

The Order of Court is stated below:

Dated: September 08, 2015
08:41:14 AM

/s/ Irene Scott
District Court Clerk



JACOB H.B. FRANKLIN (#12094)
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Date 9-18 Time 2:19
Served [Signature]
By: [Signature]
Process Server/Private Investigator
Bringham Process Service 801-561-4278
80 E Claybourne Ave Salt Lake City

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR MILLARD COUNTY STATE OF UTAH

STATE OF UTAH,

Creditor,

v.

ABLE ANTONIO ORTEGA,

Debtor.

**WRIT OF CONTINUING GARNISHMENT
AND INSTRUCTIONS**

Case # 071700085

Judge Jennifer A Brown

Garnishee Name: REDMAN VAN & STORAGE COMPANY.

2571 W 2590 S

Address: SALT LAKE CITY UT 84119

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

<http://www.utcourts.gov/howto/civil/>

If you are an employer who is garnishing earnings, the court has prepared an interactive worksheet that will calculate the amount to be withheld and prepare the Answers to Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' website at <https://www.utcourts.gov>. The link to "Employer's Answers to Garnishment Interrogatories" is on the bottom of the right column. Note your session number. You may return to it and edit it for up to 180 days, making a continuing garnishment easier.

(1) Under the Utah State Code, the judgment creditor should have included with this Writ of

Garnishment a fee to you. If the fee was not included, sign here ► _____ and return the forms to the judgment creditor (or judgment creditor's attorney).

(2) A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ 2,125.34. Papers filed with the court show that you may possess or control some of the judgment debtor'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. 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	ABLE ANTIONO ORTEGA
Address	526 W GERMANIA AVE MURRAY UT 84123
Social Security Number	1456
Driver's License # & State Issued	UT 5335
Date of Birth	6/22/1978

(4) **Within 7 business days after this writ is served on you, you must:**

(A) Answer the attached Interrogatories;

(B) Serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment creditor's attorney);

(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 property. The papers to be served are:**

- * One copy of this Writ of Continuing Garnishment;**
- * One copy of your Answers to the Interrogatories;**
- * One copy of the Notice of Garnishment and Exemptions form; and**
- * Two copies of the Reply and Request for Hearing form.**

(5) You may serve the judgment creditor (or judgment creditor's attorney), the judgment debtor and any other person by hand delivery or by first class mail. The address of the judgment creditor (or judgment creditor's attorney) is at the top of the first page of this writ.

(6) This Writ of Continuing Garnishment is effective for one year after the date on which it was served on you unless a subsequent garnishment is filed. If a subsequent garnishment is filed during that one year, then this writ expires 120 days after service of the second or subsequent writ of Garnishment. **Within 7 business days after the close of each pay period occurring during the garnishment, you must:**

A) Answer the attached Interrogatories;

(B) Serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment Creditor's attorney); the judgment debtor and on any other person shown by your records to have an interest in the property.

(7) What to do with the property.

(A) DO NOT SEND THE PROPERTY TO THE COURT. You are to withhold from the judgment debtor the amount shown in your Answers to Interrogatories. You are to hold the amount for 20 calendar days after you serve the judgment debtor, but you may pay to the defendant the balance of his or her wages.

Remit Payments To: Office of State Debt Collection, PO Box 141001, Salt Lake City, UT 84114 and include the Case Number: 071700085 on the check.

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

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 judgment debtor any property greater than you are required to withhold.

(10) 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 just 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.

[IF APPROVED, COURT SIGNATURE WILL APPEAR AT TOP OF FIRST PAGE OF THIS DOCUMENT]

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Attorneys for Plaintiff

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

SR Box 55 Fillmore UT 84631

STATE OF UTAH,

Creditor,

v.

ABLE ANTIONO ORTEGA,

Debtor.

**GARNISHEE'S ANSWERS TO
INTERROGATORIES FOR EARNINGS**

Case #071700085

Judge Jennifer A Brown

If you are an employer who is garnishing earnings, the court has prepared an interactive worksheet that will calculate the amount to be withheld and prepare the Answers to Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' website at <https://www.utcourts.gov>. The link to "*Employer's Answers to Garnishment Interrogatories*" is on the bottom of the right column. Note your session number. You may return to it and edit it for up to 180 days, making a continuing garnishment easier.

(1)(a) Do you employ the judgment debtor?

