

**Rule Change #2001(14)**

**The Colorado Rules of Civil Procedure  
Chapter 13. Seizure of Person or Property  
Chapter 25. The Colorado Rules of County Court Civil Procedure  
Appendix to Chapters 1 to 17A**

The following rules are Amended and Adopted as of June 28, 2001:

C.R.C.P. 103. Garnishment  
C.R.C.P. 403. Garnishment  
Appendix to Chapters 1 to 17A  
Form 26. Writ of Continuing Garnishment

**Amended and Adopted by the Court, En Banc, June 28, 2001, effective August 8, 2001.**

**BY THE COURT:**

**Gregory J. Hobbs, Jr.  
Justice, Colorado Supreme Court**

**Colorado Rules of Civil Procedure**  
**Chapter 13. Seizure of Person or Property**

**Rule 103. Garnishment**

This rule sets forth the exclusive process for garnishment. There shall be five (5) types of writs: (1) Writ of Continuing Garnishment, (2) Writ of Garnishment with Notice of Exemption and Pending Levy, (3) Writ of Garnishment for Support, (4) Writ of Garnishment -- Judgment Debtor Other Than Natural Person, and (5) Writ of Garnishment in Aid of Writ of Attachment.

SECTION 1  
WRIT OF CONTINUING GARNISHMENT  
(ON EARNINGS OF A NATURAL PERSON)

(a) [\*\*\* NO CHANGE]

(b) [\*\*\* NO CHANGE]

(c) [\*\*\* NO CHANGE]

(d) **Service of Writ of Continuing Garnishment.** A judgment creditor shall serve two (2) copies of the writ of continuing garnishment, together with a blank copy of C.R.C.P. Form 28, "Objection to the Calculation of the Amount of Exempt Earnings" (Appendix to Chapters 1 to 17, Form 28, C.R.C.P.), upon the garnishee, one copy of which the garnishee shall deliver to the judgment debtor as provided in subsection (h) (1) of this rule. Service of the writ shall be in accordance with C.R.C.P. 4, and the person who serves the writ shall note the date and time of such service on the return service. In any civil action, a judgment creditor shall serve no more than one writ of continuing garnishment upon any one garnishee for the same judgment debtor during ~~any ninety (90) day~~ the Effective Garnishment period. This restriction shall not preclude the issuance of a subsequent writ within the ~~ninety (90) day~~ Effective Garnishment period.

(e) [\*\*\* NO CHANGE]

(f) **Effective Garnishment Period.**

(1) A writ of continuing garnishment shall be a lien and continuing levy against the nonexempt earnings of the judgment debtor until such time as earnings are no longer due, the underlying judgment is vacated, modified or satisfied in full, the writ is dismissed, or for ninety (90) days following service of the writ, if the judgment was entered prior to August 8, 2001, and one hundred eighty (180) days following service of the writ if the judgment was entered on or after August 8, 2001, except when such writ is suspended pursuant to subsection (j) of this rule.

(2) When a writ of continuing garnishment is served upon a garnishee during the ~~e~~ Effective Garnishment period of a prior writ, it shall be effective for the Effective Garnishment Period ~~ninety (90) days~~ following the ~~e~~ Effective Garnishment period of any prior writ.

(3) If a writ of garnishment for support pursuant to C.R.S. 14-14-105 is served during the effective period of a writ of continuing garnishment, the ~~e~~Effective Garnishment ~~p~~Period shall be tolled and all priorities preserved until the termination of the writ of garnishment for support.

(g) [\*\*\* NO CHANGE]

(h) [\*\*\* NO CHANGE]

(i) [\*\*\* NO CHANGE]

(j) **Suspension.** A writ of continuing garnishment may be suspended for a specified period of time by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which judgment was entered and a copy shall be delivered by the judgment creditor to the garnishee. No suspension shall extend the running of the ~~ninety-(90)-day-e~~Effective Garnishment ~~p~~Period nor affect priorities.

(k) [\*\*\* NO CHANGE]

(l) [\*\*\* NO CHANGE]

(m) [\*\*\* NO CHANGE]

## SECTION 2

[\*\*\* NO CHANGE]

## SECTION 3

### WRIT OF GARNISHMENT FOR SUPPORT

(a) [\*\*\* NO CHANGE]

(b) [\*\*\* NO CHANGE]

(c) [\*\*\* NO CHANGE]

(d) [\*\*\* NO CHANGE]

(e) [\*\*\* NO CHANGE]

(f) **Effective Garnishment Period and Priority.**

(1) [\*\*\* NO CHANGE]

(2) [\*\*\* NO CHANGE]

(g) **Answer and Tender of Payment by Garnishee.**

(1) [\*\*\* NO CHANGE]

(2) The garnishee shall pay any nonexempt earnings and deliver a calculation of the amount of exempt earnings to the clerk of the court which issued such writ no less than five (5) nor more than ten (10) days following the time the judgment debtor receives earnings during the ~~e~~Effective Garnishment ~~p~~Period of such writ.

