

## WAGE GARNISHMENT

### SELF-HELP FORM PACKET



SHC-CPJ-04 (Rev. 07/28/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [www.occourts.org/self-help](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CIVIL as the case type on the form.

## INFORMATION SHEET FOR CALCULATING INTEREST AND AMOUNT OWED ON A JUDGMENT

### What can the judgment creditor recover?

Under California law, the amount recoverable by a judgment creditor includes:

- The total amount of the judgment entered by the court (principal), plus costs;
- Costs after judgment under Code of Civil Procedure section 685.070; and
- Accrued interest on the total amount.

### Costs After Judgment

A judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. These costs must be reported to the court within two years of the date incurred. The judgment amount includes costs ordered by the court after the judgment. (For information on recovering costs and a detailed list of costs that can be recovered see Code of Civil Procedure sections 685.040, 685.050 et seq., 685.070(b), and 685.090; see also “Requesting Costs and Interest” below).

### Accrued Interest (See Code Civ. Proc., §§ 685.010, 685.020(a), and Cal. Const., art. XV, § 1.)

Interest accrues on an unpaid judgment amount at the legal rate of 10% per year (7% if the judgment debtor is a state or local government entity) generally from the date of entry of the judgment. Interest begins to accrue on the amount of costs added to a judgment from the date ordered by the court or from the date costs are allowed following expiration of the time to object. (Code Civ. Proc., § 685.070(d).) Also, upon renewal of a judgment, interest begins to accrue on the day the renewed judgment is entered. If the judgment is payable in installments, interest accrues from the date each installment is due.

### Requesting Costs and Interest

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve a *Memorandum of Costs After Judgment* (form MC-012). On this form, the judgment creditor must include the exact amount of all costs and accrued interest. This means the judgment creditor is responsible for calculating the amount of interest that accrues on the judgment. It is useful to update this calculation after receiving payments.

### Crediting Payments Received

Any payments received by the judgment creditor must be “credited” in a specific order. (Code Civ. Proc., § 695.220.) After specific costs go directly to the levying officer and to the court for fees, the judgment creditor is required to credit payments received first toward *accrued interest* and then toward the *judgment principal* (including costs approved by the court after entry of the judgment).

### Calculation of Interest on Judgment and Amount Due

Following are various formulas and examples to assist with the calculation of interest on a judgment using a 10% interest rate:

- **Calculating Daily Interest on a Judgment Using 10% Interest Rate**

Following is the formula for figuring out the amount of interest earned per day on a judgment.

**Formula:** Total amount of judgment owed x 10% (or 0.10) = interest earned per year.

Divide that number by 365 = daily interest earned.

**Example:** Judgment debtor owes the judgment creditor \$5,000 (the “judgment principal”).

$$\$5,000 \times 0.10 = \$500$$

$$\$500/365 = \$1.37 \text{ daily interest}$$

The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

### **Calculating the Total Amount Due, Including Interest, on the date of payment**

**Step 1:** Calculate the amount of interest owed on the date of payment. This amount will equal the daily interest rate calculated above, multiplied by the number of days since the court entered the final judgment.

1. Figure out the total number of days that have passed since the court entered the final judgment up to the day of payment.
2. Multiply the total days by the amount of daily interest. The result is the amount of interest owing on the day of payment.

**Example:** Assume a \$5,000 judgment was entered on June 1 and paid on September 8; 100 days from the entry of the judgment have passed.

The daily interest is \$1.37 (see above calculation).

$\$1.37 \text{ per day} \times 100 \text{ days} = \$137$  interest owed on the date of payment.

The judgment debtor owes \$137 in interest on the principal of \$5,000 on the date of payment.

**Step 2: Add the amount of interest that has accrued to the amount of the judgment.**

$\$5,000 \text{ judgment amount} + \$137 \text{ interest} = \$5,137$ .

The judgment debtor owes a total of \$5,137 on the 100th day after the court entered the judgment.

- **Crediting Partial Payments and Recalculating the Amount Due**

If the judgment debtor does not pay all that is owed at one time, the partial payments the debtor makes are credited to the interest *first* and then to the judgment amount (the principal) owed.

