	IN <sup>-</sup>		COURT FOR THE STATE OF ALASKA		
vs.		Plaintiff(s),			
		Defendant(s)	) CASE NO . ) EMPLOYER'S RESPONSE TO WRIT OF EXECUTION FOR GARNISHMENT OF EARNINGS		
Addre	ess of Court	t:			
		ent Debtor:			
To Er	mployer:				
You a	are instructe	ed that by law you must do	) the following:		
1.	court at	the address listed above	n and mail or deliver the original of this form to the within 24 hours. Distribute the other copies of this of Copies" at the bottom of page three.		
2.	. Is judgment debtor employed by you? 🗌 Yes 🗌 No				
	If No, ski	ip sections 3-11 and fill out	t the information requested in section 12.		
3.	weekly g If emplo	ross earnings are determin yee is paid twice a month	4 \$ (If employee is paid monthly, bed by dividing monthly gross earnings by 4.3. h, weekly gross earnings are determined by dividing .7.)		
4.	withholdi	e's weekly withholdings (a ings due to child support h 6d below):	ll sums required by law to be withheld; <u>not</u> including orders or other court writs which are deducted in		
	paragrap	Amount	Reason for Withholding		
		\$			
		\$			
		\$			
	TOTAL	\$			
5.	Weekly g	ross earnings minus weekly	withholdings (#3 minus #4) = \$ (weekly net earnings)		
1 E	arnings me	ans money received for	personal services and denominated as wages, salary,		

commissions or otherwise. AS 09.38.500(5) Je 1 of 3 AS 09.35.1 6. The employee is entitled to a weekly <u>exemption</u> 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 <u>garnished</u>, compute the following:

a.	Weekly net earnings: \$ min	us <u>\$ 473.00</u> = \$			
b.	Weekly net earnings: \$ time	es <u>.25</u> = \$			
с.	The smaller of the above two amounts is: \$				
d.	Other garnishments. List any other garnishments of the employee's earnings currently in effect:				
	Court or Agency Order	Weekly Amount Taken			
		\$			
		\$			
		\$			
e.	mount That Can Be Garnished Each Week on this Writ. ubtract "d" from "c:" \$ f your pay period is not weekly, adjust the amount garnished accordingly. ay period is weekly biweekly twice a month monthly mount to be sent to the court each pay period:				
	employee's weekly salary vary depending o s If ves, vou must recalculate the am				

- 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?

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>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. Page 2 of 3 CIV-526 (11/12)(st.4) EMPLOYER'S RESPONSE

<sup>&</sup>lt;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.

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 <u>MUST SHOW</u> <u>THE CASE NUMBER</u> which is written near the top of page one of this form.

E	mployer's Name	
Form completed by:	Signature	Date
Employer's Address:	Name and Title (print)	
Phone:		
Fax No.		

- 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).