

# Objection to Garnishment

## (MC 49, MC 50, MC 51)

<b>When to Use:</b>	<ul style="list-style-type: none"> <li>• You received a Writ of Garnishment (MC 12, MC 13, or MC 52) <b>and</b>;</li> <li>• Your money is exempt from garnishment by law, <b>or</b>;</li> <li>• You filed for bankruptcy and those proceedings are pending or the debt has been discharged, <b>or</b>;</li> <li>• You have an installment payment order signed by a judge (MC 15a), <b>or</b>;</li> <li>• The maximum amount of money that can be garnished by law is already being withheld by another court order, <b>or</b>;</li> <li>• You already paid the judgment, <b>or</b>;</li> <li>• The garnishment was not properly issued or the garnishment is invalid.</li> </ul>
<b>Filing Fees:</b>	\$0
<b>Method of Payment:</b>	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Money Order payable to: <i>Ottawa County Clerk</i></li> </ul>
<b>Where to File:</b>	Circuit Court Records                      or    58 <sup>th</sup> District Court 414 Washington, Room 320                      (See order for address) Grand Haven, MI 49417 (616) 846-8315
<b>Copies:</b>	Original + 3 copies
<b>Additional Information:</b>	<p>If it is a district court case, the court will serve the objection.</p> <p>If it is a circuit court case, you must serve a copy of the completed form to the Plaintiff and the Garnishee. Bring 2 stamped, addressed envelopes when filing.</p> <p>Stamped envelopes are available for purchase in the Legal Self-Help Center.</p>

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>OBJECTIONS TO GARNISHMENT AND NOTICE OF HEARING</b>	<b>CASE NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name, address, and telephone no. (judgment creditor)
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name, address, and telephone no. (judgment debtor)
Garnishee's name, and address

**OBJECTIONS TO GARNISHMENT**

- 1. I object to the writ of garnishment issued on \_\_\_\_\_ and request a hearing because  

a. the funds or property are exempt (protected) from garnishment by law.  
 b. of bankruptcy proceedings. Case No: \_\_\_\_\_  
 c. I have an installment payment order, issued on \_\_\_\_\_. Court: \_\_\_\_\_ Case No: \_\_\_\_\_  
 d. the maximum amount permitted by law is already being withheld by another court order.  
 e. the judgment has been paid.  
 f. the writ was not properly issued or is otherwise invalid because \_\_\_\_\_
  
- 2. I object to the written statement I received from the creditor because the balance of the judgment is wrong.
  
- 3. I was served with the  writ of garnishment  written statement on \_\_\_\_\_  

Date

\_\_\_\_\_  
Date Signature of defendant

To be completed by the court.

**NOTICE OF HEARING ON OBJECTIONS**

- 1. A hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  

Date Time Location
  
- \_\_\_\_\_ before Hon. \_\_\_\_\_.
  
- 2. The defendant and plaintiff are required to appear.
- 3. The garnishee  is  is not required to appear.
- 4.  a. Objections were filed within 14 days of the defendant being served with the writ of garnishment or written statement.  
The garnishee shall continue to withhold funds but shall **not** release withheld funds until further order of the court.  
 b. Objections were filed 14 days or more after the defendant was served with the writ of garnishment or written statement.  
The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

\_\_\_\_\_  
Date Deputy court clerk

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

\_\_\_\_\_  
Date Defendant's signature/District court clerk

## Instructions for Filing and Serving "Objections to Garnishment" (Form MC 49)

If you received a writ of garnishment (form MC 12, MC 13, or MC 52), you can object to that garnishment only if:

- your money is exempt (protected) from garnishment by law (see the list of exempt funds on the back of your writ of garnishment form),
- you filed for bankruptcy and those proceedings are pending or the debt has been discharged,
- you have an installment payment order signed by a judge (form MC 15a),
- the maximum amount of money that can be garnished by law is already being withheld by another court order,
- you already paid the judgment in full,
- the garnishment was not properly issued (for example, it was issued on false information) or the garnishment is invalid (for example, the writ was served on the garnishee after the service deadline, the interest, costs, or judgment amount are inaccurate).

If you received a written statement of the judgment balance from the creditor, you can object if you believe the balance on the statement is incorrect.

**You cannot use this form to challenge the judgment or because you are unable to pay the judgment.**

### 1. How do I file an Objection?

You file an objection by completing the form and filing it with the same court that signed the writ of garnishment. There is no cost for filing an objection except in probate court cases.

