



IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION  
OKMULGEE DISTRICT

\_\_\_\_\_)  
\_\_\_\_\_)  
Plaintiff, )  
Vs. )  
\_\_\_\_\_)  
\_\_\_\_\_)  
Defendant, )  
And )  
\_\_\_\_\_)  
\_\_\_\_\_)  
Garnishee, )

CASE NO. \_\_\_\_\_

CONTINUING WAGE GARNISHMENT SUMMONS

THE MUSCOGEE (CREEK) NATION TO SAID GARNISHEE:

You are hereby summoned pursuant to the attached affidavit as garnishee for the defendant \_\_\_\_\_ and required within seven (7) days from the end of defendant's present pay period or thirty (30) days from the date of service of this upon you, whichever is earlier, to answer according to law. In your answer you must state whether you are the employer of the defendant and you must withhold the required amount from the defendant's pay during the period this summons is effective, pay the required amount to the plaintiff, attorney for the plaintiff, or the clerk of this court within seven (7) days after each pay period during the time this summons is effective and, at the time you file your answer, to deliver or mail a copy of your answer to the plaintiff or his attorney of record and to the defendant, unless defendant is otherwise given actual written notice, which may consist of a notation on the defendant's statement of earnings for salary or wages. If the garnishee, is indebted to or holds salary, wages or money belonging to the defendant, the garnishee immediately shall mail by first class mail a copy of the notice of garnishment and exemptions, and the application for hearing, to the defendant at the last known address of the defendant shown on the records of the garnishee at the time the garnishment summons was served on the garnishee. If more than one address is shown on the records of the garnishee at the time of service of the summons, the garnishee shall discharge his duty by mailing to any one of the addresses shown on its records. In lieu of mailing, the garnishee may hand deliver a copy of the notice of garnishment and exemptions, and the application for hearing, to the defendant. You are further ordered to withhold any such property or indebtedness belonging to such defendant and to pay the same to the plaintiff or attorney for plaintiff or to the office of the court clerk within seven (7) days after each pay period during the time this summons is effective. At the time that you file your answer for each pay period, you shall deliver or mail a copy of your answer to the plaintiff or his attorney of record and to the defendant, unless the defendant is otherwise given actual written notice, which may consist of a notation on the defendant's statement of earnings for salary or wages. In cases of salary and wages, you are directed to withhold not more than twenty-five percent (25%) of disposable earnings for each pay period during this summons is effective. For garnishment purposes "wages" or "earnings" means any form of periodic payment to an individual including, but not limited to salary, commission or other compensation, but does not include reimbursements for travel for State employees.

The amount withheld may not exceed the amount by which the disposable earnings for the week exceed thirty times the federal minimum hourly wage prescribed by Section 6 (a)(1) of the Fair Labor Standards Act of 1938, U.S.C. Title 29, Section 206 (a)(1) as amended or the equivalent for pay periods other than a week. The amount withheld is also subject to prior income assignment or garnishment for child support. You are hereby directed to pay the amount required by law and in case of your failure to do so you will be liable to further proceedings according to law, and judgment shall be rendered against you in the amount of the judgment rendered against the principal defendant but not exceeding \$ \_\_\_\_\_, together with costs in the principal action and costs of the garnishment proceeding.

The Muscogee (Creek) Nation to said Defendant (s): You are hereby directed to take notice of the above and foregoing and that you may file the attached claim for exemption and request for hearing at any time during the time this summons is effective. If you file the claim for exemption and request for hearing, it will be effective only for pay periods ending in ninety (90) days before the request is filed. Of which the said garnishee will also take notice.

**GARNISHEE WILL CONTINUE TO WITHHOLD AND PAY THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS AS THEY ACCRUE, OR UNTIL THE SUM HELD EQUALS THE AMOUNT OR AMOUNTS STATED IN THE ATTACHED AFFIDAVIT, OR UNTIL THE EMPLOYMENT RELATIONSHIP TERMINATES OR UNTIL 180 DAYS FROM THE DATE OF SERVICE OF THE AFFIDAVIT AND SUMMONS HAVE LAPSED, WHICHEVER FIRST OCCURS. THE AFFIDAVIT AND SUMMONS SHALL CONTINUE IN EFFECT AND SHALL APPLY TO A PAY PERIOD BEGINNING BEFORE THE END OF THE 180 DAY PERIOD EVEN IF THE CONCLUSION EXTENDS BEYOND THE END OF THE PERIOD.**

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and shall be returned with proof of service on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Plaintiff (Plaintiff's Attorney)

