

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY  
STATE OF OKLAHOMA

\_\_\_\_\_  
PLAINTIFF, )  
-vs- )  
\_\_\_\_\_  
DEFENDANT, )  
AND ) NO. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
GARNISHEE. )

CONTINUING GARNISHEE'S ANSWER/AFFIDAVIT

STATE OF OKLAHOMA )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn deposes and says:  
(AFFIANT)

IF GARNISHEE IS AN INDIVIDUAL:  
That he is the garnishee herein. That he does business in the name of \_\_\_\_\_  
IF GARNISHEE IS A PARTNERSHIP:  
That he is a member of \_\_\_\_\_, a partnership composed of garnishee and \_\_\_\_\_  
IF GARNISHEE IS A CORPORATION:  
That he is the \_\_\_\_\_ of \_\_\_\_\_  
(Official Title) (Garnishee)  
a corporation, organized under the laws of the State of \_\_\_\_\_

Garnishee or \_\_\_\_\_, on behalf of garnishee having been served with a garnishment summons on the  
day of \_\_\_\_\_, 19\_\_\_\_\_, and having knowledge of the facts and being sworn, states:

1. At the time of the service of the garnishment summons, or upon the date it became effective, the garnishee was not indebted to the judgment debtor for any amount of money nor did the garnishee have possession or control of any property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor or in which the judgment debtor had an interest because the employee/individual/judgment debtor was:  
 Not Employed  
 Employed but no amounts due--specify reason: \_\_\_\_\_  
 Other, specify: \_\_\_\_\_

2. At the time of service of the garnishment summons or upon the date it became effective, the garnishee was indebted to the judgment debtor or had possession or control of the following property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor as follows:  
 Earnings as shown on the Calculation for Garnishment of Earnings Form (on reverse side) which is incorporated by reference into this Answer;  
 Other, specify: \_\_\_\_\_

3. Nothing has been withheld due to a prior garnishment or continuing garnishment which will expire on \_\_\_\_\_ and is in case # \_\_\_\_\_ in the District Court of \_\_\_\_\_ County, Oklahoma.

4. On \_\_\_\_\_, 19\_\_\_\_\_, the garnishee mailed a copy of the Notice of Garnishment & Exemptions and Application for Hearing by first-class mail to the judgment debtor at:  
Street Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_ Date Mailed \_\_\_\_\_  
or hand-delivered the same to judgment debtor at:

Judgment Debtor \_\_\_\_\_ Place \_\_\_\_\_  
NOTE: THIS MUST BE DONE DURING EACH PAY PERIOD IN WHICH THE GARNISHMENT IS IN EFFECT.

5. The garnishee makes the following claim of exemption on the part of the judgment debtor, or has the following objections, defenses, or setoffs to judgment creditor's right to apply garnishee's indebtedness to judgment debtor upon judgment creditor's claim \_\_\_\_\_  
Check here if additional pages are necessary .

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_ Title: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
Notary Public

**A CONTINUING GARNISHMENT REMAINS IN EFFECT UNTIL ONE OF THE FOLLOWING OCCURS: 1) THE JUDGMENT IS PAID IN FULL; 2) THE EMPLOYMENT RELATIONSHIP IS TERMINATED; 3) THE JUDGMENT IS VACATED, MODIFIED OR PAID IN FULL; 4) THE GARNISHMENT ACTION IS DISMISSED; 5) THE EXPIRATION OF 180 DAYS FROM THE DATE OF SERVICE OF THE SUMMONS. (IF A PAY PERIOD BEGINS WITHIN 180 DAYS BUT ENDS AFTER THE EXPIRATION, THE PAY PERIOD IS SUBJECT TO THE GARNISHMENT.)**

**WHEN COMPLETED, FOLLOW THE INSTRUCTIONS AT BOTTOM OF REVERSE SIDE.**

**CALCULATION FOR CONTINUING GARNISHMENT OF EARNINGS**

For the pay period in effect at the time of, or subsequent to, said service:

- 1. (a) Enter the pay period of judgment debtor (weekly, biweekly, semimonthly, monthly or other):  
If other, describe: \_\_\_\_\_ 1(a) \_\_\_\_\_
- (b) Enter the date the judgment debtor's present pay period began (present pay period means the pay period for which the calculation is made): \_\_\_\_\_ 1(b) \_\_\_\_\_
- (c) Enter the date the judgment debtor's present pay period ends: \_\_\_\_\_ 1(c) \_\_\_\_\_
- 2. (a) Enter the gross earnings for entire pay period: \_\_\_\_\_ 2(a) \_\_\_\_\_
- (b) Calculate deductions from said amount as required by law:  
(1) Federal income tax withholding \_\_\_\_\_  
(2) F.I.C.A income tax withholding \_\_\_\_\_  
(3) State income tax withholding \_\_\_\_\_  
TOTAL: (1), (2), (3) 2(b) \_\_\_\_\_
- (c) Net earnings: 2(a) less 2(b): \_\_\_\_\_ 2(c) \_\_\_\_\_
- 3. (a) If judgment debtor is subject to withholding for child support garnishment or income assignment, enter maximum allowable percentage (50%, 55%, 60%, 65%): \_\_\_\_\_ 3(a) \_\_\_\_\_
- (b) Enter actual percentage withheld: \_\_\_\_\_ 3(b) \_\_\_\_\_
- (c) Subtract 3(b) from 3(a) and enter percentage: \_\_\_\_\_ 3(c) \_\_\_\_\_
- (d) Enter the lesser of 25% or line 3(c) here (If no child support or income assignment enter 25%): \_\_\_\_\_ 3(d) \_\_\_\_\_
- 4. Multiply the percentage in 3(d) times the net earnings in 2(c) and enter: \_\_\_\_\_ 4 \_\_\_\_\_
- 5. (a) Multiply and enter the present federal minimum wage as follows:  
Weekly or more often by 30; Biweekly by 60; Semi-monthly by 65; or monthly by 130. (For any other pay period, increase the multiple for a weekly pay period using the assumption that a month contains 4-1/3 weeks.) \_\_\_\_\_ 5(a) \_\_\_\_\_
- (b) Subtract the amount on line 5(a) from the amount on line 2(c) and enter: \_\_\_\_\_ 5(b) \_\_\_\_\_
- 6. Enter the smaller of the amounts entered on line 4 or 5(b).  
Pay this amount to the attorney for judgment creditor, or judgment creditor if not represented by an attorney. \_\_\_\_\_ 6 \_\_\_\_\_

