

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE SUPERIOR COURT NO. 6
OF HAMILTON COUNTY

Judgment Creditor

CAUSE NO. 29D06-_____

v.

Judgment Debtor

Garnishee Defendant (BANK/FINANCIAL INSTITUTION)

(Street address)

(Street address)

(City, State, Zip)

(City, State, Zip)

(Note: Please indicate service to Judgment Debtor and Garnishee Defendant below:)

SERVICE REQUESTED BY:

On Judgment Debtor: _____ Certified mail (judgment creditor must provide pre-addressed postage paid envelope)

_____ Sheriff of _____ County (judgment creditor must pay one-time \$25 fee for this service)

On Garnishee Defendant _____ Certified mail (judgment creditor must provide pre-addressed postage paid envelope)

_____ Sheriff of _____ County (judgment creditor must pay one-time \$25 fee for this service)

NOTICE: I.C. 34-25-3-3 (1998) provides that the Garnishee Defendant is accountable for monies in his hands and/or payable to Judgment Debtor from the date of the service of this Summons.

VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL AND SUMMONS AND INTERROGATORIES PROPOUNDED TO GARNISHEE DEFENDANT

Judgment Creditor appears and states that, to the best of its/his/her knowledge:

1. Judgment Creditor owns the judgment rendered in this cause against the Judgment Debtor;
2. Judgment Creditor's judgment is unsatisfied;
3. Judgment Creditor has no cause to believe that levy of execution against the Judgment Debtor will satisfy the judgment; and
4. The Garnishee Defendant has in its possession monies in accounts belonging to the Judgment Debtor.

Judgment Creditor therefore moves the Court to issue an order to Judgment Debtor to appear and requiring the Garnishee Defendant to answer interrogatories concerning the Judgment Debtor's accounts/monies in its possession.

I swear or affirm, under the penalties for perjury, that the foregoing representations are true.

Date: _____

Signature of Judgment Creditor/attorney

Address of Judgment Creditor/attorney:

Telephone: _____

Attorney number: _____

**SHERIFF'S RETURN OF SERVICE ON
ORDER TO APPEAR TO JUDGMENT DEBTOR**

I hereby certify that on the below date:

_____ I served this Order to Appear by delivering a copy to the Judgment Debtor.

_____ I served this Order to Appear by leaving a copy:

_____ at the dwelling or usual place of abode of Judgment Debtor;

_____ with a person of suitable age and discretion residing therein, namely _____

_____ and by mailing a copy of the Order to Appear to the judgment debtor, by first class mail, to the address listed on the Order to Appear (date copy mailed if different from below: _____);

_____ I was unable to serve this Order to Appear because _____

Date: _____

_____ Sheriff of _____ County, Indiana

By: _____

**RETURN OF VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL,
ORDER, AND INTERROGATORIES TO GARNISHEE DEFENDANT (FINANCIAL INSTITUTION)**

This Verified Motion for Proceedings Supplemental, Order, and Interrogatories to Garnishee Defendant came to hand on _____, and I served the same on _____:

1. By delivering a copy of said Motion, Order, and Interrogatories personally to _____.

2. By leaving a copy of said Motion, Order, and Interrogatories at _____, the dwelling or usual place of abode of the Judgment Debtor/Garnishee Defendant _____ (name).

3. By serving his agent as provided by rule, statute, or valid agreement, to-wit: _____

4. Judgment Debtor/Garnishee Defendant cannot be found in my bailiwick and said Motion, Order, and Interrogatories were not served, and I now return this writ on _____.

_____ Sheriff of _____ County

STATE OF INDIANA)
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CAUSE NO. 29D06-_____

Judgment Debtor

AND

(Garnishee Defendant--BANK/FINANCIAL INSTITUTION)

SSN: _____

You are hereby notified to put a hold on any account which you now have for
_____ pursuant to I.C. 28-9-3-4.

Judgment debtor's SSN: _____

Judgment Amount: \$ _____ Court Costs: \$ _____

INTERROGATORIES TO BANK/FINANCIAL INSTITUTION

To the above-named Garnishee Defendant, you are hereby ordered to answer the following interrogatories, as propounded by the Judgment Debtor or his/her/its attorney, in the above-entitled cause of action, for proceedings supplemental to execution:

1. State the correct name of your financial institution. Answer: _____
2. Do you have on deposit with your financial institution, or any of its branches, any deposit account (which includes a share, share draft, share certificate, draft, certificate of deposit, savings, passbook, checking, money market, transaction, time deposit, savings deposit or any similar account) for of any of the above-listed judgment debtor(s), either individually or jointly? Answer: ____ Yes ____ No
3. If "Yes", give the following information for EACH ACCOUNT of the judgment debtor:

First Account

Second Account

	First Account	Second Account
Names on Account		
Type of Account and Account Number		
Amount on Deposit		
Social Security or Tax I.D. No.		

