

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

at \_\_\_\_\_

\*

\* Amount of Judgment \$ \_\_\_\_\_

Plaintiff(s)

\*

vs.

\* Case No. \_\_\_\_\_

\* Chapter \_\_\_\_\_

Defendant(s)

\*

\*

[Enter name and address of parties above]

**WRIT OF GARNISHMENT OF WAGES**

**TO THE GARNISHEE:**

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YOU ARE HEREBY ORDERED to withhold the attachable wages of the Defendant/Judgment Debtor for any work week or other pay period until the judgment, interest, and other charges and costs as specified under the terms of the judgment are satisfied or until otherwise notified by this Court. In addition to those mentioned in the Notice on Garnishment of Wages, other FEDERAL AND STATE EXEMPTIONS MAY BE AVAILABLE.

YOU ARE HEREBY ORDERED to send the amount withheld to the Plaintiff/Creditor or attorney for the Plaintiff/Creditor within fifteen (15) days after the close of the last pay period of the Defendant/Debtor each month. If you assert a defense or are notified that the Defendant has done so, you are to send the withheld wages to the Court. If the following is checked,  you must withhold any attachable wages and not distribute them, subject to further order of this Court, because the judgment is not yet final.

YOU ARE NOTIFIED that you MUST FILE A WRITTEN ANSWER in the Office of the Clerk of this Court within thirty (30) days after service of this Writ on you. The answer shall state whether the debtor is an employee of the garnishee and, if so, the rate of pay and the existence of prior liens. The garnishee may assert any defense to the garnishment as well as any defense that the debtor could assert. Failure to file a written answer may result in YOUR BEING HELD IN CONTEMPT. (Note: You may use the Answer of Garnishee of Wages form on the Court's website at [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov).)

A copy of this Writ shall be given to the Defendant/Judgment Debtor. The Defendant may at any time contest the garnishment by filing a motion asserting a defense or objection.

**TO THE JUDGMENT DEBTOR:**

YOU ARE HEREBY NOTIFIED of the right to contest the Garnishment BY FILING A WRITTEN MOTION asserting a defense or objection, in the Office of the Clerk of this Court, U.S. Courthouse, \_\_\_\_\_ . You are further notified that FEDERAL AND STATE EXEMPTIONS MAY BE AVAILABLE to you (see the Notice on Garnishment of Wages attached and the Answer of Judgment Debtor Form on the Court's website at [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)).

\_\_\_\_\_  
Date Issued

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deputy Clerk:

## NOTICE ON GARNISHMENT OF WAGES

Commercial Law Article §§ 15-601 to 15-607 of the Annotated Code of Maryland and Maryland Rule 3-646 govern wage attachment procedures (rules and provisions are provided in part below). Please be aware of the following:

- By written motion, both Defendant/Debtor and Employer/Garnishee may assert any defense to contest the attachment
- If the Garnishee does not file a timely answer, the Court may, upon motion of the Plaintiff/Creditor, issue an order directing the Garnishee to show cause why he/she should not be held in contempt of court and why he/she should not be required to pay reasonable attorney's fees and costs.
- The Garnishee must notify the employee each pay period of the amount withheld and the method used to determine the amount. This may be done by use of pay stubs, pay slips, etc.
- If there is more than one attachment, each one is to be satisfied in full, in the order in which they are served upon the Garnishee.
- The law provides that an employer may not discharge an employee because the employee's wages are subjected to attachment for any one indebtedness within a calendar year and that any employer who willfully violates this provision is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both.

### **Maryland Rules of Procedure**

#### 2-646(i) -Withholding and Remitting of Wages

While the garnishment is in effect, the garnishee shall withhold all garnishable wages payable to the debtor. If the garnishee has asserted a defense or is notified that the debtor has done so, the garnishee shall remit the withheld wages to the Court. Otherwise, the garnishee shall remit them to the creditor or the creditor's attorney within 15 days after the close of the debtor's last pay period in each month. The garnishee shall notify the debtor of the amount withheld each pay period and the method used to determine the amount. If the garnishee is served with more than one writ for the same debtor, the writ shall be satisfied in the order in which served.

#### 2-646(k) -Termination of Garnishment

A garnishment of wages terminates 90 days after cessation of employment unless the debtor is reemployed by the garnishee during that period.

### **Commercial Law Article - Annotated Code of Maryland**

#### 15-601.1 -Exemption From Attachment

(b) The following are exempt from attachment.

(1) Except as provided in item (2) of this subsection, the greater of:

(i) The product of \$145 multiplied by the number of weeks in which the wages due were earned; or

(ii) 75 percent of the disposable wages due;

(2) In Caroline, Kent, Queen Anne's and Worcester counties, for each work week, the greater of:

(i) 75 percent of the disposable wages due; or

(ii) 30 times the federal minimum hourly wages under the Fair Labor Standards Act in effect at the time the wages are due; and

(3) Any medical insurance payment deducted from an employee's wages by the employer.

(c) The amount subject to attachment shall be calculated per pay period.

#### 15-602(a) – Continuing Lien

Attachment constitutes continuing lien. When an attachment is levied against the wages of a judgment debtor, it shall constitute a lien on all attachable wages that are payable at the time the attachment is served or which become payable until the judgment, interest and costs, as specified in the attachment are satisfied.