\_\_\_\_\_  
Court Clerk  
By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address

IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION  
OKMULGEE DISTRICT

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\_\_\_\_\_) )  
Vs. Plaintiff, ) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
And Defendant, ) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
Garnishee, ) )

CASE NO. \_\_\_\_\_

GARNISHEE'S ANSWER

Garnishee, or \_\_\_\_\_, on behalf of garnishee, having knowledge of the facts and being sworn, states:

1. At the time of the service of the garnishment summons or upon the date it became effective, the garnishee was not indebted to the defendant for any amount of money nor did the garnishee have within his/her possession or control, any property, money, goods, chattels, credits, negotiable instruments or effects belonging to the defendant to the defendant because the employee was:

- Sick
- Laid Off
- On Vacation
- Not Employed
- Other, Specify: \_\_\_\_\_

2. At the time of the garnishment summons, the garnishee did have possession or control of the following property, money, goods, chattels, credits, negotiable instruments or effects belonging to the defendant as follows: \_\_\_\_\_

3. At the time of service of the garnishment summons, the garnishee was indebted to the defendant as follows:

- a. Earnings as shown on the Calculation for Garnishment of Wages Form (on back) which is incorporated by reference into this Answer.
- b. Other, specify: \_\_\_\_\_

4. On \_\_\_\_\_, a copy of the garnishment summons was provided to the defendant utilizing:

- Personal Service
- First Class Mail
- Included with Paycheck
- Hand Delivery

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

RETURN COMPLETED FORM TO THE COURT AND FORWARD A COPY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY AND TO THE DEFENDANT.

IF GARNISHMENT IS FOR WAGES OR EARNING, COMPLETE THE CALCULATION SHEET. YOU MAY SEND A CHECK FOR THE AMOUNT GARNISHED TO THE COURT, THE PLAINTIFF, OR TO THE PLAINTIFF'S ATTORNEY. A CONTINUING GARNISHMENT REMAINS IN EFFECT UNTIL ONE OF THE FOLLOWING OCCURS: (1) THE JUDGMENT IS PAID IN FULL; (2) THE EMPLOYMENT RELATIONSHIP IS TERMINATED; (3) THE JUDGMENT IS VACATED, MODIFIED OR PAID IN FULL; (4) THE GARNISHMENT ACTION IS DISMISSED; (5) THE EXPIRATION OF 180 DAYS FROM THE DATE OF SERVICE OF THE SUMMONS. (IF A PAY PERIOD BEGINS WITHIN 180 DAYS BUT ENDS AFTER THE EXPIRATION, THE PAY PERIOD IS SUBJECT TO THE GARNISHMENT.)

## NOTICE OF GARNISHMENT AND EXEMPTIONS

*IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGMENT, READ THIS CAREFULLY.*

A Garnishee Summons has been served concerning your assets. This means money held for you by the garnishee may be taken by the Plaintiff to pay a judgment against you in this case. However, some money is protected by law ("exempt") and cannot be taken to pay judgments. The following is a list of funds that are exempt; however, there may be additional exemptions as well:

- ( ) A. Social Security Benefits 42 U.S.C. Sec. 407.
- ( ) B. Supplemental Security Income 42 U.S.C. Sec. 1383(d).
- ( ) C. Unemployment Benefits-40 O.S. Sec.2-303.
- ( ) D. Workmens' Compensation Benefits-85 O.S. Sec.48.
- ( ) E. Welfare Benefits-56 O.S. Sec. 173.
- ( ) F. Veterans' Benefits-38 U.S.C. Sec. 3101, 31 O.S. Sec.7.
- ( ) G. Monies in possession of Police Pensions-11 O.S. Sec.50-124.
- ( ) H. Monies in possession of Firemens' Relief and Pension Fund-11 O.S. Sec.49-126.
- ( ) I. Monies in possession of County Employee's Retirement System - 19 O.S. Sec. 959.
- ( ) J. Monies in possession of Public Employee's Retirement Fund - 74 O.S. Sec. 923.
- ( ) K. Teacher's Annuities or Retirement Allowance - 70 O.S. Sec. 17-109.
- ( ) L. Annuities and Pension Payments under Railroad Retirement Act - 45 U.S.C. Sec.231(m).
- ( ) M. United States Civil Service Retirement and Disability Pension Fund Payments - 5 U.S.C. Sec. 8346.
- ( ) N. United States Civil Service Survivor Annuities 5 U.S.C. Sec. 8346.
- ( ) O. Interest in Retirement, Pension and Profit Sharing Plans - 60 O.S. Sec.327, 60 O.S. Sec. 328.
- ( ) P. The wages of Seamen - 46 U.S.C. Sec.601.
- ( ) Q. Funds vested in the Alien Property Custodian 50 U.S.C. appx. Sec.9(f).
- ( ) R. Prepaid Burial Benefits 36. O.S. Sec.6125.
- ( ) S. Proceeds of Group-Life Insurance Policy - 36 O.S. Sec.3632 and 36 O.S. Sec.4026.
- ( ) T. Alimony, support, separate maintenance, or child support necessary for support of defendant or dependent - 31 O.S. Sec.1.1.
- ( ) U. Personal wage exemption because of undue hardship - 31 O.S. Sec. 1.1.

