

Note: This version of this form must be used beginning May 1, 2018.

Before May 1, 2018, use the previous version available at:

<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/mc49old.pdf>

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	OBJECTIONS TO GARNISHMENT AND NOTICE OF HEARING	CASE NO.
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Court address _____ Court telephone no. _____

Plaintiff's name, address, and telephone no. (judgment creditor)
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name, address, and telephone no. (judgment debtor)
Garnishee's name, and address

OBJECTIONS TO GARNISHMENT

- 1. I object to the writ of garnishment issued on _____ and request a hearing because

a. the funds or property are exempt (protected) from garnishment by law.
 b. of bankruptcy proceedings. Case No: _____
 c. I have an installment payment order, issued on _____. Court: _____ Case No: _____
 d. the maximum amount permitted by law is already being withheld by another court order.
 e. the judgment has been paid.
 f. the writ was not properly issued or is otherwise invalid because _____

- 2. I object to the written statement I received from the creditor because the balance of the judgment is wrong.

- 3. I was served with the writ of garnishment written statement on _____

Date

Date Signature of defendant

To be completed by the court.

NOTICE OF HEARING ON OBJECTIONS

- 1. A hearing will be held on _____ at _____ at _____

Date Time Location

- 2. The defendant and plaintiff are required to appear.
- 3. The garnishee is is not required to appear.
- 4. a. Objections were filed within 14 days of the defendant being served with the writ of garnishment or written statement.
The garnishee shall continue to withhold funds but shall **not** release withheld funds until further order of the court.
 b. Objections were filed 14 days or more after the defendant was served with the writ of garnishment or written statement.
The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

Date Deputy court clerk

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

Date Defendant's signature/District court clerk

Instructions for Filing and Serving "Objections to Garnishment" (Form MC 49)

If you received a writ of garnishment (form MC 12, MC 13, or MC 52), you can object to that garnishment only if:

- your money is exempt (protected) from garnishment by law (see the list of exempt funds on the back of your writ of garnishment form),
- you filed for bankruptcy and those proceedings are pending or the debt has been discharged,
- you have an installment payment order signed by a judge (form MC 15a),
- the maximum amount of money that can be garnished by law is already being withheld by another court order,
- you already paid the judgment in full,
- the garnishment was not properly issued (for example, it was issued on false information) or the garnishment is invalid (for example, the writ was served on the garnishee after the service deadline, the interest, costs, or judgment amount are inaccurate).

If you received a written statement of the judgment balance from the creditor, you can object if you believe the balance on the statement is incorrect.

You cannot use this form to challenge the judgment or because you are unable to pay the judgment.

1. How do I file an Objection?

You file an objection by completing the form and filing it with the same court that signed the writ of garnishment. There is no cost for filing an objection except in probate court cases.

2. Fill out the Objection form.

Write in the court number, case number, the court address and telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on the writ of garnishment.

Write in the date the garnishment was issued (see the lower left-hand corner of the writ of garnishment). Check the box that states the reason you are objecting to the garnishment. If there is more than one reason, check all that apply. Write in the date that you were served (the date you received) a copy of the writ garnishment.

Write in the date you complete the form and sign your name.

3. Make four copies of the completed objection form.

4. File the Objection with the court.

File all four copies of your objection with the court in person or by first-class mail. If you mail the objection, include a postage-paid and self-addressed envelope so that the court can return to you three copies with the Notice of Hearing completed.

5. Serve the Objection.

If your case is in the district court, the court will serve the objection and will return one copy to you.

If your case is in the circuit court, when you get the three remaining copies of the objection with the Notice of Hearing completed, serve a copy on the plaintiff and a copy on the garnishee by first-class mail. If the plaintiff has an attorney, serve the objection on the attorney instead of the plaintiff. Complete the Certificate of Mailing on the bottom of your copy of the form. Make a copy of this and file it with the court. You can do this either in person or by first-class mail. Keep your copy for yourself.

Bring all documents to the hearing to support the objections that you checked on the objection form.

For more information on objections or preparing for a hearing generally, see MichiganLegalHelp.org or scan the code to the right with your smartphone.

