

Completing the Garnishment Affidavit and Praecipe for Summons

Use the *Garnishment Affidavit and Praecipe for Summons* (CC 3:6) form to ask the court to issue a *Summons and Order of Garnishment* that will inform the garnishee (the bank or employer of the person who owes you money) about the case and the debt.

Helpful information

Judgment Debtor is the person who owes you money.

Garnishee is the bank where the judgment debtor has a bank account **or** the employer of the judgment debtor who may owe them wages.

Interest:

- The interest rate can be found in the court order awarding you the judgment. If you do not have a copy of the order, you may request it from the clerk of the county court. (Fees may apply to get a copy)
- The interest for a legal judgment is “simple interest,” meaning that the interest rate is only applied to the amount of the judgment, and the interest is not applied to any accrued interest.
- Figuring out the accrued interest: Daily interest multiplied by the number of days between when judgment was entered (date of the court order) and when you file your Garnishment Affidavit.

Costs:

You can include the following:

- Filing fees:
 - Debtor’s exam, if done
 - For this action
- Cost of service:
 - the amount paid for certified mail and/or
 - personal service through the sheriff or constable.
- Attorney’s fees (if applicable)

Enter the type of court and the county or use the drop-down lists.

Enter the name of the plaintiff.

Enter the name of the defendant.

Enter your name.

Enter the date the judgment was ordered by the court.

Choose **one** of these options for the type of judgment this is.

Enter the case number.

Enter the name of the judgment debtor (person who owes the money) and their address.

Enter the amount of the judgment, the interest (if any), the costs (if any), and the total for the garnishment in these spaces.

IN THE _____ COURT OF _____ COUNTY, NEBRASKA
Choose the court Choose the court

Case No. _____

Plaintiff,

vs.

Defendant.

**AFFIDAVIT AND
PRAECIPE FOR SUMMONS
IN GARNISHMENT
(IN AID OF EXECUTION)**

_____, being duly sworn says: the creditor
in this action, _____
recovered a judgment against the debtor, _____, on
_____, that the debtor's last known address is _____;

that there is now due on the judgment the sum of \$ _____, plus \$ _____
interest, and \$ _____ costs, for a total of \$ _____. I have good
reason to and do believe that this sum is based upon a judgment that: (Check one.)

- A. is not for the support of a person, and the judgment debtor is the head of a family.*
- B. is not for the support of a person, and the judgment debtor is not the head of a family.*
- C. is for the support of a person, the judgment debtor is supporting a spouse or dependent child, and this support order is not for payments more than 12 weeks in arrears.**
- D. is for the support of a person, the judgment debtor is supporting a spouse or dependent child, and this support order is for payments more than 12 weeks in arrears.**
- E. is for the support of a person, the judgment debtor is not supporting any other spouse or dependent child, and this support order is not for payments more than 12 weeks in arrears.**
- F. is for the support of a person, the judgment debtor is not supporting any other spouse or dependent child, and this support order is for payments more than 12 weeks in arrears.**

STOP! Do not sign the form until a notary or court clerk is present to witness you signing.

Read this statement carefully.

If you CANNOT receive emails, check this box and use the lines to explain why.

If completed by an attorney, enter your Bar Number.

I further say that I have good reason to and do believe that the garnishee, _____, has property of and is indebted to the judgment debtor. Further Affiant says not.

Signature: _____ Date: _____
 Printed Name: _____
 (Judgment Creditor/Attorney)
 Street Address/P.O. Box: _____
 City/State/ZIP Code: _____
 Telephone Number: _____
 *Email address: _____

*Nebraska Supreme Court Rule § 2-208 requires individuals who are not attorneys and representing themselves to provide their email address. The court will use the email address to send notices from the court about this case except for items that require another type of service as directed by statute or Nebraska Supreme Court Rule.

If you no longer have email capability or if your email or other contact information changes, you must complete a [Change of Contact Information Form](#).

By checking this box, I am letting the court know that I do not have the ability to receive emails. The reason I cannot receive email is: _____

If completed by an attorney:
 Bar Number: _____

This document was acknowledged before me by _____
 this _____ day of _____, 20____.

 Notary commission expires: _____

Signature of Judge/Clerk of the Court/Notary Public
 Title: _____ Serial Number (if any): _____

Enter the name of the bank or employer.

Complete the information in this section. Do Not Sign or enter the date you are signing.

A notary or court clerk will complete this section when they witness you signing the form.

Enter the address of where the garnishee can be served or receive the Summons.

Enter the name of the bank or employer.

Sign and provide your phone number and address.

Choose the type of service.

PRAECIPE

To the Clerk of Court:

Please issue Summons in Garnishment upon the following garnishee: _____, at _____
_____ in the aforementioned entitled case.

Judgment Creditor/Attorney

Phone Number

Address

Service by certified mail.
 Service by sheriff, constable, or authorized person.

* Neb. Rev. Stat. § 25-1558(4)(d): **Head of a family** shall mean an individual who actually supports and maintains one or more individuals who are closely connected with him [or her] by blood relationship, relationship by marriage, by adoption, or by guardianship, and whose right to exercise family control and provide for the dependent individuals is based upon some moral or legal obligation.

Restrictions defined in 15 U.S.C., Section 1673(a). See Instructions.

** Restrictions defined in 15 U.S.C., Section 1673(b). See Instructions.