

INFORMATION ON PREPARING & ISSUING A WRIT OF GARNISHMENT

1. Purchase form at a stationery store that sells legal forms
 - a. Stevens-Ness Forms (see list of necessary forms below); or
 - b. Writ of Garnishment packet pursuant to ORS 18.830
2. Complete forms based on information from your Judgment. The forms should be typed or neatly printed in dark ink. If you are using a carbonless copy form, print neatly and press firmly - check to make sure the writing went through to the last page. Be sure you complete all of the required sections. **THE COURT CLERK CANNOT COMPLETE THIS FORM FOR YOU.**
 - a. If you are using the single part Stevens-Ness forms, once you have completed the forms, you will need to make four (4) copies of the Writ of Garnishment and Garnishee Response and one (1) copy of the Debt Calculation. Sign the form before you make copies. Your signature does not need to be witnessed by a notary or court clerk. Copies cannot be made at the Court Clerk's office. (These will include copies for yourself)
3. You will need to include the name & street address of place of employment or financial institution as garnishee.
4. Fees to issue and deliver Writ of Garnishment (**include fees paid on debt calculation form**):
Issuance Fee: Paid to Court when issued – verify with court before submitting or at http://courts.oregon.gov/OJD/docs/courts/circuit/fee_schedule_public.pdf
Delivery Fee: Paid to Sheriff, private process server or Post Office - You must verify delivery fee first.

Financial Institution Search Fee: This fee is per listed debtor (check made payable to the named financial institution). This only applies when a Writ of Garnishment is issued to a financial institution (bank, credit union, etc.) ORS 18.790. **Verify fee with financial institution first and include fees on form.**

GENERAL INFORMATION:

Bring the completed original garnishment, appropriate number of copies and fees to Court for issuance. The Clerk will issue the garnishment, you will pay to Court the issuance fee and then you take the garnishment to Sheriff, private process server or Post Office for delivery of the garnishment. **YOU CANNOT DELIVER THIS GARNISHMENT YOURSELF TO THE GARNISHEE.**

*** Read through the entire garnishment form so you have a good understanding as to what will be happening once it is issued and is delivered to the Garnishee. You may want to make a copy of the form before you start filling it out so you may have a practice sheet to work from.*

List of Documents for Writ of Garnishment (available at stationery & book stores which sell legal forms)

Writ of Garnishment - Form # 1128
Debt Calculation - Form # 529
Garnishee Response - Form # 530
Challenge to Garnishment - Form # 1140

*** These forms require copies as addressed above in section 2a.**

or

Writ of Garnishment, Challenge to Garnishment & Debt Calculation - Form # 1260
Garnishee Response - Form # 1261A & 1261B

*** These are multi-part forms and do not require any photocopying**

Additional collection information on reverse side

ADDITIONAL COLLECTION PROCEDURES

EXECUTION OF JUDGMENT

1. Purchase Stevens-Ness form 149.
2. Contact Sheriff of County where to be served.
Ask following questions:
 - a. What do they charge for service?
 - b. Do they require a surety or bond to be posted?
 - c. What specific information about the property do they require you to provide?
 - d. Are there storage fees, etc?
3. Complete the entire form.
4. Make 3 copies of form.
5. Bring original and copies to Court for issuance.
6. Pay Court fees to issue (**verify issuance fee before issuance**).
http://courts.oregon.gov/OJD/docs/courts/circuit/fee_schedule_public.pdf
7. Take execution to Sheriff for service and pay their fees.

JUDGMENT DEBTOR EXAMINATION

1. Send 10-day Demand Letter or provide an Unsatisfied Execution.
2. Purchase Stevens-Ness forms 1114 and 179.
3. Complete all of form 1114 and the top portion of 179.
5. Make three (3) copies of both forms.
6. Bring originals and copies to Court and obtain a hearing date.
7. Check with Court in one week to see if Judge signed Order, if not, check every couple of days, thereafter. Once signed, go to Court and pick up the conformed copies and take to Sheriff or private process service for service. The Sheriff or process service will charge for this service; check with them for their current fees. The Court does not charge for filing the Judgment Debtor Examination in small claims.
8. Verify service of the Judgment Debtor with party who was to serve debtor.
9. Service completed at least one week prior to the hearing date, appear at the hearing prepared to conduct the Judgment Debtor Exam and ask the Debtor your prepared questions.
10. If Judgment Debtor fails to appear, you may proceed with Show Cause proceedings.