

# Administrative Office of the Courts

Supreme Court of New Mexico

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## Judicial Information Division (JID)

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Garnishment  
**Standard Operating Procedure**  
**Version 1.0**  
*Updated: 05/2016*

## Garnishment

### COURT / DEPARTMENT / DIVISION

For Magistrate courts

### USER

Court Clerks

### PURPOSE

To process the action of Garnishment after judgment has been entered

NOTE: Garnishment is a special type of action that may only take place after a judgment has been entered. Garnishment is the process of levying on the property of the judgment debtor when the property is in the possession of a third person. The most common properties garnished are wages not yet paid by the debtor's employer, bank accounts held by the debtor, personal property of the debtor held by a third party. There are two forms of Garnishment below: Wage Garnishment and Non-Wage Garnishment.

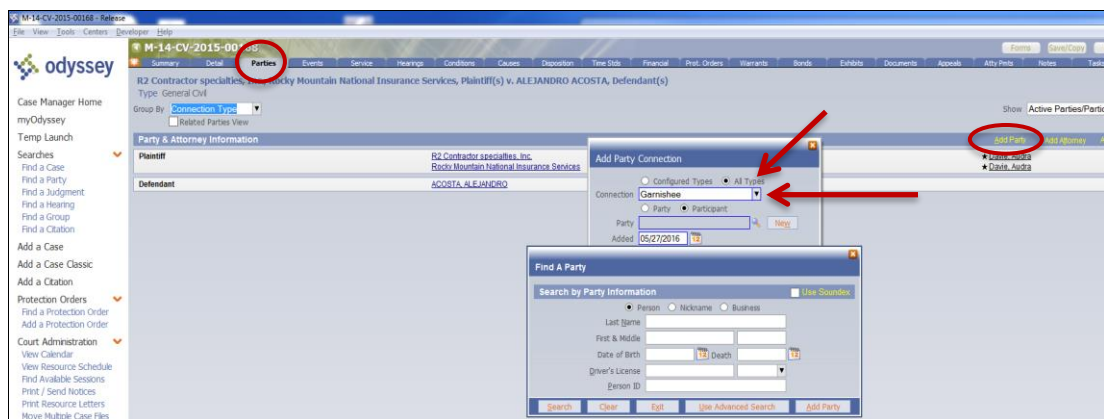
### STEPS

#### 1. Wage Garnishment

- a. Judgment Creditor will file an application for **Writ of Garnishment and Affidavit**

Affidavit will state that the judgment creditor has made reasonable investigation that the judgment debtor has no property within the state subject to execution

- a. Click **Parties** tab
- b. Click **Add Party** button
- c. On the **Add Party Connection** screen, click **All Types** button
- d. Click on the down arrow on the **Connection** field
- e. Select **Garnishee**

