

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

Case No. _____

Plaintiff

v.

Judgment Debtor subject to Suggestee Execution

XXX-XX-
Judgment Debtor's SSN

Address

/ /
Judgment Debtor's DOB

SUGGESTEE EXECUTION

[Garnishment of Salary and Wages - W. Va. Code § 38-5A-1; § 38-5B-1]

TO: _____

Name of Employer

Address of Employer

On ____ / ____ / _____, a money judgment was awarded to the judgment creditor,

_____,
in the amount of \$ _____, with interest from the date of judgment at the rate of _____ percent per year, plus \$ _____ in costs. The current unpaid balance of the judgment, with any partial payments applied to reduce accrued interest, then to reduce the judgment principal, is:

Unpaid Principal	\$
Unpaid Interest	\$
Unpaid Costs	\$
Costs of this Execution <i>(if costs awarded in judgment)</i>	\$
Total	\$

with additional interest to accumulate on the unpaid principal from the date of this suggestee execution at the rate of _____ percent per year.

You are hereby notified that this suggestee execution constitutes a lien for the above amount upon the salary and wages due or to become due to the above-named judgment debtor within one year of the issuance of this suggestee execution.

You are hereby ordered to withhold from the wages of the judgment debtor for each pay period the lessor of the following:

- (1) 20 percent of the judgment debtor's wages after deductions of all state and federal taxes, or
- (2) the amount of the judgment debtor's wages, after deductions of all state and federal taxes, that for each week exceeds 50 times the federal minimum hourly wage.

(If the judgment debtor's wages, after deducting state and federal taxes, do not exceed 50 times the federal minimum hourly wage, then no amount shall be withheld.)

Withholding shall continue until one year from the date of issuance of this suggestee execution, unless the above judgment, interest and costs are sooner satisfied or this suggestee execution is sooner released.

Remittance:

Private employers. During the course of this suggestee execution, once every 90 days the amount withheld should be paid to the judgment creditor or to the sheriff for delivery to the judgment creditor.

Public employers. During the course of this suggestee execution, once every 90 days the amount withheld should be paid to the judgment creditor.

Name of judgment creditor/judgment creditor's attorney

Address of judgment creditor/judgment creditor's attorney

Date

Court Clerk

Date and hour of mailing of certified copy to judgment debtor: _____ : a.m./ p.m.
date time

INSTRUCTIONS TO SHERIFF: Service of this suggestee execution may not be made upon the employer herein until the expiration of 5 days from the date and hour of mailing a certified copy to judgment debtor (by clerk) as set forth above.

NOTICE TO EMPLOYER: Failure to withhold wages as directed may result in the employer becoming liable for the amount that should have been withheld.

NOTICE TO JUDGMENT DEBTOR: If the judgment for which your earnings are subject to garnishment under this order resulted from a consumer credit sale, consumer lease, or consumer loan, you may petition the court having jurisdiction over the judgment or the circuit court of the county where you reside to reduce or temporarily or permanently remove the garnishment of your earnings on the grounds that it causes or will cause undue hardship to you or your family. If the court finds satisfactory proof of undue hardship, it may reduce or temporarily or permanently remove the garnishment. You may wish to consult a lawyer regarding your rights.
[W. Va. Code § 46A-2-130 (c)(3)].