

AUG 17 2017

The Order of the Court is stated below:

Dated: August 11, 2017
01:24:37 PM

/s/ MARY PERKINS
District Court Clerk



EDWIN B. PARRY [#2532]

Attorney for Plaintiff

The Law Office of Edwin B. Parry

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Salt Lake City, Utah 84125-0727

Telephone: (801) 486-2942

Email: Garnishments@EdwinParryLaw.com

File No.: 5362565 - L5

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH

IN AND FOR SALT LAKE COUNTY, WEST JORDAN DEPARTMENT

EXPRESS RECOVERY SERVICES, INC.,

(A Debt Collection Agency),

Plaintiff,

vs.

FALANI FILO

XXX-XX-6242

Defendant.

REDMAN VAN & STORAGE COMPANY

Garnishee.

**WRIT OF CONTINUING
GARNISHMENT AND INSTRUCTIONS**

Case No.: 160406211 DC

The Honorable: L DOUGLAS HOGAN

Date 8/17 ~~THE STATE OF~~ UTAH TO:

Upon B. Ipsen
By en

WASATCH CONSTABLES • OGDEN, UT
Rob Kolkman, Constable • 801.392.9400

REDMAN VAN & STORAGE COMPANY
2571 W 2590 S
WEST VALLEY CITY, UT 84119
R/A BOYD H IPSON

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 \$1963.93 plus accruing interest. Papers filed with the court show that you may possess or control some of the defendant's property (property includes real and personal property, 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 you prepare and everything that is served upon you.
3. Within 7 business days after service of this writ upon 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:
 - 1) One copy of this Writ of Continuing Garnishment;
 - 2) One copy of your Answers to 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 persons 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 last known address for the Defendant is: 2733 W MARCUS RD WEST VALLEY CITY, UT 84119.

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. You may need to make additional copies of this form to use throughout the term of the Garnishment.

- (C) If you are an employer who is garnishing earnings, we have prepared an interactive worksheet that will calculate the amount to be withheld and prepare Answers to Interrogatories form which can be submitted online. To use the worksheet, go to our website <http://www.edwinparrylaw.com/Garnishment>.
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 if a second or subsequent writ of continuing garnishment is served on you. 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 to Plaintiff's attorney, the defendant, and on any other person shown by your records to have an 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 government agency, 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 order from the court directing you how to proceed.
 - D) Government 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 of Writ of Continuing Garnishment may be in effect at a 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 all other writs on hold. These instructions do not apply to writs or orders entered by courts of other states or other governmental agencies.

11. Please take note that post-judgment interest continues to accrue on the balance listed in section two (2) above. Prior to submitting your final answer to the garnishment, contact plaintiff's attorney for an updated balance that reflects the post-judgment interest accrued.

Clerk of the Court:

*****THE COURT'S SIGNATURE APPEARS AT THE TOP OF THE FIRST PAGE
OF THIS DOCUMENT*****

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

Express Recovery Services, Inc. v. FALANI FILO

Case No.: 160406211

DOC_ID: GARNWRIT

Business Name: **REDMAN VAN & STORAGE**
Address: **2571 W 2590 S**
SALT LAKE CITY UT 84119-
Phone: **(801) 972-4420**
Fax: **(801) 972-6598**
Email: **redmanap@xmission.com**

IN THE DISTRICT COURT OF THE STATE OF UTAH
THIRD JUDICIAL DISTRICT, SALT LAKE COUNTY
450 SOUTH STATE

EXPRESS RECOVERY
SERVICE/EDWIN B. PARRY
Plaintiff/Petitioner

v.

FALANI FILO
Defendant/Respondent

Garnishee's Answers to
Interrogatories for Earnings

Case Number: **160406211**

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: **No**

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

ANSWER:

(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: October 16, 2017 End Date: October 29, 2017***

*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.)	\$0.00
(4)(b) Deductions required by law.	
(4)(b)(i) Federal income tax	\$0.00
(4)(b)(ii) State income tax	\$0.00
(4)(b)(iii) Social security tax (FICA)	\$0.00
(4)(b)(iv) Medicare tax (FICA)	\$0.00
(4)(b)(v) Other amounts required by law to be deducted. (Please describe reason for deduction.)	\$0.00
(4)(c) Total deductions. (Calculate and record the sum of Lines (4)(b)(i) through (4)(b)(v).)	\$0.00
(4)(d) Disposable earnings. (Calculate and record Line (4)(a) minus Line (4)(c).)	\$0.00
(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).	\$0.00
(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 2.16 weeks) (Monthly) Line (4)(d) minus (\$7.25 X 30 hours X 4.33weeks)	\$-435.00
(4)(f) Record the lesser amount from Line (4)(e)(i) and Line (4)(e)(ii).	\$-435.00
(4)(g) Amount of any other garnishment or income withholding order.	\$0.00
(4)(h) Calculate and record Line (4)(f) minus Line (4)(g)	\$-435.00
(4)(i) Amount deducted for an undisputed debt owed to you by the <input type="checkbox"/> judgment creditor <input type="checkbox"/> judgment debtor. (check one, both or neither)	\$0.00
(4)(j) Calculate and record Line (4)(h) minus Line (4)(i).	\$-435.00
(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.)	\$1,963.93

(4)(l) Record the lesser amount from Line (4)(j) and Line (4)(k). (This is the amount to be withheld.)	\$ 0.00
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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	EXPRESS RECOVERY SERVICE/EDWIN B. PARRY P O BOX 25727 SALT LAKE CITY, UT 84125-	November 1, 2017

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
Mail	FALANI FILO EMPLOYEE WEBSITE SALT LAKE CITY, UT 84119-	November 3, 2017

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

Date

: 10/31/17

Sign here



Typed or printed name **FAAASA GIVENS**

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, you can find additional resources (including interactive forms to help you calculate the Garnishment amounts) and submit your Garnishment answers online by visiting our website at:

www.edwinparrylaw.com/Garnishments
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.
10. Prior to submitting your final answer to the garnishment, contact Plaintiff's attorney for an updated balance that reflects the post-judgment interest accrued.

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.

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: _____