4. If "Yes", state whether there are any garnishment orders, liens, or holds in effect as to any of the above accounts, and if so, state the nature of the restriction and the amount: _____

I AFFIRM UNDER PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: _____

Signature

Return completed form to:

Order Book Department,
Ste. 292, Hamilton Co. Government & Judicial Center
Noblesville, IN 46060

Printed name

Position with Garnishee Defendant

**NOTICE TO JUDGMENT DEFENDANT OF EXEMPTIONS AND
RIGHT TO A PROMPT HEARING**

It may be that the judgment creditor has or will give notice to your bank or any other persons holding property or assets for you of the intent to put a hold on certain accounts held by you, either individually or jointly with another person, including, but not limited to bank, share, and credit union accounts. Under Indiana law, this notice may already have resulted in the placing a hold on those accounts. UNDER FEDERAL AND STATE LAW, CERTAIN FUNDS ARE EXEMPT FROM GARNISHMENT. THIS MEANS THAT THESE FUNDS MAY NOT BE TAKEN BY CREDITORS EVEN IF THEY HAVE BEEN DEPOSITED INTO YOUR ACCOUNTS. SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, VETERANS BENEFITS, CERTAIN DISABILITY PENSION BENEFITS, AND BENEFITS UNDER ANY PENSION PAID FROM A TRUST QUALIFIED UNDER THAT EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 CANNOT BE TAKEN. THERE MAY BE OTHER EXEMPTIONS UNDER STATE OR FEDERAL LAW. IF YOU OR ANOTHER PERSON WHO MAINTAINS A JOINT ACCOUNT WITH YOU BELIEVE THAT ALL OR SOME OF THE FUNDS IN THESE ACCOUNTS ARE EXEMPT, YOU OR YOUR JOINT DEPOSITOR ARE ENTITLED TO A PROMPT HEARING IN THIS COURT TO PRESENT EVIDENCE TO ESTABLISH EXEMPTIONS AND TO SEEK REMOVAL OF THE HOLD.

To obtain such a hearing, fill in the form marked "Exemption Claim and Request for Hearing" and return it to this Court. A copy of that form should also be sent to the judgment creditor's attorney or to the judgment creditor if the judgment creditor is not represented by an attorney.

A prompt hearing will be scheduled by the Court as soon as possible, but generally no later than five (5) days (excluding Saturdays, Sundays and legal holidays) after the completed form is received by the Court. Please call the Court (317-770-4450) to find out when the hearing is scheduled. When calling the Court, please have the cause number. The cause number is located on the first page of this document at the top of the right-hand side. After the hearing, the Court will decide whether all or part of the funds in each account on which a hold has been placed or other accounts in which you have an interest may be taken by the judgment debtor.

If a joint depositor or you do not request an early hearing, there will be a hearing at the time when you are ordered to appear. At that hearing, you and a joint depositor are entitled to assert any exemptions. However, if a joint depositor or you do not request an early hearing, each account on which a hold has been placed may not be released until the time you are ordered to appear.

EXEMPTION CLAIM AND REQUEST FOR HEARING

(SEND THIS PART TO THE COURT IF REQUESTING)

TO: SUPERIOR COURT NO. 6 OF HAMILTON COUNTY
HAMILTON COUNTY GOVERNMENT AND JUDICIAL CENTER
ONE HAMILTON COUNTY SQUARE, SUITE 215
NOBLESVILLE, IN 46060

CAUSE NO. 29D06-_____

I believe that all or part of the money in my account(s) that may have been frozen cannot be frozen since the account(s) contain exempt funds. I would like a hearing at the earliest time.

Date: _____

SIGNATURE

PRINTED NAME

STREET ADDRESS

CITY, STATE, ZIP

PHONE DURING BUSINESS HOURS

CHECK ONE:

_____ I am the Judgment Debtor.

_____ I maintain a joint account with the Judgment Debtor.

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Judgment Debtor AND

(Garnishee Defendant--BANK/FINANCIAL INSTITUTION)

(Street address)

(Street address)

(City, State, Zip)

(City, State, Zip)

ORDER TO JUDGMENT DEBTOR(S) AND GARNISHEE DEFENDANT

Judgment Creditor files verified motion and interrogatories (H.I.). Motion granted. Judgment Debtor(s) is/are ordered to appear in this Court on _____, 20_____, at _____m.

**YOU ARE HEREBY NOTIFIED THAT FAILURE TO APPEAR IN COURT
MAY RESULT IN YOUR BEING HELD IN CONTEMPT OF COURT
AND BEING PUNISHED BY INCARCERATION IN THE COUNTY JAIL
FOR A PERIOD NOT TO EXCEED 180 DAYS.**

Garnishee Defendant is ordered to answer and return to the Court the attached interrogatories on or before _____, 20_____.

NOTICE: I.C. 34-25-3-3 (1998) provides that the Garnishee Defendant is accountable for monies in his hands and/or payable to Judgment Debtor from the date of the service of this Summons.

Garnishee Defendant is hereby notified to put a hold on any account which you now have for _____ pursuant to I.C. 28-9-3-4.

Judgment debtor's SSN: _____

Judgment Amount: \$ _____ Court Costs: \$ _____

Date: _____

Judge/ Magistrate, Hamilton Superior Court No. 6

Distribution:

Judgment Creditor

Judgment Debtor

Garnishee Defendant

_____ Co. Sheriff