The above exemptions generally do not apply to judgments for Alimony and Child Support.

If you are a corporation, you may have other exemptions.

If an account is being garnished and if the money in this account does not belong to you, or if you are aware of other reasons why

money should not be taken to pay the judgment, you may want to consult an attorney. Because of the garnishment, the garnishee was required to hold the amount of money claimed by the creditor. This means you may not withdraw that money.

If you believe that you are entitled to an exemption, **DO THE FOLLOWING IMMEDIATELY. You have a deadline of five (5) days from the date you received this notice.**

1. On the "Claim for Exemptions and Request for Hearing, "check the box next to the exemption or exemptions you claim".
2. Check whether you claim all money is exempt. If you do not claim all money is exempt, write in the amount; you believe is exempt.
3. Sign your name in the space indicated on each form and write the address where the court clerk is to notify you of the hearing date and time.
4. Mail the Claim for Exemptions and Request for Hearing to the court clerk. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

The court clerk must receive the Claim for Exemption and Request for Hearing within five (5) days from the date you received this notice. The court clerk will set the matter for hearing and notify you. At the hearing in Court, you will have to prove that your money is exempt. You may want to consult an attorney for advice or assistance concerning the hearing.

If you do not request a hearing within five (5) days from the date you received this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the Court.

**NANCY JUKICH**

Court Clerk of the Muscogee (Creek) Nation  
Tribal Court/POB 652  
Okmulgee, OK 74447

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**Plaintiff,** )  
**vs.** )  
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 \_\_\_\_\_)  
**Defendant,** )  
**and** )  
 \_\_\_\_\_)  
 \_\_\_\_\_)  
**Garnishee.** )

CASE NO. \_\_\_\_\_

**CLAIM FOR EXEMPTION AND REQUEST FOR HEARING**

1. Funds sought in garnishment are exempt from execution because they are (check applicable box):
- ( ) A. Social Security Benefits 42 U.S.C. Sec. 407.
  - ( ) B. Supplemental Security Income 42 U.S.C. Sec. 1383(d).
  - ( ) C. Unemployment Benefits-40 O.S. Sec.2-303.
  - ( ) D. Workmens' Compensation Benefits-85 O.S. Sec.48.
  - ( ) E. Welfare Benefits-56 O.S. Sec. 173.
  - ( ) F. Veterans' Benefits-38 U.S.C. Sec. 3101, 31 O.S. Sec.7.
  - ( ) G. Monies in possession of Police Pensions-11 O.S. Sec.50-124.
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  - ( ) L. Annuities and Pension Payments under Railroad Retirement Act - 45 U.S.C. Sec.231(m).
  - ( ) M. United States Civil Service Retirement and Disability Pension Fund Payments - 5 U.S.C. Sec. 8346.
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  - ( ) P. The wages of Seamen - 46 U.S.C. Sec.601.
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  - ( ) R. Prepaid Burial Benefits 36. O.S. Sec.6125.
  - ( ) S. Proceeds of Group-Life Insurance Policy - 36 O.S. Sec.3632 and 36 O.S. Sec.4026.
  - ( ) T. Alimony, support, separate maintenance, or child support necessary for support of defendant or dependent - 31 O.S. Sec.1.1.

- ( ) U. Personal wage exemption because of undue hardship - 31  
O.S. Sec. 1.1.
- ( ) V. Other \_\_\_\_\_  
(Please State)

2. Check One Box:

- ( ) All funds are exempt **OR**
- ( ) I believe the following amount of money is exempt \$ \_\_\_\_\_  
(fill in amount of funds to be exempt)

3. Check if applicable:

- ( ) I have attached copies of the documents that show that my money is exempt.

I request that this matter be set for a hearing.

\_\_\_\_\_  
Signature

Print your name and address below:

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