

CHECKLIST FOR GARNISHMENTS

RESPONSIBILITY OF CREDITOR:

Fees:

- ✓ \$50.00 filing fee
- ✓ \$50.00 service fee if served by Tribal Police or \$17.00 to serve by certified mail. If the parties reside outside of the Kay and Osage County areas, a private process server may need to be hired for service at a starting rate of \$50.00. You may be billed for the remaining due amount.
- ✓ \$25.00 garnishment fee

Forms to be completed:

- Contact Information Sheet
- Garnishment Affidavit (including documentation showing debt)
- General Garnishment Summons
- Request for Hearing

* Defendant will have 20 days to file an answer (so the hearing date will be after that time)

We must receive all documents, filing fees and service fees before a summons will be issued. Once a summons is served, a court date will be set and notification will be sent to you.

Any questions please contact:

Kaw Nation Court Clerk

580-269-2552 ext 111

courtclerk@kawnation.gov

NOTICE OF USE OF FORMS

This form packet is supplied by the Kaw Nation Court Clerk's office. Nothing in these forms are to be construed as providing legal advice. It is highly recommended that you review these documents with an attorney. The Kaw Nation Court Clerk, the Kaw Nation Tribal Court, nor the Kaw Nation shall be liable for any use of the following forms.

The following form(s) may contain citations and references to both United States Federal Statutes and to Oklahoma State Statutes. Nothing herein shall be construed as a waiver of the Tribe's sovereign immunity. The Kaw Nation does NOT adopt any of the referenced or cited statutes as binding authority on the Kaw Nation District Court. The Kaw Nation shall only be bound by proper binding authority including, but not limited to, the Kaw Nation Tribal Code. The Kaw Nation District Court may from time to time rely on both Federal and State statutes as persuasive authorities.

INSTRUCTIONS

1. These forms are for the use of Post-Judgment Garnishments ONLY.
2. Complete the Garnishment Affidavit by supplying the following information in the spaces provided.

Heading :

- ✓ Supply the name of the Plaintiff. This may be an individual or an entity such as an LLC or Corporation.
- ✓ Supply the name of the Defendant. This is the individual that is indebted to the Plaintiff.
- ✓ Supply the name of the Garnishee. This is the name of the name of the individual or entity that employs the Defendant or is indebted to the Defendant.

Notary: Fill in the county in which the document will be notarized.
 This is NOT the county in which the Court sits, it is the County where the document is signed.

Fill in the Plaintiff's name.

Paragraph 1: No Action

Paragraph 2: Fill in the Defendant's Name.

Claim Info: Supply the information regarding the amount owed by Defendant. Do not fill in the “court costs” or “Attorney’s fees” if those costs are included in the balance owed.

Paragraph 3: Fill in the Garnishee’s Name.

Paragraph 4: Check or “X” the appropriate line that states whether or not the Plaintiff is seeking a continuing garnishment. A continuing garnishment is one that will occur more than once, for example, a re-occurring garnishment of wages by an employer.

3. Sign the affidavit in front of a notary or the Court Clerk and submit for filing.
4. Complete the General Garnishment Summons by supplying the following information in the spaces provided.

Heading : Supply the name of the Plaintiff. This may be an individual or an entity such as an LLC or Corporation. Supply the name of the Defendant. This is the individual that is indebted to the Plaintiff. Supply the name of the Garnishee. This is the name of the name of the individual or entity that employs the Defendant or is indebted to the Defendant.

Paragraph 1: Fill in the Defendant’s Name in the space provided.

Page 2: On Page 2, fill in the requested information: Plaintiff, Attorney & OBA Number if applicable, Address, and Phone.