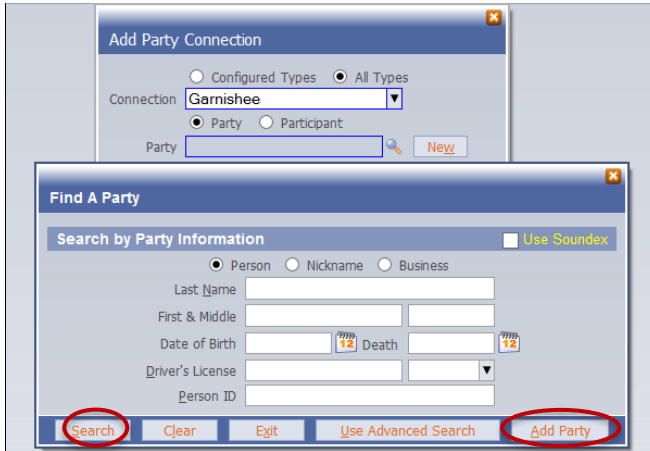


#### 2. Click on the magnifying glass next to **Party** field

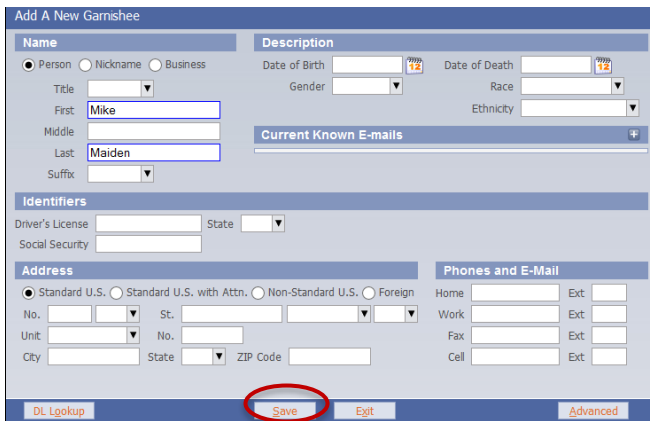
Best Practice: It is a best practice to first search for a party name to see if name is

already in Odyssey and to avoid duplicates.

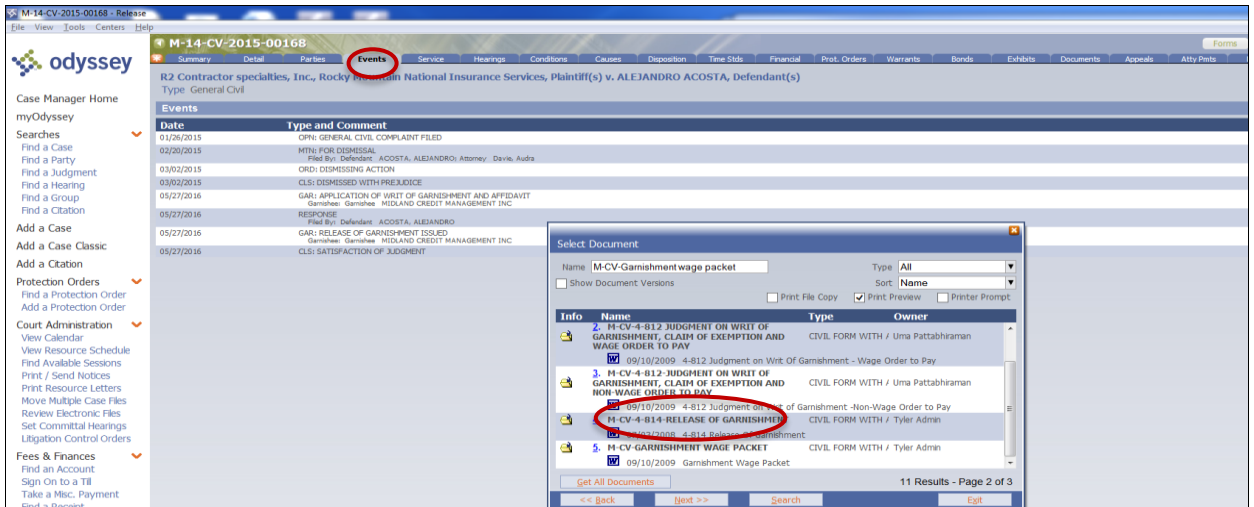
3. Enter the first and last name, or business name
4. Click **Search** to locate correct party
5. If party is not in Odyssey, click **Add a Party**