**Example:** Judgment principal of \$5,000.

- **First Payment: After 200 days, the judgment debtor pays \$1,000**

**Step 1: Calculate the amount of interest owed on the date of payment**

**Following the above example:**  $\$1.37 \text{ per day} \times 200 \text{ days}$ . After 200 days, \$274 in interest will have accrued on the \$5,000 judgment ( $200 \text{ days} \times \$1.37 \text{ per day}$ ).

**Step 2: Apply payment to interest**

The debtor paid \$1,000, which must first be used to credit the \$274 of accrued interest.

That leaves a balance of \$726 to be credited toward the \$5,000 principal ( $\$1,000 - \$274 = \$726$ ).

**Step 3: Apply remainder to principal**

The remaining credit of \$726 is applied to the \$5,000 judgment principal ( $\$5,000 - \$726 = \$4,274$ ).

The judgment debtor now owes \$4,274 on the judgment principal.

**Step 4: Calculate the new daily interest rate**

Daily interest would then accrue at a rate of \$1.17/day.

$\$4,274 \times 10\% = \$427.40$  interest earned per year.

$\$427.40/365 = \$1.17$  interest earned per day.

- **Second Payment: After 100 days, a payment of \$500 is made (calculate using steps 1–4)**

1. The amount of interest that accrues in the next 100 days:

$100 \text{ days} \times \$1.17 = \$117$ .

2. The payment of \$500 must first be credited towards the interest of \$117, leaving a balance of \$383 to be credited against the principal ( $\$500 - \$117 = \$383$ ).

3. The credit of \$383 is then subtracted from the judgment principal of \$4,274, leaving an unpaid balance of \$3,891.

4. The new daily interest would then accrue on the principal going forward at a rate of \$1.07/day:

$\$3,891 \times 10\% = \$389.10/365$ .

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:     	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
<b>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</b>		CASE NUMBER:

1.  **Postjudgment costs**

- a. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):
- |   | <u>Dates Incurred</u> | <u>Amount</u> |
|---|-----------------------|---------------|
| (1) Preparing and issuing abstract of judgment  | _____                 | \$ _____      |
| (2) Recording and indexing abstract of judgment   | _____                 | \$ _____      |
| (3) Filing notice of judgment lien on personal property   | _____                 | \$ _____      |
| (4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county):  | _____                 | \$ _____      |
| (5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment  | _____                 | \$ _____      |
| (6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq. | _____                 | \$ _____      |
| (7) Attorney fees, if allowed by Code Civ. Proc., § 685.040   | _____                 | \$ _____      |
| (8) Other: _____ (Statute authorizing cost):  | _____                 | \$ _____      |
| (9) Total of claimed costs for current memorandum of costs (add items (1)–(8))  | _____                 | \$ _____      |
| b. All previously allowed postjudgment costs  | _____                 | \$ _____      |
| c. <b>Total</b> of all postjudgment costs (add items a and b)   | _____                 | \$ _____      |

2.  **Credits to interest and principal**

- a. I acknowledge total payments to date in the amount of: \$ \_\_\_\_\_ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$ \_\_\_\_\_; credit to judgment principal \$ \_\_\_\_\_.
- b. **Principal remaining due:** The amount of judgment principal remaining due is \$ \_\_\_\_\_. (See Code Civ. Proc., § 680.300)

3.  **Accrued interest remaining due:** I declare interest accruing (at the legal rate) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal) remaining due in the amount of \$ \_\_\_\_\_.

