

# **GARNISHMENT (Defendant)**



*A GUIDE TO  
RESPONDING TO A  
GARNISHMENT*

Updated: 06/2026

# GARNISHMENT PACKET (Defendant)

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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

### GLOSSARY OF LEGAL TERMS

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

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**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](https://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 – DEFENDANT/DEBTOR

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### TO START – YOU WERE PERSONALLY SERVED WITH A SUMMONS

(Which is a notification from the court.)

#### IF YES, REVIEW:

#### Were you personally served by a Sheriff's deputy or constable with a Summons?

If yes, review the documents sent to you so you know what the Summons is for.

SUMMONS FOR A DEBTOR'S EXAM

If the plaintiff/creditor does not know where you work or bank, they may request a Debtor's Exam. The purpose of a Debtor's Exam is to find out what kind of assets and income the defendant/debtor, (you) has that can be used to pay the judgment debt, which is the money owed to the plaintiff/creditor.

If you are personally served with notice of a Debtor's Exam, *you are required to show up in court on the date and time listed in the Summons.*

Go on to Phase 1.

A COPY OF A SUMMONS FOR YOUR BANK OR WORKPLACE

If the plaintiff/creditor knows where you work or bank, they may send a request for more information directly to your bank or employer.

You do not need to appear in court if you receive a copy of a Summons for your bank or workplace.

Go on to Phase 2.

**At any time during this process, you and the plaintiff/creditor agree on a Payment Plan, outside of court, which is an agreement for the payment of the judgment debt (money owed).**

- All payment plans should be in writing and filed with the clerk of the county court.
- If you enter a payment plan with the plaintiff/creditor, you must follow the conditions of the agreement. If the agreement starts, the plaintiff/creditor cannot garnish wages from you unless you fail to pay per the payment plan.

#### Did you agree to a payment plan with the plaintiff/creditor?

- YES—Stop here. Follow the payment plan that you and the plaintiff/creditor agreed on.
- NO—The plaintiff/creditor may proceed with garnishment. Go on so you can review what happens next.



## PHASE 1 – 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 were personally served for a Debtor’s Exam and:**

- **you (the defendant/debtor) appear in court:**

You will be sworn in. The judge will ask you questions about your income, assets, and property. You may also be asked to fill out a court form providing this information.

- **If you fail to appear in court:**

The plaintiff/creditor may ask the court for a Show Cause Hearing against you. An order to Show Cause 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 you fail to appear in court a second time:**

After you have been personally served and received a Show Cause action twice, the plaintiff/creditor may ask the judge to issue a warrant for your arrest.

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## PHASE 2 - TYPE OF GARNISHMENT

### OPTION 1 – GARNISHMENT OF DEFENDANT’S/DEBTOR’S BANK ACCOUNT

**If the plaintiff/creditor knows where you bank, and there is not a payment agreement, they can proceed with garnishing non-exempt funds from your bank.**

- You will receive a copy of a *Summons and Aid of Execution and Interrogatory* in the mail. The original is sent to your bank to fill out.

If your bank states that there are non-exempt funds available, these funds are now on a “hold” awaiting action. The plaintiff/creditor will then request an order from the judge to release those funds to be paid to the plaintiff/creditor.

If the judge approves the plaintiff/creditor’s request, 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 the plaintiff/creditor.

- If you believe funds that are being held are exempt from garnishment, you can file a *Request for Hearing on Garnishment* ([CC 3:8N](#)) using the *Instructions* ([CC 3:8Na](#)).



## PHASE 2

### OPTION 2 - GARNISHMENT ON DEFENDANT/DEBTOR'S WAGES

If the plaintiff/creditor knows where you work, and there is not a payment agreement, they can proceed with garnishing wages from your paycheck.

- You will receive a copy of a *Summons and Aid of Execution and Interrogatory* in the mail. The original is sent to your employer to fill out.

If your employer states that you are employed with them, and that they will pay you within the next 60 days, the plaintiff/creditor may garnish wages. The plaintiff/creditor will then turn in an *Application of Continuing Lien* for the judge to garnish wages.

If the judge approves, an *Order of Continuing Lien* will be sent to your employer. Your 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 the plaintiff/creditor. An *Order of Continuing Lien* remains effective for 90 days.

- If you believe you should be Head of Household and it is not noted on the paperwork, you can file a *Request for Hearing on Garnishment* ([CC 3:8N](#)) using the *Instructions* ([CC 3:8Na](#)).

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## PHASE 3 – SATISFACTION

### 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.

Once the judgment is satisfied, the plaintiff/creditor will file paperwork with the clerk of the county court to inform the employer or bank that they no longer need to send wages or funds to the clerk of the county court.

- Received a copy of *Satisfaction of Judgment* ([CC 4:8](#)) from the clerk of the county court.
- Received a copy of *Release of Garnishee* ([CC 3:8F](#)) from the plaintiff/creditor.

**Your funds will continue to be withheld from your bank or employer until the plaintiff/creditor files a *Satisfaction of Judgment* and *Release of Garnishee* with the clerk of the county court.**

