The Order of the Court is stated below:
Dated: December 29, 2015 /s/ MARISSA WALLACE
02:55:09 PM District Court Clerk

PROCESS SERVICE
PO BOX 505, SPANISH FORK, UT 84660
(801) 810-8774

DATE 1-6-2016 TIME 1540
PI ☐PS ID R104175 ☐ADD. CHG.

RECEIVED BY / SERVED TO (PRINTED NAME)

SIGNATURE / DESCRIPTION

AARON S. BARTHOLOMEW, ESQ. (10042)
MOUNTAIN LOAN CENTERS, INC.
PO Box 182
Provo, UT 84603-0182
Tel: (801) 783-3571
Fax: (801) 210-2024
Email: aaronb.mlc@gmail.com

IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH

MOUNTAIN LOAN CENTERS INC. a Utah Corporation, Plaintiff, vs. FALEUPOLU TUIATUA, Individually, and DOES I through X, inclusive, Defendants.	WRIT FOR CONTINUING GARNISHMENT and INSTRUCTIONS Case No. 159404379

Redman Van & Storage Co.

2571 West 2590 South

Salt Lake City, UT 84119

SEND ALL GARNISHMENT RESPONSES and PAYMENTS PAYABLE TO:

Mountain Loan Centers, Inc.

Payment Processing Center

1251 East 100 South

St. George, UT 84790

For more information about writs of garnishment, go to the court's website at:

http://www.utcourts.gov/resources/forms/garnishment/#garnishee

If you are an employer who is required to garnish earnings, the court has prepared an interactive worksheet that will calculate the amount to be withheld and prepare the Garnishee's Answers to Interrogatories form ready for filing. To use the worksheet, visit www.utcourts.gov/ocap/emp_garnishment. Note your session number. You may return to the website and edit the form for up to 180 days, making a continuing garnishment easier.

1. Under the Utah State Code, the judgment creditor (Plaintiff) should have included a fee of $25.00 to you with this Writ of Continuing Garnishment. If the fee was not included, sign here and return the forms to the judgment creditor at Mountain Loan Centers, 1251 East 100 South, St. George, UT 84790.

X____.

2. A judgment has been entered against the judgment debtor FALEUPOLU TUIATUA (Defendant). After calculation of interest, costs and payments, the judgment debtor owes $2532.09. Papers filed with the court show that you (Garnishee) may possess or control some of the judgment debtor's property. This may include real and personal property, money, and earnings not yet paid. The property is being garnished (seized) in order to pay the judgment. If you are the Garnishee (holder of the property), 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. The judgment debtor is:

Name: FALEUPOLU TUIATUA

Address: 7125 W. 3500 S., West Valley City, UT, 84128

SSN: 575454673

Driver's License: UNKNOWN

Birth Date: 09 December 1988

4. Within 7 business days after this writ is served on you, you must:

a. Answer the attached Interrogatories for Earnings and Garnishee's Answers;

b. Serve a copy of your Interrogatories for Earnings and Garnishee's Answers on the judgment creditor (Plaintiff) at Mountain Loan Centers, 1251 East 100 South, St. George, UT 84790, email to roshi.mlc@gmail.com, or by fax to 801.660.2238;

c. Serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the wages or property. The papers to be served are:

i. One copy of this Writ of Continuing Garnishment;

ii. One copy of your Interrogatories for Earnings and Garnishee's Answers;

iii. One copy of the Notice of Garnishment and Exemptions form; and

iv. Two copies of the Judgment Debtor's Reply and Request for Hearing form.

5. According to Utah Rules of Civil Procedure, Rule 5, you may serve the judgment creditor, the judgment debtor and any other person by hand delivery or by first class mail.

6. What you must do with the wages or property.

a. DO NOT SEND THE WAGES OR PROPERTY TO THE COURT. You are to withhold from the judgment debtor the amount shown in the Interrogatories for Earnings and Garnishee's Answers. You are to hold the amount for 20 calendar days after you serve the judgment debtor, and you may pay to the judgment debtor the balance of his or her wages.

b. If you do not receive from the judgment debtor a Judgment Debtor's Reply and Request for Hearing within 20 days after serving the judgment debtor, you are to deliver the wages or property to the judgment creditor. You are then relieved from any liability unless it is shown that your Interrogatories for Earnings and Garnishee's Answers are incorrect.

c. If you do receive a Judgment Debtor's Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

7. This Writ of Continuing Garnishment is effective for ONE YEAR after the date on which it was served on you or 120 calendar days after the service of a second or subsequent writ of continuing garnishment, whichever is earlier. Within 7 business days after the close of each pay period occurring within those garnishment period, you must:

a. Recalculate the garnishment amount determined in your Interrogatories for Earnings and Garnishee's Answers;

b. Deliver the wages or property to the judgment creditor, and you may pay to the judgment debtor the balance of his or her wages.

