

The Order of the Court is stated below:

Dated: June 30, 2017
09:38:16 AM

/s/ MARRISELA LOPEZ
District Court Clerk



Walter T. Merrill (#6003)
Graeme L. Abraham (#12771)
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Attorneys for Plaintiff

JUL 14 2017

**IN THE SECOND JUDICIAL DISTRICT COURT, STATE OF UTAH
OGDEN DEPARTMENT, WEBER COUNTY**

DR. LOUIS W. MEYER, D.D.S.,
Plaintiff,

vs.

JOSH CHAVEZ (et al.),
Defendant.

REDMAN VAN & STORAGE CO,
Garnishee.

**WRIT OF
CONTINUING GARNISHMENT**

Case Number: 170903349
Judge: Joseph Bean

THE STATE OF UTAH TO GARNISHEE:

Redman Van & Storage Co
2590 S 2571 W
West Valley City, UT 84119

YOU ARE HEREBY ordered by the Court to hold a portion of Defendant Josh Chavez (***)-**-0734 pension, wages or other income (not to exceed the outstanding amount owed on the judgment or order and court approved costs in this matter, being \$4,435.28), due at the next payday and continuing at each payday thereafter for a period commencing on the effective date of this Writ, as calculated pursuant to the attached questions, which are called Answers to Interrogatories, until the earlier of the following: one (1) year; 120 days after service of a second or subsequent writ of continuing garnishment; the last periodic payment; the judgment is stayed, vacated or satisfied in full; or this Writ is released. To determine the income available for garnishment at the next (first) payday, you are required to answer the attached Answers to Interrogatories Initial Pay Period within seven (7) business days of the date this Writ is served upon you or, in case of multiple garnishments, within seven (7) business days after this Writ becomes effective. For each subsequent payday thereafter until the termination of this Writ, you are required to complete the attached Answers to Interrogatories Subsequent Pay Period (copy the attached form for completion each payday) within seven (7) business days after such payday. The Utah courts have prepared an interactive worksheet that will calculate the amount to be

withheld and prepare an Answers to Interrogatories form for you. To use the worksheet, go the Courts' website at www.utcourts.gov. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories. You are then required to send a copy of your initial and subsequent Answers to Interrogatories to Plaintiff's attorney within the time required above at the address shown in the top left corner of the first page.

MULTIPLE WRITS OF CONTINUING GARNISHMENT may be served upon you for the same Defendant. Only one Writ of Garnishment (continuing or otherwise) may be in effect and satisfied at one time. When more than one Writ of Garnishment is served upon you against earnings due to the same Defendant, the Writs shall be satisfied in the order of service on you. If this Writ of Continuing Garnishment is served upon you while a previous Writ is still in effect, you shall respond to this Writ with a statement that you have been served previously with one or more Writs of Garnishment against earnings and you shall specify the date on which all Writs previously served are expected to terminate. 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 courts of other states or governmental agencies.

If you fail to respond to this Garnishment as set forth above, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you owe or will owe money to Defendant which is subject to this Writ, you shall serve, within seven (7) business days of the date this Writ is served upon you, by hand delivery or first class mail, a copy of the Writ and your initial Answers to Interrogatories, the Notice of Garnishment and Exceptions and two (2) copies of the Reply and Request for Hearing to Defendant, and any other person shown by your records to have an interest in the property being garnished, at their last known addresses shown on your records at the time of the service of this Writ. In the case of multiple garnishments, this mailing or delivery to Defendant and any other person shall occur immediately after this Writ becomes effective. You shall provide notice to Defendant and any other person of amounts attached in subsequent pay periods.

YOU MUST HOLD the portion of Defendant's earnings or income to be held at the next payday, as shown by your answers, for twenty (20) days after serving Defendant by mail or hand delivery. You are then released from any liability unless your answers are incorrect. DO NOT SEND THE MONEY TO THE COURT! If you do not receive a Reply and Request for Hearing within said twenty (20) days, you must deliver the money to Plaintiff's attorney. If you do receive a Reply and Request for Hearing within said twenty (20) days, you must hold the money until directed by the Court how to proceed.

