

FREQUENTLY ASKED QUESTIONS:

Q. What if my debtor holds more than one bank account or has a shared business account? Will all accounts attached to the debtor's name be levied upon?

A. No. The only accounts that will be levied upon will be by the name specified on the Writ of Execution directed from the Court. If you are aware there may be funds involved as part of a business, be sure this is mentioned to the Court during the initial conciliation process.

Q. Can I garnish the wages of someone who is self-employed or owns the business?

A. No. The process to collect money in this situation is often times referred to as a "till tap." The Writ of Execution gives us the ability to visit the business and demand money from any cash boxes/tills in the business. Another option is a "personal demand," consisting of our department demanding payment from the debtor. We cannot FORCE someone to remit funds. If the debtor refuses payment, you must return to court petitioning the debtor to disclose their assets.

Q. While wages are being garnished, will I receive money every pay period of the debtor or at the end of the 70day period?

A. Either, depending on the employer's procedure/discretion. Many employers will wait until the end of the 70-day period so they only have to "cut" one check, rather than numerous checks throughout the period.

Q. How much can I expect to collect from garnishments?

A. That depends upon the hourly wage of the debtor and whether they are working full or part-time. Please note, \$434.00 per week (Or 40 hours multiplied by the Federal Minimum Wage of \$10.85) of the debtor's pay is exempt from levy. 25% of the debtor's disposable earnings exceeding \$434 per week is subject to levy.

Q. What if the debtor has filed for bankruptcy?

A. The Automatic Stay of the Bankruptcy Court prohibits us to continue any collection once the debtor has filed. If it is early enough in the filing process, you may be able to attend the meeting of creditors to advise of your debt. Any questions, contact the United States Bankruptcy Court (District of MN) at (612)664-5200.

Q. What if no money is collected pursuant to my wage garnishment or bank levy?

A. If this happens (Possibly due to no funds in account, employment terminated, the debtor doesn't earn more than minimum wage, a leave of absence, prior garnishment/child support obligation, etc.), you will be notified with the reason and you must then locate other assets. You would then bring new instructions to the Civil Division along with another \$100 sheriffs fee and \$15 legal fee (If appropriate). If no other assets can be found, contact the Clerk of Court regarding procedures for ordering the judgment debtor to court to disclose their assets (507)668-6014.

*Any other specific questions can be directed to
the Civil Division: Terri Zabrocki
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