(h) [\*\*\* NO CHANGE]

\*\*\* NO CHANGE to the rest of the SECTIONS.

**Colorado Rules of Civil Procedure**  
**Chapter 25. The Colorado Rules of County Court Civil Procedure**

**Rule 403. Garnishment**

NOTE: County Court Rule 403 is identical to C.R.C.P. 103 except for cross references within the County Court Rule to other County Court Rules. Forms used with the County Court are identical to those used with C.R.C.P. 103, and because County Court Rule 403 cites to and incorporates C.R.C.P. Forms 26 through 34, they need not be duplicated in the County Court Forms Section.

This rule sets forth the exclusive process for garnishment. There shall be five (5) types of writs: (1) Writ of Continuing Garnishment, (2) Writ of Garnishment with Notice of Exemption and Pending Levy, (3) Writ of Garnishment for Support, (4) Writ of Garnishment -- Judgment Debtor Other Than Natural Person, and (5) Writ of Garnishment in Aid of Writ of Attachment.

SECTION 1  
WRIT OF CONTINUING GARNISHMENT  
(ON EARNINGS OF A NATURAL PERSON)

(a) [\*\*\* NO CHANGE]

(b) [\*\*\* NO CHANGE]

(c) [\*\*\* NO CHANGE]

(d) **Service of Writ of Continuing Garnishment.** A judgment creditor shall serve two (2) copies of the writ of continuing garnishment, together with a blank copy of C.R.C.P. Form 28, "Objection to the Calculation of the Amount of Exempt Earnings" (Appendix to ~~e~~ Chapters 1 to 17, Form 28, C.R.C.P.), upon the garnishee, one copy of which the garnishee shall deliver to the judgment debtor as provided in subsection (h) (1) of this rule. Service of the writ shall be in accordance with C.R.C.P. 304, and the person who serves the writ shall note the date and time of such service on the return service. In any civil action, a judgment creditor shall serve no more than one writ of continuing garnishment upon any one garnishee for the same judgment debtor during ~~any ninety (90) day~~ the Effective Garnishment period. This restriction shall not preclude the issuance of a subsequent writ within the ~~ninety (90) day~~ Effective Garnishment period.

(e) [\*\*\* NO CHANGE]

(f) **Effective Garnishment Period.**

(1) A writ of continuing garnishment shall be a lien and continuing levy against the nonexempt earnings of the judgment debtor until such time as earnings are no longer due, the underlying judgment is vacated, modified or satisfied in full, the writ is dismissed, or for ninety (90) days following service of the writ, if the judgment was entered prior to August 8, 2001, and one hundred eighty (180) days following service of the writ if the

judgment was entered on or after August 8, 2001, except when such writ is suspended pursuant to subsection (j) of this rule.

(2) When a writ of continuing garnishment is served upon a garnishee during the ~~e~~Effective Garnishment pPeriod of a prior writ, it shall be effective for the Effective Garnishment Period ~~ninety (90) days~~ following the ~~e~~Effective Garnishment pPeriod of any prior writ.

(3) If a writ of garnishment for support pursuant to C.R.S. 14-14-105 is served during the effective period of a writ of continuing garnishment, the ~~e~~Effective Garnishment pPeriod shall be tolled and all priorities preserved until the termination of the writ of garnishment for support.

(g) [\*\*\* NO CHANGE]

(h) [\*\*\* NO CHANGE]

(i) [\*\*\* NO CHANGE]

(j) **Suspension.** A writ of continuing garnishment may be suspended for a specified period of time by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which judgment was entered and a copy shall be delivered by the judgment creditor to the garnishee. No suspension shall extend the running of the ~~ninety (90) day~~ ~~e~~Effective Garnishment pPeriod nor affect priorities.

(k) [\*\*\* NO CHANGE]

(l) [\*\*\* NO CHANGE]

(m) [\*\*\* NO CHANGE]

## SECTION 2

[\*\*\* NO CHANGE]

## SECTION 3

### WRIT OF GARNISHMENT FOR SUPPORT

(a) [\*\*\* NO CHANGE]

(b) [\*\*\* NO CHANGE]

(c) [\*\*\* NO CHANGE]

(d) [\*\*\* NO CHANGE]

(e) [\*\*\* NO CHANGE]

(f) **Effective Garnishment Period and Priority.**

(1) [\*\*\* NO CHANGE]

(2) [\*\*\* NO CHANGE]

(g) **Answer and Tender of Payment by Garnishee.**

(1) [\*\*\* NO CHANGE]

(2) The garnishee shall pay any nonexempt earnings and deliver a calculation of the amount of exempt earnings to the clerk of the court which issued such writ no less than five (5) nor more than ten (10) days following the time the judgment debtor receives earnings during the ~~e~~Effective Garnishment pPeriod of such writ.