4. I am the:  judgment creditor  agent for the judgment creditor  attorney for the judgment creditor.  
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

**NOTICE TO THE JUDGMENT DEBTOR**

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, not exceeding \$100 in aggregate and not already allowed by the court, may be included in the writ of execution. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

Short Title:

CASE NUMBER:

**PROOF OF SERVICE**
 **Mail**       **Personal Service**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is:
3.  I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (complete either a or b):
  - a.  **Mail.** I am a resident of or employed in the county where the mail occurred.
    - (1) I enclosed a copy in an envelope AND
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
      - (c) Date of mailing:
      - (d) Place of mailing (*city and state*):
  - b.  **Personal delivery.** I personally delivered a copy as follows.
    - (1) Name of person served:
    - (2) Address where delivered:
    - (3) Date delivered:
    - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
<input type="checkbox"/> EXECUTION (Money Judgment) <b>WRIT OF</b> <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> <b>Limited Civil Case</b> (including Small Claims) <input type="checkbox"/> <b>Unlimited Civil Case</b> (including Family and Probate)

1. **To the Sheriff or Marshal of the County of:**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the  original judgment creditor  assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

Additional judgment debtors on next page

9.  Writ of Possession/Writ of Sale information on next page.

10.  This writ is issued on a sister-state judgment.

**For items 11–17, see form MC-012 and form MC-013-INFO.**

- 11. Total judgment (as entered or renewed) \$ \_\_\_\_\_
- 12. Costs after judgment (CCP 685.090) \$ \_\_\_\_\_
- 13. Subtotal (add 11 and 12) \$ \_\_\_\_\_
- 14. Credits to principal (after credit to interest) \$ \_\_\_\_\_
- 15. Principal remaining due (subtract 14 from 13) \$ \_\_\_\_\_
- 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ \_\_\_\_\_
- 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ \_\_\_\_\_
- 18. **Total amount due** (add 15, 16, and 17) \$ \_\_\_\_\_

5. **Judgment entered** on (date):  
(See type of judgment in item 22.)

6.  Judgment renewed on (dates):

7. **Notice of sale** under this writ:

- a.  has not been requested.
- b.  has been requested (see next page).

8.  Joint debtor information on next page.

19. **Levying officer:**

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) ..... \$ \_\_\_\_\_
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) ..... \$ \_\_\_\_\_

20.  The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.**

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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21.  Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):


22. The judgment is for (check one):

- a.  wages owed.
- b.  child support or spousal support.
- c.  other.

23.  Notice of sale has been requested by (name and address):


24.  Joint debtor was declared bound by the judgment (CCP 989-994)

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>a. on (date):</li> <li>b. name, type of legal entity if not a natural person, and last known address of joint debtor:</li> </ul> | <ul style="list-style-type: none"> <li>a. on (date):</li> <li>b. name, type of legal entity if not a natural person, and last known address of joint debtor:</li> </ul> |
|---|---|


c.  Additional costs against certain joint debtors are itemized:  below  on Attachment 24c.

25.  (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a.  Possession of real property: The complaint was filed on (date):  
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
  - (1)  The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
  - (2)  The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
  - (3)  The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
  - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
    - (a) The daily rental value on the date the complaint was filed was \$
    - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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25. b.  Possession of personal property.  
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c.  Sale of personal property.
- d.  Sale of real property.
- e. The property is described  below  on Attachment 25e.

#### NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	LEVYING OFFICER ( <i>Name and Address</i> ):  
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER:
<b>APPLICATION FOR EARNINGS WITHHOLDING ORDER (Wage Garnishment)</b>	LEVYING OFFICER FILE NUMBER:

TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF:  
OR ANY REGISTERED PROCESS SERVER

1. The judgment creditor (*name*): \_\_\_\_\_ requests  
issuance of an Earnings Withholding Order directing the employer to withhold the earnings of the judgment debtor (employee).

Name and address of employer \_\_\_\_\_
Name and address of employee \_\_\_\_\_

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

2. The amounts withheld are to be paid to \_\_\_\_\_ Social Security no.  on form WG-035  unknown  
a.  The attorney (or party without an attorney) named at the top of this page. b.  Other (*name, address, and telephone*): \_\_\_\_\_

3. a. Judgment was entered on (*date*): \_\_\_\_\_  
b. Collect the amount directed by the Writ of Execution unless a lesser amount is specified here: \$ \_\_\_\_\_

4. *Check any that apply*:

a.  The Writ of Execution was issued to collect delinquent amounts payable for the **support** of a child, former spouse, or spouse of the employee.

b.  The Writ of Execution was issued to collect a judgment based entirely on a claim for elder or dependent adult financial abuse.

