

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>OBJECTIONS TO GARNISHMENT AND NOTICE OF HEARING</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no. (judgment creditor)
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name, address, and telephone no. (judgment debtor)
Garnishee's name and address

**OBJECTIONS TO GARNISHMENT**

I object to the writ of garnishment issued on \_\_\_\_\_ and request a hearing because  
Date

- a. the funds or property are exempt (protected) from garnishment by law.
- b. of bankruptcy proceedings. Case No: \_\_\_\_\_
- c. I have an installment payment order, issued on \_\_\_\_\_ . Court: \_\_\_\_\_ Case No: \_\_\_\_\_
- d. the maximum amount permitted by law is already being withheld by another court order.
- e. the judgment has been paid.
- f. the writ was not properly issued or is otherwise invalid because \_\_\_\_\_

I was served with a copy of a writ of garnishment on \_\_\_\_\_ .  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of defendant

To be completed by the court.

**NOTICE OF HEARING ON OBJECTIONS**

1. A hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
Date Time Location  
\_\_\_\_\_ before Hon. \_\_\_\_\_ .

- 2. The defendant and plaintiff are required to appear.
- 3. The garnishee  is  is not required to appear.
- 4.  a. Objections were filed within 14 days of the defendant being served with the writ of garnishment. The garnishee shall continue to withhold funds but shall **not** release withheld funds until further order of the court.
- b. Objections were filed 14 days or more after the defendant was served with the writ of garnishment. The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy court clerk

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature/District court clerk

## Instructions for Filing and Serving an Objection to Garnishment (Form MC 49)

- If you received a writ of garnishment (form MC 12, MC 13, or MC 52), you can object to that garnishment only if:
- your money is exempt (protected) from garnishment by law (see the list of exempt funds on the back of your writ of garnishment form),
  - you filed for bankruptcy and those proceedings are pending or the debt has been discharged,
  - you have an installment payment order signed by a judge (form MC 15a),
  - the maximum amount of money that can be garnished by law is already being withheld by another court order,
  - you already paid the judgment in full,
  - the garnishment was not properly issued (for example, it was issued on false information) or the garnishment is invalid (for example, the interest, costs, or judgment amount are inaccurate).

**You cannot use this form to challenge the judgment or because you are unable to pay the judgment.**

### 1. How do I file an Objection?

You file an objection by completing the form and filing it with the same court that signed the writ of garnishment. There is no cost.

### 2. Fill out the Objection form.

Write in the court number, case number, the court address and telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on the writ of garnishment.

Write in the date the garnishment was issued (see the lower left-hand corner of the writ of garnishment). Check the box that states the reason you are objecting to the garnishment. If there is more than one reason, check all that apply. Write in the date that you were served (the date you received) a copy of the writ garnishment.

Write in the date you complete the form and sign your name.

### 3. Make four copies of the completed objection form.

### 4. File the Objection with the court.

File all four copies of your objection with the court in person or by first-class mail. If you mail the objection, include a postage-paid and self-addressed envelope so that the court can return to you three copies with the Notice of Hearing completed.

### 5. Serve the Objection.

If your case is in the district court, the court will serve the objection and will return one copy to you.

If your case is in the circuit court, when you get the three remaining copies of the objection with the Notice of Hearing completed, serve a copy on the plaintiff and a copy on the garnishee by first-class mail. If the plaintiff has an attorney, serve the objection on the attorney instead of the plaintiff. Complete the Certificate of Mailing on the bottom of your copy of the form. Make a copy of this and file it with the court. You can do this either in person or by first-class mail. Keep your copy for yourself.

For information on preparing for a hearing generally, see the Michigan Court's Self-Help Center at <http://courts.michigan.gov/scao/selfhelp/general/hearings.htm>. **NOTE:** You must bring all documents to the hearing to support the objections that you checked on the objection form.