YOU SHALL PAY to Defendant earnings or income which are not held by this Writ of Garnishment at the time the same is normally paid to Defendant.

BY THE COURT

The Court's signature is electronic and will appear at the top of the first page.

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**IN THE SECOND JUDICIAL DISTRICT COURT, STATE OF UTAH
OGDEN DEPARTMENT, WEBER COUNTY**

DR. LOUIS W. MEYER, D.D.S.,
Plaintiff,

vs.

JOSH CHAVEZ (et al.),
Defendant.

REDMAN VAN & STORAGE CO,
Garnishee.

**APPLICATION FOR WRIT OF
CONTINUING GARNISHMENT**

Case Number: 170903349
Judge: Joseph Bean

Plaintiff, through counsel undersigned, hereby certifies that:

1. A judgment was entered in the above-captioned action as follows:

Judgment Date	June 14, 2017
Judgment Amount	\$4,094.99
Judgment Balance <i>(After Post-Judgment Costs, Fees, & Payments)</i>	\$4,435.28

2. The party who's property is sought to be garnished is:

Judgment Debtor Name	Josh Chavez
Judgment Debtor Last Known Address	661 12th Street, #4 Ogden, UT 84404
Social Security No.	***-**-0734
Birthdate	**/**/1980

3. The person sought to be charged as garnishee is:

Garnishee Name	Redman Van & Storage Co
Garnishee Address	2590 S 2571 W West Valley City, UT 84119

4. The debt or personal property sought to be garnished is non-exempt.
5. The said property does consist of earnings from personal services.

DATED JUNE 29, 2017,

MERRILL LAW OFFICE
/s/Walter T Merrill
Walter T Merrill
Attorney for Plaintiff

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 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.

(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
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant

IN THE SECOND JUDICIAL DISTRICT COURT, STATE OF UTAH
OGDEN DEPARTMENT, WEBER COUNTY
2525 Grant Ave - Ogden, UT 84401

DR. LOUIS W. MEYER, D.D.S.,
Plaintiff,

vs.

JOSH CHAVEZ (et al.),
Defendant.

REDMAN VAN & STORAGE CO,
Garnishee.

REPLY AND REQUEST FOR HEARING

Case Number: 170903349
Judge: Joseph Bean

1. The Writ of Garnishment was issued improperly because:

2. The Answers to Interrogatories are inaccurate because:

3. (a) Funds in my account are exempt from garnishment because they are (check applicable boxes)
- ☐ Social Security Benefits
 - ☐ Supplemental Security Income
 - ☐ Veterans' Benefits
 - ☐ Benefits because of disability, illness or unemployment
 - ☐ Workers Compensation Benefits
 - ☐ Public Assistance (Welfare)

- ☐ Alimony or Child Support
- ☐ Retirement Benefits
- ☐ Exempt wages or other exempt earnings from personal services
- ☐ Compensatory damages from bodily injury or wrongful death
- ☐ Proceeds of a life insurance contract or trust
- ☐ Owned by another person
- ☐ Partly owned by me
- ☐ Other (describe)

(b) Check one box:

☐ All funds in my account are exempt

OR

☐ I believe the following amount of money in my account is exempt \$_____ (fill in amount of funds you believe to be exempt).

(c) Check if applicable: ☐ I have attached COPIES of the documents that show that my money is exempt.

4. The judgment creditor owes me money because:

5. ☐ I claim ownership of all or part of the money or property taken and I am not one of the persons against whom judgment has been entered.

I served a copy of this Reply and Request for Hearing upon Plaintiff's attorney, Garnishee and the following other persons:

_____ by first class mail or hand-delivery on the _____ day of _____, 20____.

I HAVE READ THE NOTICE OF GARNISHMENT AND EXEMPTIONS FORM. I UNDERSTAND THAT A REQUEST FOR HEARING THAT IS DETERMINED BY A JUDGE TO BE FRIVOLOUS MAY RESULT IN ATTORNEY'S FEES BEING AWARDED TO THE PLAINTIFF.

I REQUEST THAT THIS MATTER BE SET FOR A HEARING.

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED this ____ day of _____, 2017.

Signature