Nebraska State Court Form
REQUIRED
CC 3:8B Rev. 10/2020
Neb. Rev. Stat. § 25-1011

IN THE COURT OF COUNTY, NEBRASKA

Choose the court Choose the county

Case No. _____

_____

Judgment Debtor

NOTICE TO JUDGMENT DEBTOR

The enclosed summons and order of garnishment has been issued by this court at the request of the person who has a judgment against you in the above case. That person is called the judgment creditor. A garnishment is a method of collecting money from you by withholding funds due you by your employer, your bank, or some other third person holding your funds. This notice informs you of your rights as a judgment debtor.

Certain money, funds, or income are exempt from garnishment (cannot be taken) but you must claim the property as exempt. **If you believe your wages or bank account funds are exempt from garnishment, you must act quickly or you may lose your right to claim the exemption, and your money, funds, or income may be used to pay the judgment creditor. You must file a claim of exemptions and request for hearing with the court within 3 business days of receiving this notice.** A form to request a hearing on the garnishment is provided with this notice.

1. **Wages:** Wages are exempt up to a certain level and the amount that can be garnished varies depending on whether you are the head of a family. Head of a family means an individual who actually supports and maintains one or more individuals who are closely connected to him or her by blood relationship, by relationship by marriage, by adoption, or by guardianship, and whose right to exercise family control and provide for the dependent individual(s) is based upon some moral or legal obligation. Neb. Rev. Stat. § 25-1558.
    a. If you are the head of a family, a judgment creditor can garnish up to 15% of your disposable wages. If you are not the head of a family, a judgment creditor can garnish up to 25% of your disposable wages. If you believe your status as "not the head of a family" is incorrect, you may request a hearing.
2. Bank accounts and other financial institutions: Some bank account funds are exempt from garnishment if they are from certain government benefits and other sources.
    a. If your bank account consists solely of direct deposited funds from the federal government such as Social Security, SSI, Veterans', Black Lung and/or Railroad Retirement benefits and you have less than 2 months' worth of benefits in your account, then you do not need to request a hearing unless the bank or credit union froze your account. If the garnishment is based on a judgment for support of a person, such as child support or alimony, federal exemptions may not apply. Bank accounts that mingle federal benefits and other money may be subject to garnishment.

Contact and confirm with your bank that your funds are exempt. You do not need to request a hearing unless the bank or credit union froze your account. **UPON RECEIVING THIS NOTICE CONTACT YOUR BANK OR FINANCIAL INSTITUTION IMMEDIATELY TO SEE WHETHER THERE IS A HOLD ON THE FUNDS IN YOUR ACCOUNT.**

b. If you are claiming that your bank account funds are exempt as personal property under Neb. Rev. Stat. § 25-1552, you must file a list of all the property you own, including all of your bank accounts, and the value of each item listed. In addition, you must indicate which items you claim to be exempt. Under Neb. Rev. Stat. § 25-1552(1), each natural person residing in this state shall have exempt from forced sale on execution the sum of five thousand dollars ($5,000) in personal property, except wages.

3. Please note these exemptions may not apply to judgments for child support, alimony, spousal support, and certain debts owed to the government such as taxes.

4. If the person holding your funds or wages says they owe you money or will owe you money within the next 60 days, and if the judgment creditor makes application, the court will order the person who is holding your money to keep withholding funds for the next 90 days. This is called "continuing lien". The lien can be extended for a second 90 days by the judgment creditor.

5. If you believe the court should not allow a garnishment either because the funds sought are exempt or because the amount of the garnishment is not owed on the judgment, you are entitled to a hearing to determine those issues. However, the original judgment will not be reconsidered, set aside, or the case tried again as part of an objection to the garnishment proceeding.

6. If you wish a hearing, you must complete the request for hearing on garnishment form provided with this notice and file it with the court **within 3 business days** of receiving this notice.

7. If you request a hearing, the court will set a hearing date. That hearing date will be set within 10 days after the court receives your request. The court will notify you of the hearing date and time. **You must attend the hearing.** At the hearing, you must prove your right to an exemption. You should bring to the hearing any documents or other evidence supporting your claim.

8. **If you think you are entitled to an exemption, it may be helpful for you to speak with an attorney right away. If you need the name of an attorney, you can contact the local bar association. If you cannot afford an attorney, you may want to contact a free legal services provider such as Legal Aid of Nebraska. Information about legal resources and information may be found online at https://nebraskajudicial.gov/self-help/legal-resources-information.**