**WHEN COMPLETED, MAIL ORIGINAL ANSWER TO: \_\_\_\_\_, DISTRICT COURT CLERK,  
\_\_\_\_\_, COURT HOUSE \_\_\_\_\_, OKLAHOMA**

**YOU MUST SEND YOUR CHECK FOR THE AMOUNT GARNISHED WITH A COPY OF YOUR ANSWER TO THE ATTORNEY FOR JUDGMENT CREDITOR, OR THE JUDGMENT CREDITOR IF THERE IS NO ATTORNEY (CHECK ONE BOX AND SHOW THE ADDRESS USED IN THE MAILING):**

**( ) ATTORNEY FOR JUDGMENT CREDITOR: \_\_\_\_\_**

**( ) JUDGMENT CREDITOR: \_\_\_\_\_**

# DO NOT USE WITHOUT SHEILA'S O.K. CALCULATION FOR GARNISHMENT OF EARNINGS

1.) On the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_\_, the garnishment summons was served on the garnishee.

The employer's next regularly established pay day thereafter is \_\_\_\_\_ for the pay period from \_\_\_\_\_ to \_\_\_\_\_ inclusive; and the judgment debtor's earnings from the employer at that pay period which at the time and day the summons was served had been earned and were due, were gross earnings of \$\_\_\_\_\_.

Judgment debtor is paid ( ) weekly; ( ) bi-weekly; ( ) semi-monthly; ( ) monthly.

2.) Deductions required by law to be withheld from gross earnings on line 1:

- ( ) a. Federal withholding tax (for income taxes) \$ \_\_\_\_\_
- ( ) b. State withholding tax (for income taxes) \$ \_\_\_\_\_
- ( ) c. Employee portion of social security tax \$ \_\_\_\_\_
- ( ) d. Employee retirement, when required by law \$ \_\_\_\_\_
- ( ) e. Total (add lines 2a through 2d) \$ \_\_\_\_\_

3.) Net wages (subtract line 2e from amount in 1, gross earnings) \$ \_\_\_\_\_

4.) Test I for amount available for garnishment (25% of line 3) \$ \_\_\_\_\_

5.) Test II for amount available for garnishment:

- ( ) a. Federal minimum wage in effect on the pay day shown on line 1 above \$ \_\_\_\_\_
- ( ) b. Multiple for the entire pay period (Weekly or more often 30; Bi-weekly 60; Semi-monthly 65; Monthly 130) (For a pay period length not given, increase the multiple for a weekly pay period using the assumption that a month contains 4-1/3 weeks.) \$ \_\_\_\_\_
- ( ) c. Line 5a multiplied by line 5b \$ \_\_\_\_\_
- ( ) d. Subtract line 5c from line 3 \$ \_\_\_\_\_

6.) Potential Amount available for garnishment (line 4 or line 5d, whichever is less) \$ \_\_\_\_\_

7.) Amount withheld from gross earnings shown on line 1 pursuant to orders with priority:

- ( ) a. Garnishments or Income Assignments for the support of any person(s) \$ \_\_\_\_\_
- ( ) b. Order of a bankruptcy court under Chapter XIII \$ \_\_\_\_\_
- ( ) c. Orders for past-due federal or state taxes \$ \_\_\_\_\_
- ( ) d. Other garnishment summons served prior to service to this garnishment summons \$ \_\_\_\_\_

- ( ) e. Total (add lines 7a through 7d) \$ \_\_\_\_\_
- 8.) Amount available for garnishment under this summons (subtract line 7e from line 6) \$ \_\_\_\_\_
- 9.) AMOUNT TO BE WITHHELD IN RESPONSE TO THIS SUMMONS (line 8 above or the amount requested by the judgment creditor, whichever is less) \$ \_\_\_\_\_
- 10.) Payment in the amount shown on line 9 may be deposited with the judgment creditor, or with the judgment creditor's attorney, unless otherwise ordered by the court.

DO NOT WITHHOLD, PURSUANT TO THIS SUMMONS, ANY OTHER EARNINGS OF THE DEFENDANT .