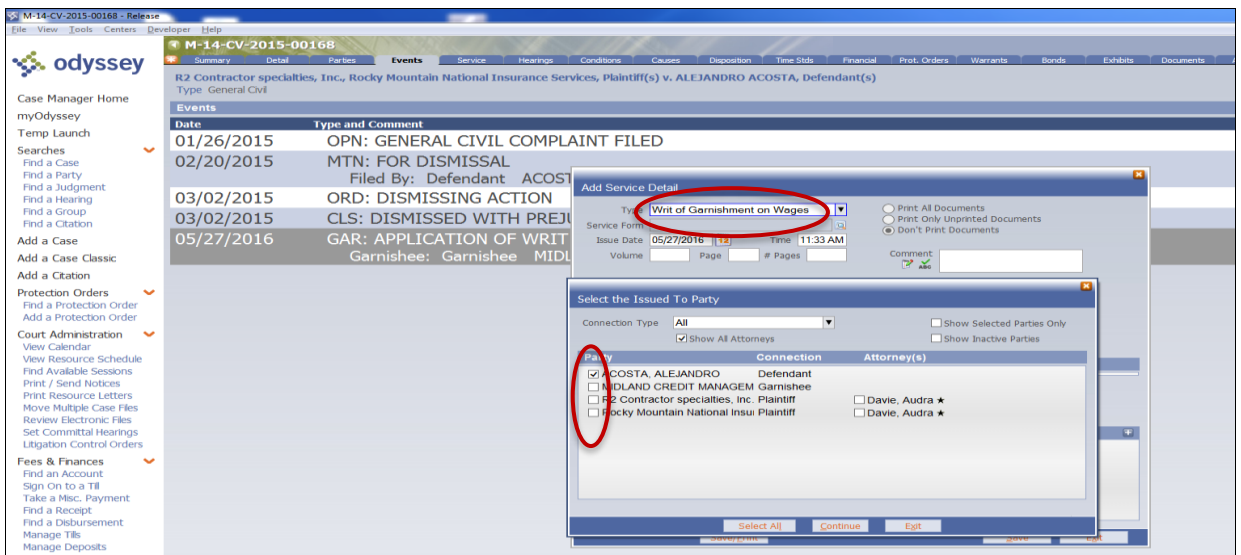
6. On **Add a New Garnishee** dialog box, enter party information
7. Click **Save**



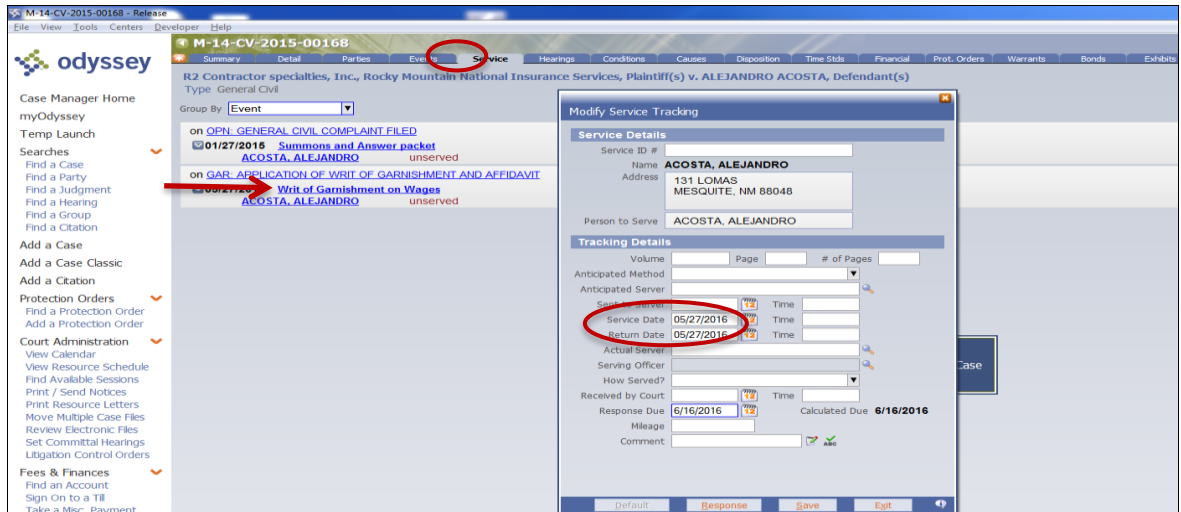
8. Click on **Events** tab
9. Click on the plus (+) sign
10. From **Add Event** screen, docket **5400 GAR: APPLICATION OF WRIT OF GARNISHMENT AND AFFIDAVIT**
11. From the events list, right-click on **5400 GAR: APPLICATION OF WRIT OF GARNISHMENT AND AFFIDAVIT** and Select **Add Related Event**
12. Docket **5414 GAR: WRIT OF GARNISHMENT – WAGE PACKET ISSUED**
13. On **Modify Events** screen from the forms menu, select **Save/Print** button
14. In the forms menu, select **M-CV- Garnishment Wage Packet**, and answer all the questions to merge the form



