

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ISANTI

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_ (Judgment Creditor)

File No. \_\_\_\_\_

v.

\_\_\_\_\_ (Judgment Debtor)

**EARNINGS EXECUTION  
DISCLOSURE**

and

\_\_\_\_\_ (Third Party)

**DEFINITIONS**

“EARNINGS”: For the purpose of execution, “earnings” means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

“DISPOSABLE EARNINGS”: Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

“PAYDAY”: For the purpose of execution, “payday(s)” means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the debtor has no regular payday, payday(s) means the 15<sup>th</sup> and the last day of each month.

**THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:**

1. Do you now owe, or within 70 days from the date the execution levy was served on you will you or may you owe, money to the judgment debtor for earnings?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Does the judgment debtor earn more than \$\_\_\_\_\_ per week? (This amount is the federal minimum wage per week.)

Yes \_\_\_\_\_ No \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

- A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.
- B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 below and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column I on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and Worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- (3) COLUMN A. Enter the date of judgment debtor's payday.
- (4) COLUMN B. Enter judgment debtor's gross earnings for each payday.
- (5) COLUMN C. Enter judgment debtor's disposable earnings for each payday.
- (6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply column C by .25.)
- (7) COLUMN E. Enter here 40 times the hourly federal minimum wage (\$\_\_\_\_) times the number of work weeks included in each payday. (Note: if a payday includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
- (8) COLUMN F. Subtract the amount in column E from the amount in column C, and enter here.
- (9) COLUMN G. Enter here the lesser of the amount in column D and the amount in column F.

- (10) COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the Worksheet and state the name(s) and address(es) of these persons.

Enter zero in column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.

- (11) COLUMN I. Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

#### AFFIRMATION

I, \_\_\_\_\_ (person signing Affirmation), am the third party/ employer, or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Debtor' s Name