers to Garnishment Interrogatories.
6. This Writ of Continuing Garnishment is effective for one year after the date on which it was served on you, or for 120 calendar days after a second or subsequent Writ of Continuing Garnishment is served on you. Within 7 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 the Plaintiff's attorney; the

Defendant and on any other person shown by your records to have an interest in the property, and

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. You must hold the property for 21 days after you serve the Defendant.
 - (B) If you do not receive a Reply and Request for Hearing within 21 days after serving the Defendant, you must deliver the property to the Plaintiff's attorney. You are then relieved from any liability unless your answers 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.
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 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 may be in effect at one time. You must satisfy the Writs in the order in which they were 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 or 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 or Recovery Services or Department of Workforce Services continues indefinitely until fully satisfied, placing earlier Writs on hold. These instructions do not apply to Writs or Orders entered by other courts or governmental agencies.

****End of Order. the Court's electronic signature will be affixed at the top of this Writ. ****

DOC_D: ACG2WRCT

NOTICE OF GARNISHMENT & EXEMPTIONS

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 the action, papers filed with the court indicate that you may have interest in the Defendant's property. Your rights may be affected, and you should read this notice and take steps 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 might 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, and heirlooms.
- (D) Social Security benefits.
- (E) Veterans' benefits.
- (F) Supplemental Security Income benefits (SSI).
- (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 78B, Chapter 5, Part 5. (Available at: http://le.utah.gov/code/TITLE78B/htm/78B05_050500.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 14 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 court clerk, the Plaintiff's attorney, and the garnishee. Keep a copy for your records. The name and address of the clerk of the court, 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 a judgment creditor.

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

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

COURT ADDRESS: 8080 S REDWOOD RD STE1701 WEST JORDAN, UT 84088

EPN, INC. NKA CHECKNET

Plaintiff,

REQUEST FOR HEARING

vs.

DAVID K SALT

Defendant(s),

Civil No. 130409916

Judge: L DOUGLAS HOGAN

1. ☐ I have read the Notice of Garnishment and Exemptions form. I understand that, by filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I beleive that the creditor has improperly garnished some of my money or property to pay the judgment.
2. ☐ I request that this matter be scheduled for a hearing.
3. The garnished property is:
 - ☐ Funds in an account
 - ☐ Wages
 - ☐ Other Property
4. The Writ of Garnishment was issued improperly because:
5. The Answers to Interrogatories are inaccurate because:
6. All (or this part: \$) of the property is exempt because it is:
 - ☐ Social security benefits.
 - ☐ Supplemental security income.
 - ☐ Veterans' benefits.
 - ☐ Unemployment benefits.
 - ☐ Workers' compensation benefits.
 - ☐ Public assitance.
 - ☐ Alimony or child support.
 - ☐ Pensions.
 - ☐ Exempt Wages.
 - ☐ Owned by another person.
 - ☐ Compensatory damages from bodily injury or wrongful death.
 - ☐ Proceeds of a life insurance contract or trust.
 - ☐ Other (explain)

7. The judgment creditor owes me money because:

8. 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).

9. I have attached copies of the documents that support my claims.
Yes ____ No ____

10. I served this Reply and Request for Hearing on the Plaintiff (or Plaintiff's attorney) by:
____ first class mail
____ by hand delivery
to: (address) _____
on: (date) _____

11. I have served a copy of the Request for Hearing on the Garnishee by:
____ first class mail
____ by hand delivery
to: (address) _____
on: (date) _____

I declare under penalty of Utah Code Section 78B-5-705 that all information stated in this document is true and correct.

Dated this ____ day of _____, 20____.

Printed Name

Signature

Address:

Phone:

Business Name: **Redman Van & Storage**
Address: **2571 W 2590 S**
Salt Lake City UT 84119-
Phone: **(801) 972-4420**
Fax:
Email: **redmanap@xmission.com**

IN THE DISTRICT COURT OF THE STATE OF UTAH
THIRD JUDICIAL DISTRICT, SALT LAKE COUNTY
8040 S 1700 W

EPN, INC, NKA CHECKNET
Plaintiff/Petitioner

v.