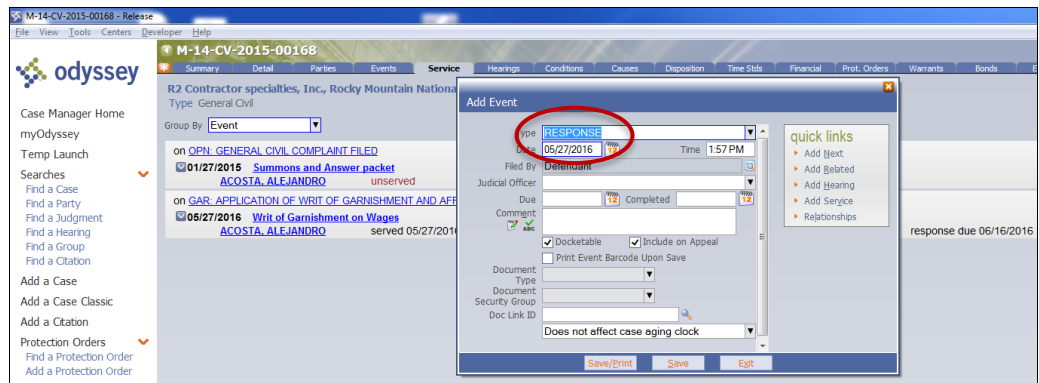
15. After form is created, right click on event and select **Add Related Service**  
NOTE: It is the responsibility of Clerk's Office to add specific parties to service event
16. On **Add Service Detail** screen click down arrow on 'Service Type' field
17. Select **Writ of Garnishment on Wages**
18. Click on plus (+) sign on right side
19. Choose parties being served from party picker screen



20. Judgment Creditor must serve Garnishee with copy of Application for Writ and Writ of Garnishment
  - a. Proof of Service must be provided to the court
  - b. Court clerk will docket proof of service on **Service** tab
  - c. From the **Modify Service** Tracking screen, enter the date the person was served in **Service Date** field
  - d. Enter returned to the court in the **Return Date** field