(h) [\*\*\* NO CHANGE]

\*\*\* NO CHANGE to the rest of the SECTIONS.

**Appendix to Chapters 1 to 17A  
Form 26. Writ of Continuing Garnishment**

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____	<b>COURT USE ONLY</b>
<b><u>Plaintiff(s)/Petitioner(s):</u></b>  <u>v.</u> <b><u>Defendant(s)/Respondent(s):</u></b>	
<u>Judgment Creditor's Attorney</u> or <del>Party Without Attorney</del> <u>Judgment Creditor</u> (Name and Address): _____  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	Case Number: _____  Division: _____      Courtroom: _____
<b>WRIT OF CONTINUING GARNISHMENT</b>	

Judgment Debtor's name, last known address, other identifying information: \_\_\_\_\_

1. Original Amount of Judgment <del>Entered</del> _____ \$ _____		DATE SUIT WAS COMMENCED:
a. Judgment Entered _____ (date)		(Mark Appropriate Box)
b. Effective Garnishment Period		<input type="checkbox"/> Prior to May 1, 1991
<input type="checkbox"/> 90 days (Judgment entered prior to August 8, 2001)		<input type="checkbox"/> On or After May 1, 1991
<input type="checkbox"/> 180 days (Judgment entered on or after August 8, 2001)		

2. Plus any Interest Due on Judgment ( \_\_\_\_\_ % per annum)      \$ \_\_\_\_\_

3. Taxable Costs (including estimated cost of service of this Writ)      \$ \_\_\_\_\_

4. Less any Amount Paid      \$ \_\_\_\_\_

5. Principal Balance/Total Amount Due and Owing      \$ \_\_\_\_\_

I affirm that I am authorized to act for the Judgment Creditor and this is a correct statement as of \_\_\_\_\_ (date)

Subscribed under oath before me on \_\_\_\_\_ (date) \_\_\_\_\_  
 (Print Judgment Creditor's Name)

Address: \_\_\_\_\_

Notary Public or Deputy Clerk

My Commission Expires: \_\_\_\_\_

By: \_\_\_\_\_  
 Signature (Type Name, Title, Address & Phone)

**WRIT OF CONTINUING GARNISHMENT**

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person over the age of 18 years who is not a party to this action:

You are directed to serve TWO COPIES of this Writ of Continuing Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:

YOU ARE SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court and mail a completed copy with your answers to the Judgment Creditor or attorney no less than 5 nor more than 10 days

following the time you pay the Judgment Debtor for the first time following service of this Writ, or 40 days following service of this Writ upon you, whichever is less. **YOUR FAILURE TO ANSWER THIS WRIT OF CONTINUING GARNISHMENT MAY RESULT IN THE ENTRY OF A DEFAULT AGAINST YOU.**

- b. To pay any nonexempt earnings to the party designated in "e" below (~~either Clerk of Court or Judgment Creditor~~) no less than 5 nor more than 10 days following each time you pay the Judgment Debtor during the eEffective Garnishment pPeriod of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings and a blank Objection to Calculation of the Amount of Exempt Earnings form, the first time you pay the Judgment Debtor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **MAKE CHECK PAYABLE TO:**  Clerk of the \_\_\_\_\_ Court  Judgment Creditor named above **AND MAIL TO:**  CLERK OF THE COURT  JUDGMENT CREDITOR  JUDGMENT CREDITOR'S ATTORNEY

Name and  
Address

PLEASE PUT THE CASE NUMBER (shown above) ON THE FRONT OF THE CHECK.

CLERK OF THE COURT

By: \_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

### NOTICE TO GARNISHEE

- a. This Writ applies to all nonexempt earnings owed or owing during the ~~90 days following service of this Writ~~Effective Garnishment Period shown on Line 1b on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment or Writ of Garnishment for Child Support, this new Writ is effective for the 90 days**Effective Garnishment Period after any prior Writ terminates.
- b. "EARNINGS" INCLUDES ALL FORMS OF COMPENSATION FOR PERSONAL SERVICES. Also read "Notice to Judgment Debtor" below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.