### 2. Fill out the Objection form.

Write in the court number, case number, the court address and telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on the writ of garnishment.

Write in the date the garnishment was issued (see the lower left-hand corner of the writ of garnishment). Check the box that states the reason you are objecting to the garnishment. If there is more than one reason, check all that apply. Write in the date that you were served (the date you received) a copy of the writ garnishment.

Write in the date you complete the form and sign your name.

### 3. Make four copies of the completed objection form.

### 4. File the Objection with the court.

File all four copies of your objection with the court in person or by first-class mail. If you mail the objection, include a postage-paid and self-addressed envelope so that the court can return to you three copies with the Notice of Hearing completed.

### 5. Serve the Objection.

If your case is in the district court, the court will serve the objection and will return one copy to you.

If your case is in the circuit court, when you get the three remaining copies of the objection with the Notice of Hearing completed, serve a copy on the plaintiff and a copy on the garnishee by first-class mail. If the plaintiff has an attorney, serve the objection on the attorney instead of the plaintiff. Complete the Certificate of Mailing on the bottom of your copy of the form. Make a copy of this and file it with the court. You can do this either in person or by first-class mail. Keep your copy for yourself.

Bring all documents to the hearing to support the objections that you checked on the objection form.

For more information on objections or preparing for a hearing generally, see [MichiganLegalHelp.org](http://MichiganLegalHelp.org) or scan the code to the right with your smartphone.



Approved, SCAO

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>GARNISHMENT RELEASE</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's name and address (judgment creditor)

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Defendant's name and address (judgment debtor)

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v

Plaintiff's attorney, bar no., address, and telephone no.

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Garnishee's name and address

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Defendant's social security no.

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**TO THE GARNISHEE:**

- 1. The garnishment issued on \_\_\_\_\_ is withdrawn by the plaintiff.  

Date

The withdrawal was authorized on \_\_\_\_\_ by \_\_\_\_\_  

Date
Plaintiff/Attorney
Bar no.
- 2. The garnishment issued on \_\_\_\_\_ is cancelled by the court.  

Date
- 3. You are released from further liability in connection with this garnishment.
- 4. Any amounts withheld by the garnishee on or after \_\_\_\_\_ shall be returned to the defendant  
and any further withholdings shall be discontinued. 

Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy court clerk

**CERTIFICATE OF MAILING**

Use note: does not need to be completed if the document is served through MiFILE.

I served a copy of this release on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**TO THE PLAINTIFF:** The social security number field is blacked out on the court copy for security reasons, but will appear on the garnishee, defendant, and plaintiff copies.

Approved, SCAO

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>GARNISHMENT RELEASE</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's name and address (judgment creditor)
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name and address (judgment debtor)
Garnishee's name and address



**TO THE GARNISHEE:**

- 1. The garnishment issued on \_\_\_\_\_ is withdrawn by the plaintiff.  
Date  
 The withdrawal was authorized on \_\_\_\_\_ by \_\_\_\_\_.  
Date Plaintiff/Attorney Bar no.
- 2. The garnishment issued on \_\_\_\_\_ is cancelled by the court.  
Date
- 3. You are released from further liability in connection with this garnishment.
- 4. Any amounts withheld by the garnishee on or after \_\_\_\_\_ shall be returned to the defendant  
 and any further withholdings shall be discontinued. Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy court clerk

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**TO THE PLAINTIFF:** The social security number field is blacked out on the court copy for security reasons, but will appear on the garnishee, defendant, and plaintiff copies.

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>ORDER ON OBJECTIONS TO GARNISHMENT</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no. (judgment creditor)
Plaintiff's attorney, bar no., address, and telephone no.

**v**

Defendant's name, address, and telephone no. (judgment debtor)
Garnishee's name and address

1. On \_\_\_\_\_ the defendant filed an objection to the writ of garnishment dated \_\_\_\_\_ .  
Date
2. A hearing on the objection was held on \_\_\_\_\_ .  
Date
3. The objections are  
 valid.  
 invalid.

**IT IS ORDERED:**

4. The garnishee shall  
 a. immediately release  
 all withheld funds  
 \$ \_\_\_\_\_  
to the  
 plaintiff/attorney.  
 court.

The garnishee shall continue withholding and payment of funds as previously ordered by the court.

- b. immediately release all withheld funds to the defendant. The writ of garnishment is released.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy court clerk

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