

1 **4-812**

2  
3 **[2-802, 3-802]**

4  
5 STATE OF NEW MEXICO

6  
7  
8 IN THE \_\_\_\_\_ COURT No. \_\_\_\_\_  
9 \_\_\_\_\_ COUNTY

10  
11 \_\_\_\_\_, Plaintiff (Judgment Creditor)

12  
13 against

14  
15 \_\_\_\_\_, Defendant (Judgment Debtor)

16  
17 \_\_\_\_\_, Garnishee

18  
19  
20 **JUDGMENT ON WRIT OF GARNISHMENT, CLAIM OF**  
21 **EXEMPTION AND ORDER TO PAY**

22  
23  
24 This matter coming before the court, the court finds:

25  
26 [ ] 1. At the time the writ of garnishment was served on the  
27 garnishee, the amount of \$\_\_\_\_\_ was unpaid  
28 and owing to the judgment creditor.

29  
30 [ ] 2. As a result of this garnishment proceeding, judgment  
31 creditor has spent additional costs and fees of  
32 \$\_\_\_\_\_

33  
34 [ ] 3. The total amount of judgment and costs to date are  
35 \$\_\_\_\_\_ plus interest of \_\_\_\_\_% per  
36 year from \_\_\_\_\_, 19\_\_\_\_.

37  
38 [ ] 4. The garnishee is not an employer of the judgment  
39 debtor and has certified that it has mailed copies of  
40 the application for a writ of garnishment; the writ of  
41 garnishment; a notice of right to claim exemptions; a  
42 claim of exemption form and a copy of its answer to  
43 the judgment debtor(s) or their attorney of record, if  
44 any.

45  
46 [ ] 5. The judgment debtor:

47  
48 [ ] has not filed a claim of exemption;

49



1 **THE COURT ORDERS:**

2  
3 **[ ] 1. Default judgment against garnishee**

4  
5 The judgment creditor recover from the garnishee the  
6 sum of \$\_\_\_\_\_, plus 15% per annum  
7 interest from the date the application was executed,  
8 the garnishee having failed to answer the writ;

9  
10 or

11  
12 **[ ] 2. Payment of money other than wages**

13  
14 The judgment creditor recover from the garnishee the  
15 sum of \$\_\_\_\_\_, which includes \_\_\_\_\_% per annum  
16 interest thereon from the date the application was  
17 executed to the date the answer was filed, such sum  
18 being held by garnishee other than as wages;

19  
20 or

21  
22 **[ ] 3. Wage withholding other than child support**

23  
24 The judgment being other than for child support, the  
25 judgment creditor recover from the garnishee the sum  
26 of \$\_\_\_\_\_, plus interest at the original judgment  
27 rate, until paid in full, to be deducted from the  
28 judgment debtor's wages.

29  
30 The garnishee shall pay the judgment debtor only

31  
32 (a) 75% of his disposable earnings (*salary less*  
33 *social security, federal and state tax*  
34 *withholdings, and any other deduction*  
35 *required by law*) for any pay period;

36  
37 OR

38  
39 (b) any amount each week equal to forty times  
40 the federal minimum hourly wage rate;

41  
42 whichever is greater.

43  
44 The balance of the judgment debtor's disposable  
45 earnings shall be paid over to the judgment creditor  
46 each payday until the judgment herein is satisfied,  
47 after this balance is first used to pay any prior

1 garnishment. If the wages of the judgment debtor are  
2 not subject to garnishment because of the application  
3 of the formula set forth above, this order shall  
4 continue and shall automatically take effect when the  
5 wages of the judgment debtor shall increase to an  
6 amount which creates disposable earnings based upon  
7 the formula set forth above.

8  
9 If the moneys being withheld pursuant to a notice to  
10 withhold income under the Support Enforcement Act  
11 exceed the otherwise garnishable amounts, this  
12 garnishment shall continue in effect until the notice  
13 to withhold income has been voided, modified,  
14 suspended or terminated, at which time the full amount  
15 allowed for garnishment shall be paid to the judgment  
16 creditor.

17  
18 If the wages being withheld pursuant to a notice to  
19 withhold income under the Support Enforcement Act is  
20 less than twenty-five percent (25%) of the judgment  
21 debtor's disposable earnings the difference between  
22 the amount withheld for child support and the amount  
23 equal to twenty-five percent (25%) of the judgment  
24 debtor's disposable earnings, shall be paid to the  
25 judgment creditor, until the child support notice to  
26 withhold income has been voided, modified, suspended  
27 or terminated, at which time the full amount allowed  
28 for garnishment shall be paid to the judgment  
29 creditor.

30  
31  4. **Money or property other than wages**

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33  The money or property held by the garnishee is  
34 exempt from garnishment and the writ of  
35 garnishment in this case is hereby released and  
36 discharged; and the garnishee no longer has any  
37 obligation to withhold wages, money or property  
38 from the judgment debtor on account of that writ.

39  
40  The garnishee, having no money or property of the  
41 judgment debtor, is discharged and released from  
42 the writ of garnishment.

43  
44  The garnishee shall turn over to the judgment  
45 creditor the property of the judgment debtor  
46 shown on Exhibit A attached hereto.  
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