### QUESTIONS TO BE ANSWERED BY GARNISHEE

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the ~~next 90 days~~Effective Garnishment Period (see Line 1b on the front of this Writ)? (Mark appropriate box(es))
  1.  WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES (Earnings)
  2.  Health, Accident or Disability Insurance Funds or Payments
  3.  Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)  
If you marked any box above, indicate how the Judgment Debtor is paid:  weekly  biweekly  semimonthly  monthly  other

The Judgment Debtor will be paid on the following dates during the ~~90 day e~~Effective Garnishment pPeriod (see Line 1b on the front of this Writ):

- b. Are you under one or more of the following writs of garnishment? (Mark appropriate box(es))
  4.  Writ of Continuing Garnishment (Expected Termination Date \_\_\_\_\_)
  5.  Writ of Garnishment for Support (Expected Termination Date \_\_\_\_\_)
- c. If you marked Box 1 and you did NOT mark either Box 4 or 5, complete the Calculation below for the "First Pay Period" following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- d. If you marked Box 2 or 3 and you did NOT mark either Box 4 or 5, complete the Calculation below for the "First Pay Period" following receipt of this Writ. If you marked either Box 4 or 5, you must complete

Calculations beginning with the first pay period following termination of the prior writ(s). However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **IF THE EARNINGS ARE TOTALLY EXEMPT, PLEASE MARK BOX 6 BELOW:**

6.  THE EARNINGS ARE TOTALLY EXEMPT BECAUSE \_\_\_\_\_

**CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS (First Pay Period)**

Gross Earnings for the First Pay Period from \_\_\_\_\_ thru \_\_\_\_\_ \$ \_\_\_\_\_  
 Less Deductions Required by Law (For Example, Withholding Taxes, FICA) - \$ \_\_\_\_\_  
 Disposable Earnings (Gross Earnings less Deductions) = \$ \_\_\_\_\_  
 Less Statutory Exemption (Use Exemption Chart Below) - \$ \_\_\_\_\_  
 Net Amount Subject to Garnishment = \$ \_\_\_\_\_  
 Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ \_\_\_\_\_  
 AMOUNT TO BE WITHHELD AND PAID = \$ \_\_\_\_\_

EXEMPTION CHART	PAY PERIOD	AMOUNT EXEMPT IS GREATER OF	
	Weekly	30 X Federal Minimum Hourly Wage (\$154.50) or 75% of Disposable Earnings	Amounts in parentheses based upon Federal Minimum Hourly Wage of \$5.15.
	Bi-weekly	60 X Federal Minimum Hourly Wage (\$309.00) or 75% of Disposable Earnings	
	Semi-monthly	65 X Federal Minimum Hourly Wage (\$334.75) or 75% of Disposable Earnings	
	Monthly	130 X Federal Minimum Hourly Wage (\$669.50) or 75% of Disposable Earnings	

I affirm that I am authorized to act for the Garnishee, the above answers are true and correct, and I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings and a blank Objection to Calculation of the Amount of Exempt Earnings form to the Judgment Debtor at the time earnings were paid for the "First Pay Period" (if earnings were paid).

Subscribed under oath before me on \_\_\_\_\_ (date) Name of Garnishee (Print) \_\_\_\_\_  
 Address \_\_\_\_\_

Notary Public

Phone Number \_\_\_\_\_

Name of Person Answering (Print) \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Signature of Person Answering \_\_\_\_\_

**NOTICE TO JUDGMENT DEBTOR**

- The Garnishee may only withhold nonexempt earnings from the amount due you, but in no event more than the amount on Line 5 on the front of this Writ, **UNLESS YOUR EARNINGS ARE TOTALLY EXEMPT**, in which case **NO EARNINGS CAN BE WITHHELD**. You may wish to contact a lawyer who can explain your rights.
- If you disagree with the amount withheld, you must talk with the Garnishee within 5 days after being paid.
- If you cannot settle the disagreement with the Garnishee, you may complete and file the attached Objection with the Clerk of the Court issuing this Writ within 10 days after being paid. **YOU MUST USE THE FORM ATTACHED** or a copy of it.
- You are entitled to a court hearing on your written objection.
- Your employer cannot fire you because your earnings have been garnished. If your employer discharges you in violation of your legal rights, you may, within 90 days, bring a civil action for the recovery of wages lost because you were fired and for an order requiring that you be reinstated. Damages will not exceed six weeks' wages and attorney's fees.

**RETURN OF SERVICE**

STATE OF COLORADO \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, affirm that I served two copies of the Writ of Continuing Garnishment, together with a blank Objection to Calculation of the Amount of Exempt Earnings on \_\_\_\_\_ (date), at \_\_\_\_\_ (time), by \_\_\_\_\_.

Subscribed under oath before me on \_\_\_\_\_ (date) \_\_\_\_\_  
 Signature

Notary Public

My Commission Expires: \_\_\_\_\_ Service Fee \$ \_\_\_\_\_