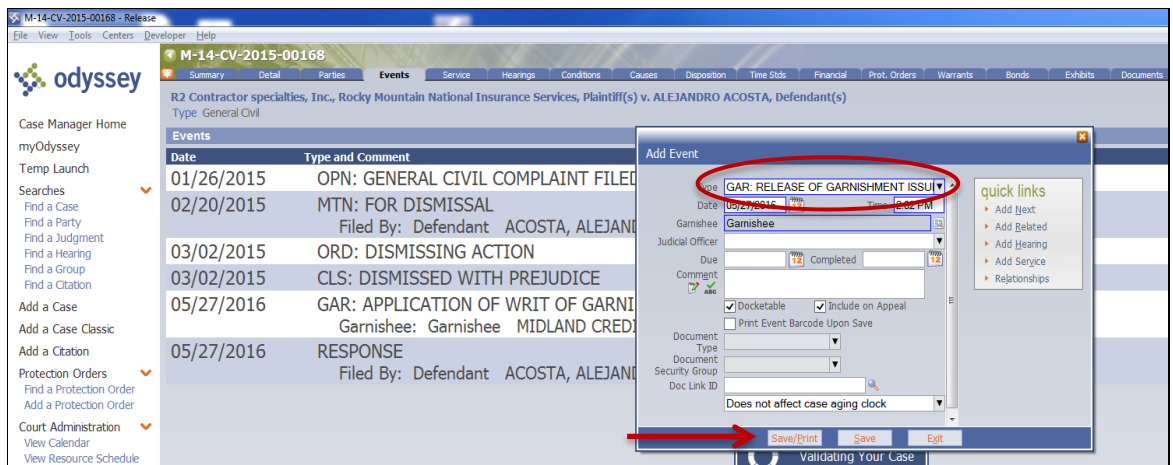


- e. Garnishee must file an answer within twenty days, if the Garnishee is a Federal Agency they have thirty days to file an answer



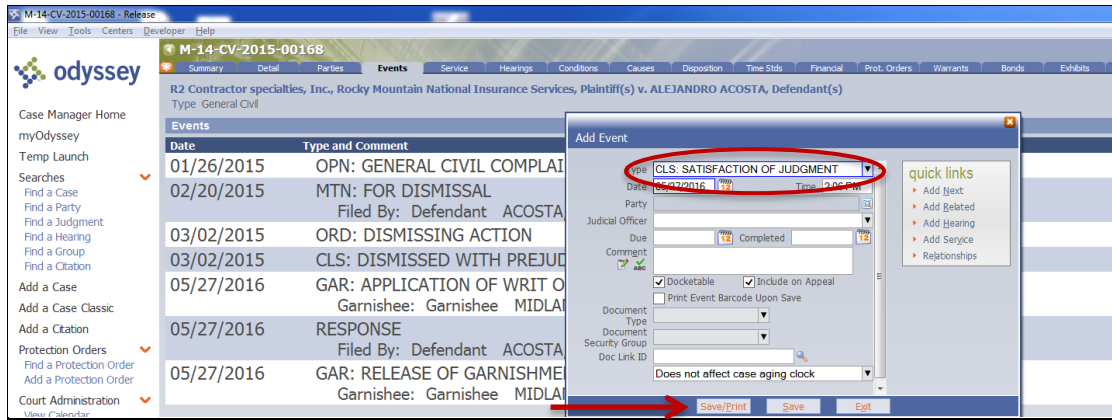
- f. Judgment can proceed after answer is filed; Clerk's Office will prepare appropriate judgment and mail copy to debtor, creditor and garnishee
21. It is the responsibility of the Judgment Creditor to notify the court when the judgment is satisfied

- a. Upon notification of Full Satisfaction of Judgment, docket **5403 GAR: RELEASE OF GARNISHMENT ISSUED**