c.  The Writ of Execution was issued to collect a judgment based in part on a claim for elder or dependent adult financial abuse. The amount that arises from the claim for elder or dependent adult financial abuse is (*state amount*): \$ \_\_\_\_\_

5.  Special instructions (*specify*): \_\_\_\_\_

6. *Check a or b*:

a.  I have not previously obtained an order directing this employer to withhold the earnings of this employee.  
—OR—

b.  I have previously obtained such an order, but that order (*check one*):  
 was terminated by a court order, but I am entitled to apply for another Earnings Withholding Order under the provisions of Code of Civil Procedure section 706.105(h).  
 was ineffective.

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:  CITY: STATE: ZIP CODE: FAX NO.:	LEVYING OFFICER (Name and address):     
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
<b>EARNINGS WITHHOLDING ORDER (Wage Garnishment)</b>	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
<b>EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.</b>		
<b>EMPLOYER: Enter the following date to assist your recordkeeping.          Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):</b>		

**TO THE EMPLOYER REGARDING YOUR EMPLOYEE:**

Name and address of employer

Name and address of employee

Social Security No.  on form WG-035  unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on reverse of this form). Pay the withheld sums to the **levying officer** (name and address above).

If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions* (form WG-003)** within 10 days after receiving this order.

**Complete both copies of the form *Employer's Return* (form WG-005) and mail them to the levying officer** within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the 10th day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 10th day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (date):

The judgment creditor (if different from the plaintiff) is (name):

4. The **INSTRUCTIONS TO EMPLOYER** on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE)  
 LEVYING OFFICER  REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

## INSTRUCTIONS TO EMPLOYER ON EARNINGS WITHHOLDING ORDERS

WG-002

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins 10 calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *Employer's Return* (form WG-005)) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

### WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each *check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.*

### WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

### COMPUTATION INSTRUCTIONS

California law provides how much earnings to withhold, if any, for different amounts of disposable earnings and different pay periods, and takes into consideration different minimum wage amounts. The method of calculation is at Code of Civil Procedure section 706.050 and is described in the column to the right. You may also look on the California Courts Self-Help website for assistance in determining the maximum withholding amounts for different amounts of disposable income, for different pay periods, and with different minimum wage amounts. The information is at [www.courts.ca.gov/self-help-employerwagecivil.htm](http://www.courts.ca.gov/self-help-employerwagecivil.htm).

**THESE COMPUTATION INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.**

State law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

(A) To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), first compute the employee's *disposable earnings*.

Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings because they are not paid by the employer.

*Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

(B) After the employee's disposable earnings are known, to determine what amount should be withheld, you may look to the statute, follow the directions below in (C), or seek assistance on the California Courts Self-Help website at [www.courts.ca.gov/self-help-employerwagecivil.htm](http://www.courts.ca.gov/self-help-employerwagecivil.htm). Note that you also need to know the amount of the minimum wage in the location where the employee works.

(C) Calculate the maximum amount that may be withheld from the employee's disposable earnings, which is the *lesser* of the following two amounts:

- 25 percent of disposable earnings for that week; or
- 50 percent of the amount by which the employee's disposable earnings that week exceed the applicable minimum wage. If there is a local minimum wage in effect in the location where the employee works that exceeds the state minimum wage at the time the earnings are payable, the local minimum wage is the applicable minimum wage.

To calculate the correct amount, follow the steps below:

Step 1: Determine the applicable minimum wage per pay period.

- For a daily or weekly pay period, multiply the applicable hourly minimum wage by 40.
- For a biweekly pay period, multiply the applicable hourly minimum wage by 80.
- For a semimonthly pay period, multiply the applicable hourly minimum wage by 86 <sup>2</sup>/<sub>3</sub>.
- For a monthly pay period, multiply the applicable hourly minimum wage by 173 <sup>1</sup>/<sub>3</sub>.

Step 2: Subtract the amount from Step 1 from the employee's disposable earnings during that pay period.

Step 3: If the amount from Step 2 is less than zero, do not withhold any money from the employee's earnings.

