

NORTH CAROLINA

_____ County

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____CVD_____

_____ County)
Department of Social Services)
)
Plaintiff,)
)
v,)
)
_____)
)
Defendant.)

PETITION FOR
ORDER OF GARNISHMENT

NOW COMES the Plaintiff in the above-entitled action and, pursuant to N.C.G.S. 108A-25.3, petitions the court to enter an order garnishing the disposable income of the Defendant,_____. In support of this Petition the Plaintiff shows unto the court the following:

1. The Plaintiff is the _____ County Department of Social Services.
2. The Defendant resides at _____ in _____ County.
3. The Defendant is a former recipient of public assistance in that the Defendant formerly received _____ from _____ to _____.
4. The Defendant received a payment(s) of \$ _____ based upon _____.
5. The above payment to the Defendant was fraudulent, as defined by N.C.G.S. 108A-25.3(a)(2), in that _____.
6. The Plaintiff has exhausted all administrative remedies in an unsuccessful attempt to recoup the fraudulent payment from the Defendant.
7. On _____, the Plaintiff obtained a judgment against the Defendant in _____ County for a sum certain representing the entire amount of the fraudulent payment(s). The judgment has been transcribed and duly recorded in _____ County. A copy of the judgment is attached and incorporated by reference. The judgment remains unsatisfied.
8. The Defendant is currently employed by _____ located at _____.
9. The Plaintiff is informed and believes, and upon such information and belief, states that the Defendant receives monthly disposable income, as defined by N.C.G.S. 108A-25.3(a)(1), of at least \$ _____ from _____.

10. The Plaintiff seeks to recover the full amount of the above-described fraudulent payment of \$_____ through garnishment of up to twenty percent (20%) of the Defendant's monthly disposable income.

WHEREFORE, the Plaintiff petitions the court for an order of garnishment pursuant to N.C.G.S. 108A-25.3 requiring the Defendant's employer to remit \$_____ of the Defendant's monthly disposable income to the _____ County Clerk of Superior Court each month until the judgment is paid and satisfied.

This the _____ day of _____.

Respectfully submitted,

Name
Attorney, _____ County
Department of Social Services