DAVID K SALT
Defendant/Respondent

Garnishee's Answers to
Interrogatories for Earnings

Case Number: **130409916**

Judge: **L Douglas Hogan**

Commissioner: _____

(1) Do you employ the judgment debtor?

ANSWER: **Yes**

(2)(a) Are there other Writs of Continuing Garnishment in effect?

ANSWER: **Yes**

(2)(b) If yes, when will they expire?

ANSWER: **April 30, 2025**

(3)(a) What is the judgment debtor's pay period?

ANSWER: **Biweekly**

(3)(b) What is the pay period to which these answers relate?

ANSWER: **Start Date: April 1, 2019 End Date: April 14, 2019**

*The Writ served on you with this form is effective for one year after the date of service or for 120 days after the date of a second or subsequent writ of continuing garnishment. If the days of the garnishment term end before the end date of the pay period, you are not required to withhold

money from the debtor. Skip the remaining questions, sign this form, and mail it as indicated. Otherwise calculate the amount to be withheld.

(4) Calculate the amount to be withheld from the judgment debtor. (Assume you are calculating this on the last day of the pay period for which these answers apply.)

(4)(a) Gross earnings from all sources payable to the judgment debtor (Including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program. Tips are generally not considered earnings for the purposes of the wage garnishment law.)	\$
(4)(b) Deductions required by law	
(4)(b)(i) Federal income tax	\$
(4)(b)(ii) State income tax	\$
(4)(b)(iii) Social security tax (FICA)	\$
(4)(b)(iv) Medicare tax (FICA)	\$
(4)(b)(v) Other amounts required by law to be deducted (Please describe reason for deduction.)	\$
(4)(c) Total deductions (Calculate & record the sum of (4)(b)(i) through (4)(b)(v).)	\$
(4)(d) Disposable earnings (Calculate and record Line (4)(a) minus Line (4)(c).)	\$
(4)(e) Calculate:	
(4)(e)(i) 25% of the amount in Line (4)(d); or, if this is a judgment for child support, 50% of the amount in Line (4)(d)	\$
(4)(e)(ii) The difference between Line (4)(d) and the federal minimum hourly wage (\$7.25) times 30 times the number of weeks in this pay period For example: (Weekly): Line (4)(d) minus (\$7.25 X 30 hours X 1 week) (Biweekly): Line (4)(d) minus (\$7.25 X 30 hours X 2 weeks) (Semi-monthly): Line (4)(d) minus (\$7.25 X 30 hours X 26 weeks + 12 months) (Monthly) Line (4)(d) minus (\$7.25 X 30 hours X 52 weeks + 12 months)	\$
(4)(f) Record the lesser amount from Line (4)(e)(i) and Line (4)(e)(ii).	\$
(4)(g) Amount of any other garnishment or income withholding order.	\$
(4)(h) Calculate and record Line (4)(f) minus Line (4)(g)	\$
(4)(i) Amount deducted for an undisputed debt owed to you by the ☐ judgment creditor ☐ judgment debtor (check one, both or neither)	\$
(4)(j) Calculate and record Line (4)(h) minus Line (4)(i).	\$
(4)(k) What is the balance owed on the judgment? (You may contact the judgment creditor or judgment creditor's attorney to obtain the outstanding balance.)	\$
(4)(l) Record the lesser amount from Line (4)(j) and Line (4)(k). (This is the amount to be withheld.)	\$

I served a copy of these Answers to Interrogatories on the **judgment creditor** (or judgment creditor's attorney) by:

Service Type	Address	Service Date
Mail	EPN, INC, NKA CHECKNET 746 EAST 1910 SOUTH, SUITE 3 PROVO, UT 84606-	April 18, 2019

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 **judgment debtor** by:

Service Type	Address	Service Date
Hand Deliver	DAVID K SALT EMPLOYEE WEBSITE SALT LAKE CITY, UT 84119-	April 18, 2019

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**:

Service Type	Address	Service Date

I declare under criminal penalty under the law of Utah that everything stated in this document is true. Signed at: **SALT LAKE CITY, UT**

April 18, 2019

Date

Signature



Faaasa Givens