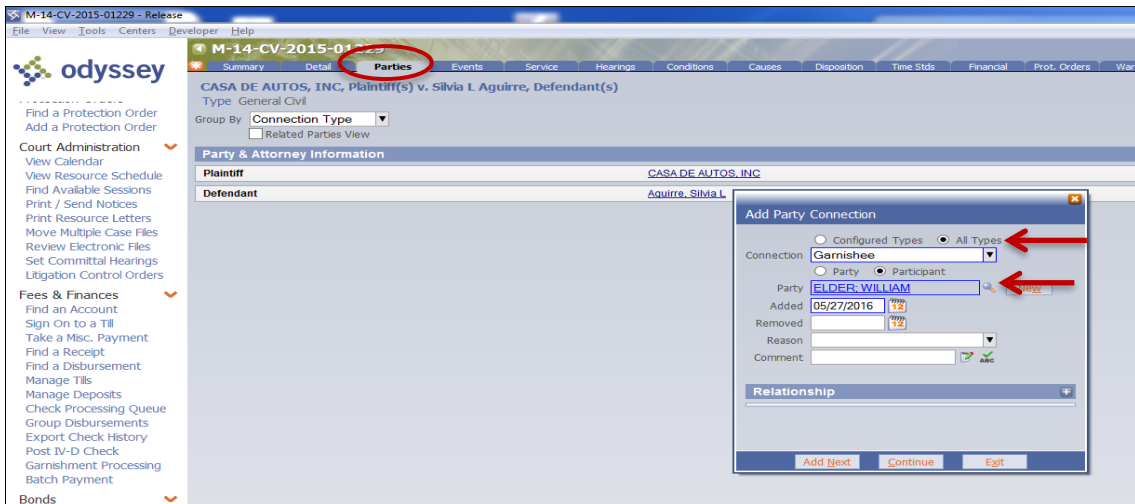
- b. Select **Save/Print** button

- c. Generate form **4-814**
- d. Mail form to all parties
- e. Docket 3031 CLS: SATISFACTION OF JUDGMENT by adding an event on **Events** tab



**B. Non – Wage Garnishment, including Claim of Exemption**

1. Click on **Parties** tab
2. Select **Add Parties** button
3. From Add Party Connection screen, click on **All Types** button
4. Click dropdown arrow on the connection field
5. Select **Garnishee**



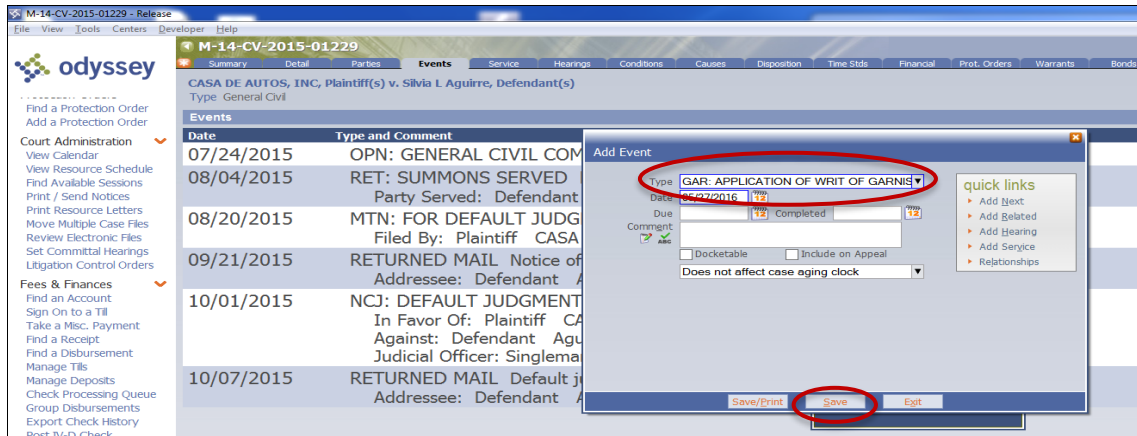
6. Click on the magnifying glass

Best Practice: It is a best practice to first search for a party name to see if name is already in Odyssey, and to avoid duplicates.

7. Enter first and last name, or business name
8. Click **Search** to locate the correct party
9. If Party is not in Odyssey, click **Add a Party**
10. Enter party information
11. Click **Continue**
12. Click **Save**