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. Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only

one Writ of 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 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 earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

COURT SIGNATURE ON TOP OF PAGE 1

NOTICE OF GARNISHMENT AND EXEMPTIONS

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR.

PLEASE READ THIS CAREFULLY.

1. If you are the judgment debtor (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 judgment debtor in this action, papers filed with the court indicate that you may have an interest in the judgment debtor'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 garnished). The following is a partial list of exempt property and money, but some of these exemptions might not apply to judgments for alimony or child support.
   a. A burial plot for you and your family.
   b. Health aids.
   c. Benefits because of disability, illness or unemployment.
   d. Medical care benefits.
   e. Veteran's benefits.
   f. Social security benefits.
   g. Supplemental security income benefits (SSI).
   h. Workers' compensation benefits.
   i. Certain retirement benefits.
   j. Public assistance.
   k. Money or property for child support, alimony or separate maintenance.
   l. Certain furnishings, appliances, carpets, animals, books, musical instruments, and heirlooms.
   m. Provisions for 12 months.
   n. Wearing apparel, not including jewelry or furs.
   o. Beds and bedding.

p. Certain works of art.

q. Compensatory damages from bodily injury or wrongful death.

r. The proceeds of certain life insurance contracts and trusts.

s. Books, implements and tools of a trade.

t. A personal motor vehicle.

u. A motor vehicle used in trade or business.

v. Part of your wages.

w. 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. You should consult Utah Code Title 78B, Chapter 5, Part 5, Utah Exemptions Act for full information about exemptions. 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 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.

   c. Mail or deliver the form to: the court clerk, the judgment creditor, and the Garnishee. Keep a copy for your records. The name and address of the court, the judgment creditor, and the Garnishee are on the first page of the *Writ of Continuing 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 claim.

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.

My Name __________________________________

Address __________________________________

City, State, Zip __________________________________

Phone __________________________________

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
125 North 100 West, Provo, Utah 84601

MOUNTAIN LOAN CENTERS, INC, a Utah corporation, Plaintiff, vs. FALEUPOLU TUIATUA, and JOHN and JANE DOES 1-10, Defendants.	**JUDGMENT DEBTOR'S REPLY AND REQUEST FOR HEARING** Case No: 159404379 Judge: McVey

Instructions: If you would like to reply to the *Writ of Continuing Garnishment*, and/or the *Interrogatories for Earnings and Garnishee's Answers,* you must complete and serve copies of this completed form on the Garnishee and the judgment creditor (Plaintiff) within 20 days after you have been served the documents. According to Utah Rules of Civil Procedure, Rule 5, you may serve the judgment creditor and the Garnishee and any other person by hand delivery or by first class mail. You must serve the judgment creditor at **Mountain Loan Centers, PO Box 911731, St. George, UT 84791-1731.** You must serve the Garnishee at the address on the *Writ of Continuing Garnishment.* You must also attach the following records and forms if they are not already filed with the court (check all that apply):

- ☐ Continuation pages, if any, to complete paragraphs that don't have enough space. Write the paragraph number on the continuation page.
- ☐ Any documents supporting your claims.

☐ By and through my attorney *(Attorney, check here if you are appearing on behalf of your client.)*

The Defendant says that (check all that apply):

(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 believe 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:

[ ] Benefits because of disability, illness or unemployment.
[ ] Medical care benefits.
[ ] Veteran's benefits.
[ ] Social security benefits.
[ ] Supplemental security income benefits (SSI).
[ ] Workers' compensation benefits.
[ ] Retirement benefits.
[ ] Public assistance.
[ ] Money for child support, alimony or separate maintenance.
[ ] Compensatory damages from bodily injury or wrongful death.
[ ] The proceeds of a life insurance contract or trust.
[ ] Exempt wages.
[ ] Owned by another person.
[ ] 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.

I have not included any non-public information in this document.

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

Sign here ▶ ______________________

____
Date

Typed or Printed Name ______________________

CERTIFICATE OF SERVICE

I certify that I served a copy of this *Judgment Debtor's Reply and Request for Hearing,* on Mountain Loan Centers, Inc. (Plaintiff) at **PO Box 911731, St. George, UT 84791-1731** by

☐ Personal Delivery ☐ US Postal Service First Class Mail on ____________________ (date).

I certify that I served a copy of this *Judgment Debtor's Reply and Request for Hearing,* on

______________________________ (Garnishee) at

______________________________ (address) by

☐ Personal Delivery ☐ US Postal Service First Class Mail on ____________________ (date).

I certify that I served a copy of the *Judgment Debtor's Reply and Request for Hearing* on

______________________________ a person or organization shown by the Garnishee's records to have an interest in the wages or property at

______________________________ (address) by

☐ Personal Delivery ☐ US Postal Service First Class Mail on ____________________ (date).

I declare under criminal penalty of Utah Code Section 78B-5-705 that this *Certificate of Service* is true and correct.

DATED ____________________,

Sign Here
➔ ______________________________

Print Name Here
➔ ______________________________