

GARNISHMENT (Plaintiff)



*A GUIDE TO FILING
A GARNISHMENT*

Updated: 06/2026

GARNISHMENT PACKET (Plaintiff)

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This case packet was developed as part of the Self-Help Center Pilot in Douglas County, under grant number SJI-T-24-016 from the State Justice Institute. The points of view expressed are those of the Administrative Office of the Courts and Probation at the Nebraska Judicial Branch and do not necessarily represent the official position or policies of the State Justice Institute.



Helpful Information

COURT COSTS

Costs: All court costs and service fees are subject to change.

- Garnishment Filing Fees
nejudicial.com/garnishment-fees-costs

Filing Fees



Service Fees:

- Sheriff or constable:
 - Contact the sheriff or constable in the county where the other party will be served to ask about the cost of personal service.

GLOSSARY OF LEGAL TERMS

For plain language assistance with legal terms, please see the searchable [Glossary \(nejudicial.com/glossary\)](http://nejudicial.com/glossary).

FORMS

A Complete List of Forms for Garnishment can be found using the link or the QR code below.

The form numbers, such as CC 4:5, are included in this packet to help court staff better assist you in finding forms. You do **not** need to know the form numbers for your case.

The links to forms provided in this packet are **fillable forms**.



Nebraska Supreme Court
List of Forms for Garnishment
nejudicial.com/garnishment-forms

Turning in/filing/submitting forms: Whenever you are instructed to turn in, file, or submit forms to the clerk of the county court, you can do this either in person or by mail.

Clerk of the County Court Office:

**Never put
cash in
the mail!**

Office Hours: _____

Phone: _____

Contact information and addresses for the clerk of the county court in your county can be found at this link: nejudicial.com/county-court-contacts

- If you are filing by mail, DO NOT send cash. Use a check or a money order.
- Make checks payable to “Clerk of the County Court”



GARNISHMENT CHECKLIST – PLAINTIFF

BEFORE YOU START, CAN YOU GARNISH?

Do you have a judgment (money owed to you) ordered by the court?

- NO - Stop here. You must have a judgment entered by a court to garnish wages or other personal property.
- YES - Go on to the next question.

At any time during this process, you and the defendant/debtor could agree on a Payment Plan, outside of court, which is an agreement for the payment of the judgment debt.

- All payment plans should be in writing and filed with the court.
- If you enter a payment plan with the defendant/debtor, you must follow the conditions of the agreement. If the agreement starts, you cannot garnish wages until after the defendant/debtor fails to pay per the payment plan.

Did you agree to a payment plan with the defendant/debtor?

- YES - Stop here. You cannot proceed with garnishment unless payment is missed.
- NO - You may proceed with garnishment. Go on to the next question.

Do you know where the defendant/debtor (the judgment debtor) banks or where they work?

- YES - Go to Phase 3.
- NO - Go to Phase 1.

PHASE 1 – REQUEST A DEBTOR’S EXAM

The purpose of a Debtor’s exam is to find out what kind of assets and income the judgment defendant/debtor has that can be used to pay the judgment debt, which is the money owed to you.

- Collect your documents and the court order(s) awarding your judgment.
- Complete the form:
 - *Motion and Affidavit for the Issuance of an Order in Aid of Execution (Debtor’s Exam)* (CC 3:26) using the *Instructions* (CC 3:26a). This document must be signed in the presence of a notary public.
- Turn in the completed form to the clerk of the county court in the same county where you were awarded your judgment.
- Find out your court date for the Debtor’s Exam from the clerk of the county court’s office.

To notify the defendant/debtor, you *must* use Personal Service.

Personal Service is service by Sheriff or Constable.

- Pay the prepaid Fee for Service.
- For Service Return, check with the clerk of the county court to see if the Sheriff’s Return has been filed.
 - If unsuccessful at personal service, you may attempt again if another address is located.



PHASE2–DEBTOR EXAM HEARING

Hearing Date/time/location: _____

- Review “[What you need to Know Before Going to Court](#)”
- Be at the courthouse at least 30 minutes before your hearing. This will give you time to be outside of the courtroom at least 15 minutes before your hearing starts.

If you are successful in personally serving the defendant/debtor:

- **If you have Personal Service and the defendant/debtor appears in court:**
The defendant/debtor will be sworn in. The judge will ask questions about the defendant/debtor’s income, assets, and property. The defendant/debtor may also be asked to fill out a form providing this information.
- **If the defendant/debtor fails to appear in court:**
You may ask the court for a Show Cause Hearing, which is a court order telling a person to appear in court and present any evidence why the orders requested by the other side should not be granted.
- **If the defendant/debtor fails to appear in court a second time:**
After both Personal Service and a Show Cause action are completed a second time, if the defendant/debtor fails to appear, then you may ask the judge to issue a warrant for the defendant/debtor’s arrest.

PHASE 3 – ISSUING THE GARNISHMENT

- Complete the *Garnishment Affidavit and Praecipe for Summons* ([CC 3:6](#)) using the *Instructions* ([CC 3:6a](#)). A “praecipe” is a written request.
- Turn in the form to the clerk of the county court in the county where you were awarded the judgment (**money owed to you**) **ordered by the court.**

Choose a method of service to notify the Bank or the Employer (the Garnishee).