13. Click on **Events** tab

14. From **Add Event** screen docket 5400 GAR: APPLICATION OF WRIT OF GARNISHMENT AND AFFIDAVIT

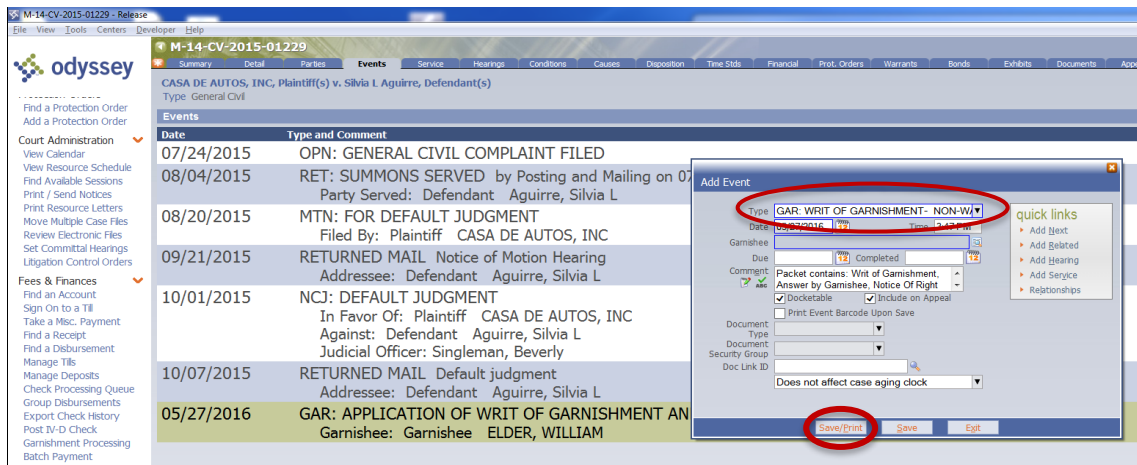


15. Click on **Events** tab

16. Right click on 5400 GAR: APPLICATION OF WRIT OF GARNISHMENT AND AFFIDAVIT

17. Select **Add Related Event**

18. Docket 5413 GAR: WRIT OF GARNISHMENT NON – WAGE PACKET ISSUED



19. Select **Save/Print** button

20. From the forms menu, click on **Writ of Garnishment Non-Wage Packet**

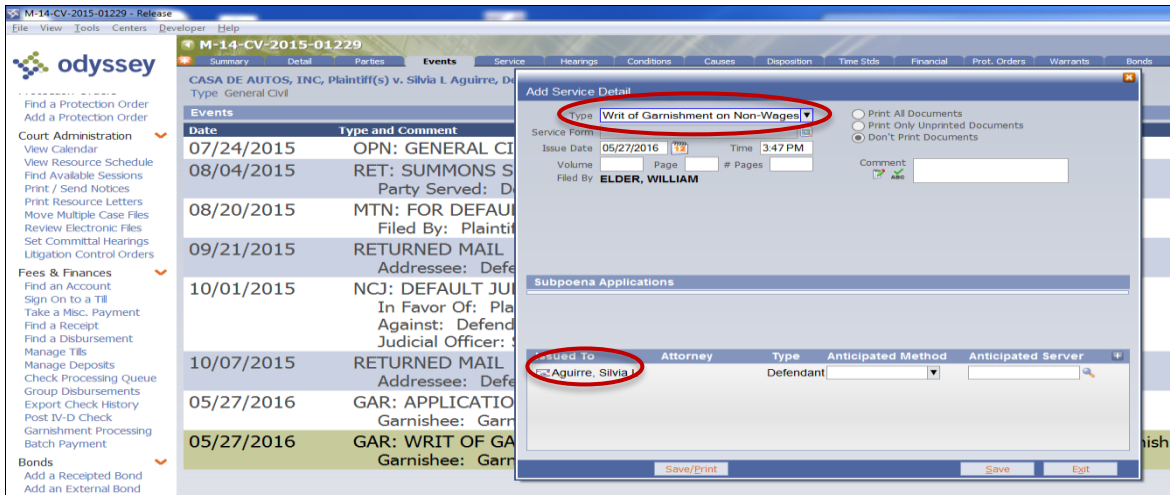
21. After Packet is created, right click on event code 5413

