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Wage Garnishment Procedure

A creditor begins the wage garnishment process by filing a Request for Garnishment on Wages ([Form DC/CV65](#)) with the court.

After the request is filed, the court clerk or a judge signs the Request and it becomes a Writ of Garnishment. The Writ of Garnishment orders the garnishee to hold any property (typically wages) of the debtor that the garnishee has at the time the Writ is filed.

The creditor must pay court fees to file the Request for Garnishment on Wages and may also incur fees to serve the garnishee with the Writ of Garnishment. The creditor must serve the Writ of Garnishment on the garnishee via certified mail, restricted delivery, private process, or sheriff/constable.

For more information on service of process see [Frequently Asked Questions about "Service."](#)

Interest also grows on most judgments that a debtor owes a creditor, and court fees and costs may be added to the judgment. It's a good idea for garnishees to communicate with the creditor and the debtor to make sure the right amount of money is paid to the creditor.

Read the Law: [Md. Code, Commercial Law §15-602](#)

The garnishee must file an answer to the Writ within 30 days of being served. In it, the garnishee must indicate if the debtor is employed, his or her rate of pay, and any existing wage garnishments.

If the garnishee does not respond to the Writ of Garnishment, the garnishee may be held in contempt of court and the creditor may receive a default judgment against the garnishee.

Read the rule: [Maryland Rule 3-646](#)

After the Writ is served on the garnishee, the garnishee must determine the amount of the debtor's "garnishable wages" for each pay period and must withhold wages as directed by the Writ until the judgment is satisfied, or until the court orders the garnishee to stop withholding. The garnishee does this by reporting and distributing to the creditor, or the creditor's attorney, the total amount of wages withheld within 15 days after the close of the debtor's last pay period.

If the garnishee receives another garnishment, it must follow the same procedure, but, it should not pay a subsequent creditor until the first garnishment is paid in full. Once the first garnishment is completely paid, the next one will go into effect. Thus, if there are multiple garnishments, then the first one must be satisfied in full before any later garnishments are paid.

Read the law: [Md. Code, Commercial Law § 15-603](#)

Creditors who receive wage garnishments from a garnishee, must first apply payments to accrued interest on the judgment, then against the principal amount of the judgment, and lastly against attorney's fees and court costs assessed against the debtor. The garnishee must inform the debtor each pay period of the amount withheld and the method used to determine the amount. This information can be provided on the pay stub.

Within 15 days after the end of each month that the creditor receives payment from the garnishee, the creditor must mail the garnishee and the debtor a statement listing the payments that it received and how it applied those payments to the judgment's principal, costs, interest, and fees. This form is not filed with the court, but the creditor must keep a copy of each statement until 90 days after the garnish-

Garnishment Procedure Manual

Bernard Ernest Witkin



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