- Personal Service – Service by Sheriff or Constable
 - Prepaid Fee for Service
 - Service Return; check with the clerk of the county court to see if the Sheriff’s Return has been filed.
- Certified Mail – Required to file the Return Receipt to show service.
 - At the Post Office, request a Return Receipt/ Restricted Delivery
 - Did you receive the Return Receipt (Green Card) with a signature?
 - Yes – File *Certified Mail Proof of Service* ([CC 3:22](#)) and Green Card with the clerk of the county court.



- All banks and most employers in Nebraska are registered with the Nebraska Secretary of State.
- You may use the [Nebraska Secretary of State Corporate and Business Search \(bit.ly/corporate-business-search\)](https://bit.ly/corporate-business-search) to find the garnishee's (Bank or the Employer) contact information and the legal name of the business.

PHASE 4 – TYPE OF GARNISHMENT

ONLY ONE TYPE OF GARNISHMENT (Bank or Employer) CAN BE DONE AT A TIME.

You must choose from Option 1 - Garnishing a defendant/debtor's bank account or Option 2 - Garnishing a defendant/debtor's wages.

OPTION 1 – GARNISHMENT ON DEFENDANT/DEBTOR'S BANK ACCOUNT.

An interrogatory will be sent to the bank. The interrogatory is a set of questions like: Does the defendant/debtor have funds available in their bank account?

Does the interrogatory state that the bank has funds eligible to be garnished?

- NO—You can try garnishing the defendant/ debtor's wages. Go to Option 2.
- YES—Does the bank have any funds? If the bank states that there are non-exempt funds that are available, these funds are now on a “hold” awaiting action. Next, you will need to request an order from the clerk of the county court to release the funds to be paid to you.

Application to Deliver Non-Exempt Funds

- Fill out *Application to Deliver Nonexempt Funds* ([CC 3:8C.1](#)) using the *Instructions* ([CC 3:8C.1a](#)) and turn it into the clerk of the county court.

The judge will approve or deny your *Application to Deliver Nonexempt Funds*. If approved, the clerk of the county court will send an *Order to Deliver Nonexempt Property, Credits, or Money into Court* to the bank, the bank will send the funds to the clerk of the county court, and after the appropriate amount of time has passed, the clerk of the county court will pay the funds to you.

If denied, check with the clerk of the county court for the reason for the denial so you know what to do next.

PHASE 4

OPTION 2 – GARNISHMENT ON DEFENDANT/DEBTOR'S WAGES

An interrogatory will be sent to the defendant/debtor's employer. The interrogatory is a set of questions like: Does this person work there?

Is the defendant/debtor employed?

- NO—You can try to garnish the defendant/ debtor's bank account. Go back to Option 1.
- YES—Is the defendant/ debtor employed with the company? If the employer states



that the defendant/ debtor is employed with them, and that they will pay the defendant/ debtor within the next 60 days, you may garnish wages.

Application of Continuing Lien to Garnish Wages

- Fill out *Application of Continuing Lien* (CC 3:8D) using the *Instructions* (CC 3:8Da) and turn into the clerk of the county court.

If the judge approves, an *Order of Continuing Lien* will be sent to the employer of the defendant/debtor. The employer will send the appropriate percentage of funds to the clerk of the county court, and the clerk of the county court will pay the funds to you. An *Order of Continuing Lien* remains effective for 90 days. On the order of continuing lien there will be a date that the order expires.

At day 75, has the full amount been paid? (If not, in order to continue the garnishment, you will need to request a *Notice of Extension* 15 days prior to the end of the 90 days.)

- NO — The amount has not been paid in full, complete *Notice of Extension* (CC 3:8E) using the *Instructions* (CC 3:8Ea) and turn it into the clerk of the county court.
- YES — The amount has been paid in full, continue to Phase 5 to end the garnishment.

If your *Application for Continuing Lien* is denied, check with the clerk of the county court for the reason for the denial so you know what to do next.

PHASE 5 – SATISFACTION OF JUDGMENT

HAS THE AMOUNT BEEN PAID IN FULL? (The judgment has been satisfied.)

Has judgment been satisfied?

A judgment is considered satisfied once the judgment amount, allowed costs, and accrued interest are paid in full.

Complete both of the following forms and turn into the clerk of the county court:

Once the judgment is satisfied, or paid, you will send a completed *Release of Garnishee* form to the employer or bank to inform them that they no longer need to send wages or funds to the clerk of the county court.

- Release of Garnishee* (CC 3:8F) using the *Instructions* (CC 3:8Fa).

This is the form that officially notifies the clerk of the county court that the judgment has been paid in full or otherwise resolved. This protects the defendant/debtor from further collection actions, clears their public record, and ensures the court's records are accurate and up-to-date.

- Satisfaction of Judgment* (CC 4:8) using the *Instructions* (CC 4:8a).