Step 4: If the amount from Step 2 is greater than zero, multiply that amount by one-half.

Step 5: If the amount from Step 4 is lower than 25 percent of the employee's disposable earnings, withhold this amount. If it is greater than 25 percent of the employee's disposable earnings, withhold 25 percent of the disposable earnings.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

### IMPORTANT WARNINGS

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.  
**IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY:                                  STATE:                  ZIP CODE: TELEPHONE NO.:                                  FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:	LEVYING OFFICER (name and address):
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		COURT CASE NUMBER:
<b>EMPLOYER'S RETURN (Wage Garnishment)</b>		LEVYING OFFICER FILE NUMBER:

**EMPLOYER:** You must complete both copies of this form and mail them to the levying officer within 15 days.

*Please correct any errors in the mailing information below and provide any missing information, including the name of the person to whom notices should be directed.*

**FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.**

Name and address of employer <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Name and address of employee <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Attn: <span style="border: 1px solid black; display: inline-block; width: 30px; height: 20px; vertical-align: middle;"></span> (Insert name above)	Social Security No. <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; vertical-align: middle;"></span> on form WG-035 <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; vertical-align: middle;"></span> unknown

1. I received the Earnings Withholding Order on (date):
2. The employee is
  - a.  not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
  - b.  now employed by this employer and in the last pay period had gross earnings of: \$
3. The employee's pay period is
 

a. <input type="checkbox"/> daily	b. <input type="checkbox"/> weekly	c. <input type="checkbox"/> every two weeks
d. <input type="checkbox"/> twice a month	e. <input type="checkbox"/> monthly	f. <input type="checkbox"/> other (specify):

**(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)**

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

(Continued on reverse)

SHORT TITLE:	LEVYING OFFICER FILE NUMBER:	COURT CASE NUMBER:
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

Wage and Earnings Assignment Order (for Support)	First priority
Earnings Withholding Order for Support	Second priority
Earnings Withholding Order for Taxes	Third priority
Earnings Withholding Order for Elder or Dependent Adult Financial Abuse	Fourth priority
Earnings Withholding Order	Fifth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4.  This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (*on reverse of Earnings Withholding Order*).
5.  The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
- The other order was received first. The other order was received on (*date*):
  - This order does not have higher priority.
  - A copy of the other order is attached. (*Retain original for your records. If a copy is not attached, complete item d.*)
  - A copy of the other order is NOT attached. *Describe the other order by providing the following information:*
    - Court name, address, and case number:
    - Levying officer name, address, and file number:
    - Total amount to be withheld: \$
6.  This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

**FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.**



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

LEVY/GARNISHMENT INSTRUCTIONS

DO NOT USE FOR EVICTIONS

Form with two columns for inputting case details and writ instructions.

YOU ARE HEREBY INSTRUCTED TO: (Check Appropriate Box)

- List of checkboxes for levy types: bank account, place keeper, till tap, vehicle, personal property, garnishment, earnings, and other.

ENTER COMPLETE INSTRUCTIONS BELOW: (name and address of bank; Judgment Debtor's place of business; license number of vehicle and address where vehicle is located, description of property to be levied, if applicable)

Input fields for Debtor(s) Name, Garnishee Name, and Garnishee Address.

BANK LEVIES ONLY - Account Number (if known):

LEVY AMOUNT - To instruct the Sheriff to levy on LESS THAN the amount shown on the Writ, plus interest and costs, indicate ONLY the amount to reduce the levy by: \$

SEE PAGE 2 OF THIS FORM FOR ADDITIONAL REQUIRED INFORMATION.



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

LEVY/GARNISHMENT INSTRUCTIONS

DO NOT USE FOR EVICTIONS

DISBURSEMENT INFORMATION

ALL COLLECTIONS WILL BE DIRECTED TO THE NAME AND ADDRESS LISTED BELOW: (Print Clearly)

Name: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

SPECIAL INSTRUCTIONS:

Five horizontal lines for special instructions.

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)

X Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of Attorney (Or Party Without Attorney) Requesting Service \_\_\_\_\_

Address \_\_\_\_\_ Email Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_