

INSTRUCTIONS ON FILING A MOTION FOR PROCEEDING SUPPLEMENTAL

- Use this form once a judgment has been ordered against the defendant and payment has not been made on this judgment (you must wait at least 30-45 days after the judgment has been entered before you can file this form).
- You must complete the entire top portion of this form to the plaintiff's signature line before the court can process it
- If you know where the defendant is working, please include the employers name and address on the garnishee defendant line.
- Once this form is completed, you need to either bring or mail it to the small claims office with at least three extra copies.
- Once the court has received your completed form, the judge will put a court date and time on your form and the judge will sign it. A copy will be mailed to you once this is done.
- If you are requesting the defendant to be served by the sheriff, you will need to provide a stamped envelope addressed to the defendant.
- If you have any further questions, feel free to contact our office at 379-1610. Most questions can be answer by referring to the small claims manual and the frequently asked questions.

STATE OF INDIANA)
) SS
COUNTY OF BARTHOLOMEW)

IN THE BARTHOLOMEW SUPERIOR COURT NO. 2

CASE NO. 03D02 SC

Plaintiff(s)

VS

Defendant(s)

Garnishee Defendant

**VERIFIED MOTION FOR
PROCEEDINGS SUPPLEMENTAL
AND
NOTICE OF HEARING
AND
ORDER FOR GARNISHEE DEFENDANT
TO ANSWER INTERROGATORIES**

**JUDGMENT DEFENDANT IS ORDERED TO APPEAR
AT THIS HEARING. DEFENDANT'S
FAILURE TO APPEAR AT THIS HEARING MAY
RESULT IN A BODY ATTACHMENT BEING ISSUED.**

**Please Note: An Additional \$10.00 In Court Costs May
Be Imposed For Every Defendant Added To This Claim.**

Comes now the Plaintiff, and states that to the best of his knowledge:

1. Plaintiff owns the judgment rendered in this cause against the defendant(s);
2. Plaintiff has no cause to believe that levy of execution against the defendant(s) will satisfy the judgment;
3. Plaintiff's judgment is unsatisfied;
4. The garnishee defendant (employer) has in its possession the following personal property of the defendant(s), to-wit, wages, salaries, commission, earnings and income;
5. The approximate balance of that judgment on the date this Motion was filed was _____ .
(If you do not know the balance of the judgment, please contact the Bartholomew County Clerk at 379-1600.)

WHEREFORE, Plaintiff moves the court to issue an order notifying defendant(s) of hearing on these proceedings and requiring the garnishee defendant to answer interrogatories concerning the defendant's property in its possession.

I swear or affirm under the penalty of perjury that the foregoing representations are true.

Date: _____ Signature of Plaintiff: _____
(or Plaintiff's attorney)

ORDER TO JUDGMENT DEFENDANT(S) _____ TO APPEAR IN COURT
AND TO GARNISHEE DEFENDANT(S) _____ TO ANSWER INTERROGATORIES

The court having examined Plaintiff's motion for proceedings supplemental, notice of hearing, and order for garnishee defendant to answer interrogatories now grants said motion.

THE COURT NOW ORDERS the JUDGMENT DEFENDANT to appear personally in this Court on the _____ day of _____, _____, at _____ M. to answer as to his wages, assets, property and income.

THE COURT FURTHER ORDERS the GARNISHEE DEFENDANT to answer in writing the interrogatories on the reverse before the above date. The garnishee defendant may, instead, appear at the hearing set forth above and answer the interrogatories in person. Any claim or defense must be presented at the hearing.

FAILURE TO RESPOND TO THIS ORDER MAY RESULT IN PUNISHMENT FOR CONTEMPT OF COURT.

Dated: _____
Judge/Magistrate, Bartholomew Superior Court No. 2

The following manner of service is hereby designated:

_____ Certified mail to judgment defendant.

_____ Service on defendant by sheriff at residence or at place of employment,

to-wit: _____

Plaintiff submits the following interrogatories to be answered by the garnishee defendant. Please answer all questions.
PLEASE NOTE: Indiana law provides, according to I.C. 24-4.5-5-106, "No employer shall discharge an employee for the reason that a creditor or creditors of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment or judgments."

FURTHER: The plaintiff acquires an equitable lien on funds owed by the garnishee defendant to the defendant at least from the time the garnishee defendant returns the interrogatories to the court or the garnishee defendant is served by certified mail or the sheriff, whichever occurs first.

INTERROGATORIES

1. State the name of your company or partnership. Answer _____
2. What is your position with the company? Answer _____
3. Does your company employ a defendant named on the reverse of this form? Answer _____
4. If yes, state the employee's address. _____

5. If the defendant is no longer employed by you, please state the name and address of his or her current employer, if known. _____
6. Please state the average weekly gross income paid by your company to the defendant. _____
7. Does the defendant receive any wages, profits, income, commissions or rebates other than the above?
If so, please explain. _____
8. Are there any garnishments or wage assignments on defendant's earnings at your company?
If so, please state the cause number(s) and amount(s). _____
9. Does the defendant own any interest in your company or are there any debts due to the defendant from your company? If so, please describe. _____

Please answer and return to the Court by the date set aside for the hearing (see other side).

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Signature _____

Print or type name _____

PLEASE RETURN INTERROGATORIES TO:

Bartholomew Superior Court No.2
Courthouse 3rd Floor
234 Washington Street
Columbus, Indiana 47201