5. Submit the Summons for filing, the Court Clerk will supply the remainder of the information.

IN THE DISTRICT COURT OF THE KAW NATION
KAW CITY, OKLAHOMA

_____)
Plaintiff/Judgment Creditor)
vs.)
_____) Case No. _____
Defendant/Judgment Debtor)
and)
_____)
Garnishee)

GARNISHMENT AFFIDAVIT

STATE OF OKLAHOMA)
COUNTY OF _____) SS

I, _____, swear or affirm as follows:

1. That I am the Plaintiff in the above-styled case;
2. That _____, the Defendant in the above-styled case, is indebted to the Plaintiff as follows:

\$ _____ Interest-bearing balance
\$ _____ Interest at ____% from _____ (date)
\$ _____ Court costs not included in interest-bearing balance
\$ _____ Attorney fees not included in interest-bearing balance
\$ _____ Total Garnishment amount

3. That I believe that the Garnishee, _____, is indebted to the Defendant or has property within the Garnishee's possession or control belonging to the Defendant, which is not by law exempt from seizure or sale upon execution.

4. That I am____, I am not _____ seeking a continuing garnishment. (check one)

Plaintiff, or Attorney for Plaintiff
OBA # _____(if applicable)

Subscribed and sworn to before me, the undersigned, this ____ day of _____,
20__ in the County of _____, State of _____.

My Commission Expires:

Court Clerk or Notary Public

IN THE DISTRICT COURT OF THE KAW NATION
KAW CITY, OKLAHOMA

Plaintiff/Judgment Creditor)
)
vs.)
)

Defendant/Judgment Debtor) Case No. _____
)
and)
)

Garnishee)

GENERAL GARNISHMENT SUMMONS

The Kaw Nation, to said Garnishee:

You are hereby summoned pursuant to the attached affidavit as garnishee for the defendant, _____, and required, within twenty (20) days from the date of service of this summons upon you, to answer according to law whether you are indebted to, or have in your possession or under your control, any property belonging to such judgment debtor, to file your answer with the Clerk of this Court, and, at the time that you file your answer, to deliver or mail a copy of your answer to the judgment creditor's attorney, or judgment creditor if not represented by an attorney, and to the judgment debtor. If you are not a financial institution, you are further ordered to withhold any such property or indebtedness belonging to such judgment debtor or owing on the date of service of this summons, and to pay the required amount and/or deliver the property to the attorney for judgment creditor or judgment creditor if not represented by an attorney, unless otherwise ordered by the court when you file your answer. If you are a financial institution, you may proceed in accordance with 31 CFR Part 212, or similar federal or state law, if applicable, and you are further ordered to withhold any unprotected property or indebtedness belonging to such judgment debtor or owing on the date of your review of the debtor's account, and to pay such unprotected amount and/or deliver the property to the attorney for judgment

creditor or judgment creditor if not represented by an attorney, unless otherwise ordered by the court when you file your answer.

You are hereby directed to pay or deliver to the attorney for judgment creditor, or judgment creditor if not represented by an attorney, with your answer the amount and/or property stated in the answer, and in case of your failure to do so, you will be liable for further proceedings according to law, and judgment shall be rendered against you in the amount of \$_____, together with costs in the principal action and costs of the garnishment proceeding.

Issued this _____ day of _____, 20_____, and shall be returned with proof of service within ten (10) days of this date.

COURT CLERK

BY: DEPUTY

Plaintiff: _____

Attorney: _____

OBA#: _____

Address: _____

Phone: _____

OFFICER'S RETURN

Received this writ on the _____ day of _____, 20_____, at _____ o'clock __m by _____.

Dated this _____ day of _____, 20_____.

SHERIFF

DEPUTY

**IN THE DISTRICT COURT FOR THE KAW NATION
KAW CITY, OKLAHOMA**

_____,)
Petitioner,)
vs.) Case No. _____
_____,)
Respondent.)

OR

IN RE:)
_____,) Case No. _____
DOB: _____)

REQUEST FOR HEARING

Petitioner, _____, requests this Court schedule a hearing on
Petitioner's Petition.

Dated this ____ day of _____, 20__.

Petitioner's Printed Name

Petitioner's Signature