

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

_____ CVD _____

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

ORDER OF GARNISHMENT
[N.C.G.S. 108A-25.3(b)]

IN THIS CASE, which comes before the undersigned Judge of the District Court Division of the _____ County General Court of Justice upon Plaintiff's verified Petition, the Court makes the following findings of fact and conclusions of law based upon the record:

FINDINGS OF FACT

1. This case is before the Court pursuant to the Plaintiff's petition for Garnishment to enforce Plaintiff's judgment against the Defendant. Venue for this Motion properly lies with _____ County pursuant to N.C.G.S. 108A-25.2.
2. The Defendant was served with the Petition for Garnishment on _____. The Defendant's employer, _____ was served with the Petition for Garnishment on _____.
3. The Defendant resides in _____ County and is currently employed by _____ located at _____.
4. The Plaintiff obtained a judgment against the Defendant on _____ in the principal amount of \$ _____ plus costs which judgment represents a debt owed to the _____ County Department of Social Services. The judgment was originally docketed in Judgment Book No. _____ at page _____ in the Office of the Clerk of Superior for _____ County and remains unsatisfied.
5. The Defendant receives monthly disposable income _____ of at least \$ _____ and the amount of \$ _____ represents no more than twenty percent (20%) of the Defendant's monthly disposable income.
6. The withholding of \$ _____ from the Defendant's monthly disposable income will not jeopardize the Defendant's ability to become or remain financially self-sufficient and will not result in the likelihood of an increased or recurring dependency on public assistance or an inability to secure basic necessities.

Figure 820-3

Conclusions of Law

1. This Petition is properly before the Court and the Court has jurisdiction over the parties and the subject matter.
2. The Plaintiff's verified Petition is not based upon any mistake of fact.
3. The judgment in this case is valid and continues to be in force and effect.
4. The monthly disposable income of the Defendant is subject to withholding to enforce the judgment; the amount of \$_____ is appropriate and just to be withheld from the Defendant's disposable income each month.

It is, therefore, ORDERED, that:

The Defendant's employer, _____, withhold from Defendant's disposable income and transmit to the _____ County Clerk of Superior Court each month the amount of \$_____.

The Employer is entitled to withhold and retain a processing fee of \$1.00 for each payment required under this Order.

The amounts withheld and transmitted to the Clerk shall be disbursed to the Plaintiff no less frequently than monthly as payment on the judgment.

The Defendant or the Employer shall notify the Court if and when this Order needs to be reviewed for modification or dissolution. If the Defendant or the Employer gives notice that an adjustment to the amount withheld is necessary to ensure the Order's continuing compliance with N.C.G.S. 108A-25.3(d), the matter shall be scheduled before the Court.

If the Defendant changes employment within the State, this Order shall remain in effect and the Clerk of Superior Court, upon request of the Plaintiff, shall serve a copy of this Order on the new employer and on the Defendant.

This order shall remain in effect until it is modified or dissolved by order of the Court or the judgment is fully satisfied.

This the _____ day of _____.

District Court Judge