Answer: Yes ☒ No ☐

(1)(b) What were the dates of employment? Answer: _____

(1)(c) Reason for Termination? (eg. Lay-Off, Fired, Temp/Seasonal, Quit or Other)

Answer: _____

(1)(d) Is Defendant on a re-hirable status with your company? Yes ☐ No ☐

(2)(a) Are there other Writs of Continuing Garnishment in effect? Answer: Yes ☒ No ☐

(2)(b) If "Yes," please provide the Court Case Number or Applicable Documentation.

Answer: Child Support CO01052327

(2)(c) If "Yes," when will the Writ expire? Answer: 2023

(3)(a) What is the judgment debtor's pay period? Mark applicable: Weekly ☐ Biweekly ☒

Semi-monthly ☐ Monthly ☐ Other (Describe): _____

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

Answer: Start Date: 9/7/15 End Date: 9/20/15 *

* 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 service 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.) unable to estimate, %

(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.)	<u>pay of jobs performed.</u>
(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 (\$7.25X 30 X 1 week) (Biweekly): Line (4)(d) minus (\$7.25X 30 X 2 weeks) (Semi-monthly): Line (4)(d) minus (\$7.25X 30 X 2.16 weeks) (Monthly) Line (4)(d) minus (\$7.25X 30 X 4.33 weeks)	\$
(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.)	\$

(5)(a) If you do not employ the judgment debtor, do you now or have you ever paid or otherwise transferred funds or other property to, on behalf of, for the benefit of, or at the direction of the judgment debtor or an entity in which the judgment debtor has any interest, for any reason?

Answer: Yes _____ No _____ Judgment Debtor is an Employee _____

(5)(b) If "Yes" please describe, including dollar amount(s), if applicable: _____

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Garnishee's Answers to Interrogatories for Earnings is true and correct.

Date 9/10/15

Sign here

Typed or printed name

Phone Number or Email Address

Janet Zidon

redmanap@xmission.com

Remit Payments To: Office of State Debt Collection, PO Box 141001, Salt Lake City, UT 84114 and include the Case Number: 071700085 on the check.

Certificate of Service			
I certify that I served a copy of this GARNISHEE'S ANSWERS TO INTERROGATORIES FOR EARNINGS on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
OFFICE OF STATE DEBT COLLECTION (Judgment Creditor or Attorney)	☒ Mail ☐ Hand Delivery ☐ Fax (Person agreed to service by fax.) ☐ Email (Person agreed to service by email.)	1135 State Office Building P.O. Box 141001 Salt Lake City, UT 84114-1001	<u>9/10/15</u>
(Judgment Debtor or Attorney)	☐ Mail ☐ Hand Delivery ☐ Fax (Person agreed to service by fax.) ☐ Email (Person agreed to service by email.)		
(Clerk of Court)	☐ Mail ☐ Hand Delivery ☐ Electronic File		

Certificate of Service

I certify that I served a copy of this **GARNISHEE'S ANSWERS TO INTERROGATORIES FOR EARNINGS** on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Person Claiming Interest in Property)	☐ Mail ☐ Hand Delivery ☐ Fax (Person agreed to service by fax.) ☐ Email (Person agreed to service by email.) ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		

Date 9/18/15

Sign here ▶

Typed or printed name

Janet Eidon
Janet Eidon

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 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, (or judgment creditor’s attorney) and the Garnishee. Keep a copy for your records. The name and address of the court, the judgment creditor, (or judgment creditor’s attorney) and the Garnishee are on the first page of 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 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 _____
Email _____

I am the Plaintiff/Petitioner Defendant/Respondent

I am the Attorney for the Plaintiff/Petitioner Defendant/Respondent Utah Bar# _____

IN THE FOURTH JUDICIAL DISTRICT COURT/COURT
IN AND FOR MILLARD COUNTY STATE OF UTAH
SR Box 55 Fillmore UT 84631

STATE OF UTAH,

Plaintiff,

v.

ABLE ANTIONO ORTEGA,

Defendant.

**REPLY AND REQUEST
FOR HEARING**

Case #071700085

Judge Jennifer A Brown

Instructions: You must attach the following records and forms if they are not already filed with the court.

Continuation pages (If any, completing 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, I say that: (Attorney, check here if you are appearing on behalf of your client.)

- (1) I have read the Notice of Garnishment and Exemptions form.
- (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 declare under criminal penalty of Utah Code Section 78B-5-705 that this Reply and Request for Hearing is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service			
I certify that I served a copy of this Reply and Request for Hearing on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	☐ Mail ☐ Hand Delivery ☐ Fax (Person agreed to service by fax.) ☐ Email (Person agreed to service by email.) ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	☐ Mail ☐ Hand Delivery ☐ Electronic File		

Date _____ Sign here ► _____

Typed or printed name _____