

## Pay on time and keep proof

Pay what the Judge tells you to pay by check or money order. Keep your cancelled checks or money order receipts. If you pay cash, get receipts and save them. Keep a record of how much you still owe after each payment so you will know when the debt is paid. The Judge will tell you where to pay.

If you do not pay what the Judge ordered, your paycheck can be garnished. It will be very hard to stop this garnishment.

## Protect your property and bank account

This brochure is only about protecting your paycheck. You should also ask for our booklet, "Have You Been Sued?" to protect your belongings after you are sued.



## Contact

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WEST TENNESSEE  
LEGAL SERVICES

# Keep your paycheck from being garnished



## Can this brochure help you?

Garnish means the money you owe comes out of your paycheck before you get it. The payment is sent to whomever you owe. Usually, your pay can be garnished only after you have been sued and you lost. This brochure may help you if you were sued in General Sessions Court. Other courts may have different rules.

## How to keep your paycheck from being garnished

1. Pay the full amount you owe, or
2. Make a written agreement with the person who sued you saying you will pay a certain amount each week or month. File this agreement with the court clerk, or
3. File a Slow Pay Motion with the court.

### 1. Pay the full amount you owe

You can stop garnishment before it starts. Pay what you owe to the court clerk during the 10 days after your court date. You will owe the debt plus court costs. The clerk will give you a receipt.

If you don't pay what you owe within 10 days of the court date, your paycheck may be garnished. You can stop the garnishment any time by paying the clerk's office what you owe. Take the receipt from the clerk to your employer right away. They should stop taking money from your pay as soon as they get the receipt.

### 2. Make an agreement with the person you owe

If you agree to make regular payments then, the person you owe may agree not to garnish your pay. Often their lawyer will offer to do this in court. If you both agree on payments, they will not garnish your paycheck.

Do not agree to pay more than you can afford. The garnishment will let you keep at least \$217.50 net per week after taking out Social Security and taxes. Do not agree to payments that would leave you with less than \$217.50 per week. If you earn less than \$217.50 per week, then your wages cannot be garnished.

If your check is already being garnished, you can stop it with an agreement. Talk to the person you owe and see if you can agree on payments. If so, they should tell the clerk in writing to stop the garnishment.

### 3. File a Slow Pay Motion

A Slow Pay Motion asks the Judge to let you make payments. The payments leave you enough money to pay your other necessary bills. You can file a Slow Pay motion any time after the Judge decides you owe the money. You do not need a lawyer to file a Slow Pay Motion. If the Judge OKs your Motion, your paycheck will not be garnished unless you do not pay. If a garnishment already started, it will stop when the Judge hears your motion.

### Get a Slow Pay Motion from the court clerk.

The motion asks where you work, how much you make, and how often you are paid. It also asks the name and address of the person who sued you, the number of your case, how much the Judge said you owe, and how much you have already paid. The clerk will ask you to swear that what you say on the paper is true. You may have to pay a small fee to file your motion. The clerk will tell you when to come back to court send the court date to the person you owe.

### Go to court

Before the court date, write down your monthly bills to show the Judge. List your rent, lights and heat, food, and other necessary costs. Be ready to tell the Judge about your income and any other people you support.

In court, the Judge will want to know Why you cannot pay the whole amount you owe and how much you think you can pay each week or month.

Do not offer to pay more than you are sure you can pay. The person you owe may ask the Judge to make you pay more. The Judge may let you pay the amount you offered or may make you pay more.