



**TROYL.HAWK**  
CLERK of the DISTRICT COURT  
LANCASTER COUNTY  
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**GARNISHMENTS IN THE DISTRICT COURT OF LANCASTER COUNTY**

**SOME DEFINITIONS:**

- Judgment Creditor: The person to whom a judgment is owed (the person initiating the garnishment)
- Judgment Debtor: The person who owes the judgment (the person being garnished)
- Garnishee: The person who holds something (usually wages) owed to the debtor  
(example of garnishee: employer or bank)
- Interrogatories: Questionnaire that comes back from the garnishee stating if any funds are available to garnish.

In order to garnish money through the Lancaster County District Court, it is necessary that a judgment be on record in the Lancaster County District Court. If the judgment was not originally filed in the Lancaster County District Court, it is necessary to record that judgment in the Lancaster County District Court, by filing a certified copy of the transcript from the court in which the judgment was obtained.

**CUSTOMARY PROCEDURES:**

1. A notarized "Affidavit in Garnishment" is filed in the Lancaster County District Court by the judgment creditor stating the amount of the judgment owed at the time of filing and the reason for the garnishment. There is a \$5.00 fee to file an Affidavit of Garnishment in a case. The \$5.00 fee may be added to the judgment as costs.
2. The judgment creditor will make arrangements with the Sheriff for service of "Summons in Garnishment" and "Interrogatories" on the garnishee, and enclose a check payable to the Lancaster County Sheriff's Office. The judgment creditor will need to contact the Sheriff regarding the fee. The Sheriff's fee may be added into the judgment as costs. Service may also be made by certified mail. If service is made by certified mail, the judgment creditor is required to file verification of the service with the Clerk of the District Court.

The judgment creditor is also responsible for serving the judgment debtor a copy the garnishment paperwork by certified mail. The judgment creditor is responsible for showing proof to the court that the paperwork was served.

3. The garnishee must file the "Interrogatories", within 10 days from service, in the office of the

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**CHUCK SALEM- CHIEF DEPUTY**

Clerk of the District Court. The judgment creditor is responsible for verifying with the Clerk that Answers to the Interrogatories have been filed.

4. The judgment creditor is responsible for computing the proper amount of the judgment based upon the answers to the Interrogatories, and filing a motion to ask the judge to order the amount of money to be delivered to the Clerk of the District Court by the garnishee.
5. The Clerk will issue the judge's order to the garnishee in the form of a certificate, and the garnishee will send the amount ordered by the court to the Clerk's office. The Clerk will then issue a check to the judgment creditor.
6. If the interrogatories indicate that the garnishee will owe the judgment debtor money within the next 60 days, the judgment creditor may file an Application and Order for Continuing Lien. This application will allow money to be taken out of each pay period. This needs to be done when answers come back from the garnishee. The lien is good for 90 days from the date of service or until the judgment has been satisfied, whichever comes first. If the judge signs the continuing lien, the Clerk will send a certified copy of the order to the garnishee. The garnishee may pay the money to the Clerk either once a pay period or once a month.
7. If the judgment has not been satisfied within that 90 day period, a Notice of Extension may be filed by the judgment creditor. This may be done within 15 days prior to the date when the continuing lien expires. The Notice of Extension is good for an additional 90 day period or until the judgment is satisfied. The judgment creditor is responsible for sending the Notice of Extension to the garnishee. The judgment creditor is also required to file a copy with the Clerk.

**THIS INFORMATION IS PROVIDED AS A GUIDE TO CUSTOMARY PRACTICES IN THIS COURT. IT IS NOT INTENDED TO BE LEGAL ADVICE AND SHOULD NOT BE CONSIDERED LEGAL ADVICE.**