



SUZANNE M. KIRKLAND

CLERK of the DISTRICT COURT LANCASTER COUNTY

575 South 10th Street
Lincoln, Nebraska 68508-2810
402-441-7328 / FAX 402-441-6190

GARNISHMENTS IN THE LANCASTER COUNTY DISTRICT COURT

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. An example of a garnishee is an employer or a bank.
- Interrogatories:** Questionnaire returned to the court by the garnishee stating whether there are any funds available to garnish.

In order for a judgment creditor to garnish money through the Lancaster County District Court, it is necessary that a judgment be filed in the Lancaster County District Court. If a judgment was originally filed in a district court other than that of Lancaster County, it is necessary to record that judgment in the Lancaster County District Court by filing a certified copy of the order of judgment with the Lancaster County Clerk of the District Court.

CUSTOMARY PROCEDURES

1. The judgment creditor must file a notarized “affidavit and praecipe for summons garnishment” in the Lancaster County Clerk of the District Court (“Clerk”). The affidavit must state 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.
2. The judgment creditor must make arrangements for service of “summons in garnishment” and “interrogatories” on the garnishee with the Lancaster County Sheriff’s Office. The judgment creditor is responsible for the service fee. The Sheriff’s Office must be contacted for information regarding the Sheriff’s fee. Service may also be made via certified mail. If service is made by certified mail, the judgment creditor is required to file verification of service to the garnishee with the Clerk.

3. The judgment creditor must also serve the judgment debtor, by certified mail with a copy of the garnishment paperwork. The judgment creditor is required to file verification of service to the judgment debtor with the Clerk.

4. The garnishee is required to file the answers to the “interrogatories”, within 10 days of service, with the Clerk. The judgment creditor is responsible for verifying with the Clerk that the answers to the “interrogatories” have been filed.

5. The judgment creditor is responsible for computing the proper amount of the judgment based on the answers in the “interrogatories”. The judgment creditor must then file a motion to ask the judge to order the garnishee to send the funds to the Clerk. If the judge grants the garnishment, the Clerk will issue a certified copy of the judge’s order to the garnishee. After funds are received in the Clerk’s office from the garnishee, the Clerk will then issue a check to the judgment creditor.

6. If the interrogatories indicate that the garnishee will owe the judgment debtor within the next 60 days, the judgment creditor may file an “application and order for continuing lien.” This application permits money to be taken out of each pay period of the judgment debtor. The “application and order for continuing lien” is to be filed subsequent to the receipt of the garnishee’s answers to the “interrogatories”. The lien is valid for 90 days from the date of service or until the judgment has been satisfied, whichever comes first. If the judge signs the “order and continuing lien,” the Clerk will send a certified copy of the order to the garnishee. The garnishee may send funds to the Clerk either once a pay period or once a month.

7. If the judgment has not been satisfied within the above referenced 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 the continuing lien expires. The “notice of extension” is valid for an additional 90 day period or until the judgment is satisfied. The judgment creditor is responsible for sending a copy of the “notice of extension” to the garnishee. The judgment creditor is also required to file a copy of the notice 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!!!!!!!!!!!!!!