

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

vs. Plaintiff(s),  
Defendant(s).

CASE NO. \_\_\_\_\_

**EMPLOYER'S RESPONSE TO WRIT OF EXECUTION FOR GARNISHMENT OF EARNINGS**

Address of Court: \_\_\_\_\_

Name of Judgment Debtor: \_\_\_\_\_

Address: \_\_\_\_\_

To Employer: \_\_\_\_\_

You are instructed that by law you must do the following:

1. Complete the following information and mail or deliver the original of this form to the court at the address listed above within 24 hours. Distribute the other copies of this form as shown in the "Distribution of Copies" at the bottom of page three.

2. Is judgment debtor employed by you?  Yes  No

If No, skip sections 3-11 and fill out the information requested in section 12.

3. Employee's weekly gross earnings<sup>1</sup>: \$ \_\_\_\_\_. (If employee is paid monthly, weekly gross earnings are determined by dividing monthly gross earnings by 4.3. If employee is paid twice a month, weekly gross earnings are determined by dividing semi-monthly gross earnings by 2.17.)

4. Employee's weekly withholdings (all sums required by law to be withheld; not including withholdings due to child support orders or other court writs which are deducted in paragraph 6d below):

	<u>Amount</u>	<u>Reason for Withholding</u>
	\$ _____	_____
	\$ _____	_____
	\$ _____	_____
TOTAL	\$ _____	

5. Weekly gross earnings minus weekly withholdings (#3 minus #4) = \$ \_\_\_\_\_.  
(weekly net earnings)

<sup>1</sup> Earnings means money received for personal services and denominated as wages, salary, commissions or otherwise. AS 09.38.500(5)

6. The employee is entitled to a weekly exemption of either \$473 (under Alaska law<sup>2</sup>) or 75% of the employee's weekly net earnings (under federal law), whichever is more.<sup>3</sup> To determine the amount which can be garnished, compute the following:

a. Weekly net earnings: \$ \_\_\_\_\_ minus \$ 473.00 = \$ \_\_\_\_\_

b. Weekly net earnings: \$ \_\_\_\_\_ times .25 = \$ \_\_\_\_\_

c. The smaller of the above two amounts is: \$ \_\_\_\_\_

d. Other garnishments. List any other garnishments of the employee's earnings currently in effect:

<u>Court or Agency Order</u>	<u>Weekly Amount Taken</u>
_____	\$ _____
_____	\$ _____
Total:	\$ _____

e. Amount That Can Be Garnished Each Week on this Writ.

Subtract "d" from "c:" \$ \_\_\_\_\_

If your pay period is not weekly, adjust the amount garnished accordingly.

Pay period is  weekly  biweekly  twice a month  monthly  \_\_\_\_\_

Amount to be sent to the court each pay period: \_\_\_\_\_

7. Does employee's weekly salary vary depending on hours worked or commissions?  
 Yes If yes, you must recalculate the amount that can be garnished each pay period.  
 No

8. Are employee's earnings currently being garnished up to the legal limit by a former lien?  
 Yes  No

Previous lien(s) is/are expected to terminate on \_\_\_\_\_.  
(date)

If employee's earnings are subject to a lien from a previous *Writ of Execution for Garnishment of Earnings*, you must continue paying on that writ until it has been satisfied or otherwise terminated, at which time this writ will be in full force and effect until the TOTAL AMOUNT DUE stated on the writ is paid in full. If the previous writ does not take the entire amount available for garnishment, you must begin paying the

<sup>2</sup> AS 09.38.030 states that the weekly amount is \$350. However, AS 09.38.115 requires the Department of Labor to change that amount based on changes in the consumer price index. So, the actual amount of the exemption (currently \$473) is set in Department of Labor regulation 8 AAC 95.030. Note: AS 09.38.050 allows the court to increase the exemption amount under the circumstances described in that statute.

<sup>3</sup> The employee is also entitled to a federal weekly exemption of 30 times the federal minimum wage if that amount exceeds the 75% exemption. 15 USC 1673. The current hourly minimum wage is \$7.25. 29 USC 206(a)(1). That calculation is not included on this form because the Alaska weekly exemption is larger than the federal "30 times minimum wage" exemption.

court the amount calculated in #6e for the enclosed writ and recalculate that amount when the prior writ or withholding order terminates.

9. If the answer to #8 was No, then commencing immediately, the service of this *Writ of Execution for Garnishment of Earnings* upon you creates a continuing lien against the debtor's earnings.

You must send to the court at the address shown on page one of this form the amount in #6e each payday until a) the TOTAL AMOUNT DUE shown on the *Writ of Execution for Garnishment of Earnings* has been paid; b) the employment relationship has been terminated; or c) you have been instructed by the court that the judgment has been vacated, modified or satisfied in full, or the writ has been dismissed. The amount you send to the court may vary depending on the amount earned by the employee each week.

NOTE: Federal law prohibits employers from discharging any employee because the employee's earnings have been garnished for any one indebtedness. 15 USC § 1674.

10. Costs and interest which accrue after the date the attached writ is issued may be collected by a supplemental notice or supplemental writ issued after the total amount stated on the attached writ has been paid.
11. All checks paid to the court must be payable to the "Clerk of Court" and MUST SHOW THE CASE NUMBER which is written near the top of page one of this form.

12. \_\_\_\_\_  
Employer's Name

Form completed by: \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name and Title (print)

Employer's  
Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax No. \_\_\_\_\_

Distribution of copies:

1. Original to be filled out by Employer and returned to the court.
2. Employer's copy.
3. Employer sends this copy to Creditor (if a self-addressed stamped envelope is provided).
4. Employer gives this copy to Debtor (employee).