22. Select **Add Related Service**

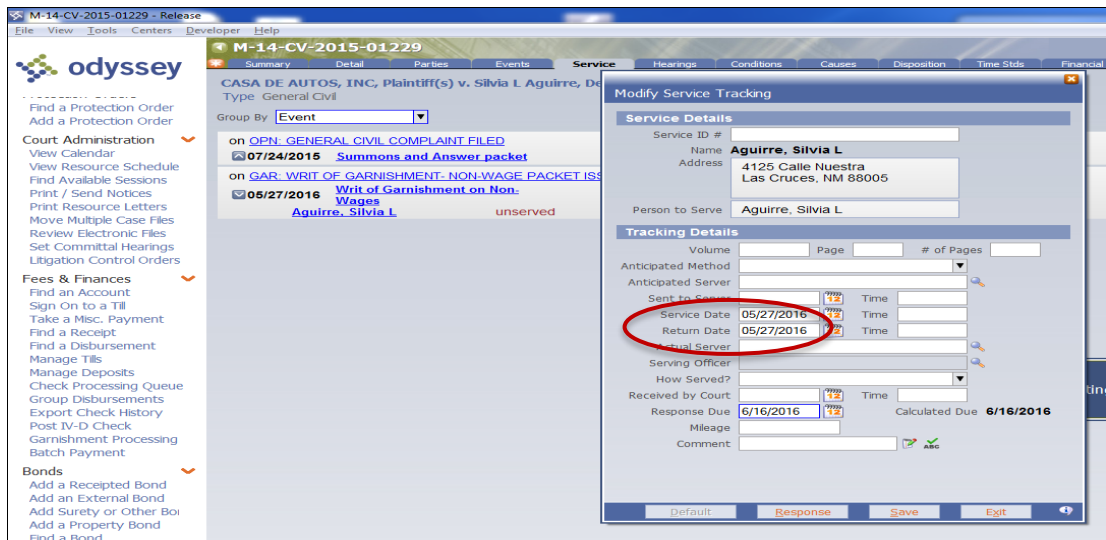
23. From **Add Service Detail**, select **Writ of Garnishment** on **Service Type** field

24. Click the plus (+) sign

25. Select parties to receive service from the party picker

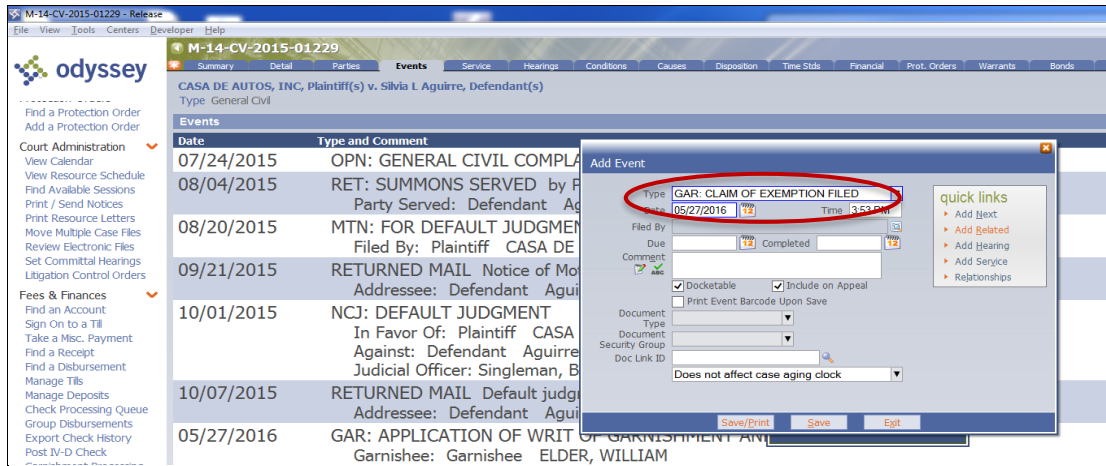


26. Judgment creditor must serve Garnishee with copy of Application of Writ, Writ of Garnishment, the Answer form, Notice of the Right to Claim Exemptions, and Claim of Exemption form
27. When Proof of Service from Judgment Creditor is provided, docket Proof of Service in **Service** tab
  - a. From **Service** tab, click on party that was served
  - b. From **Modify Service** Tracking screen enter date of service in **Service Date** field
  - c. Enter date service was returned to the court in **Return Date** field
  - d. Garnishee has within twenty days to file an answer, if the Garnishee is a Federal Agency they have thirty days to file an answer

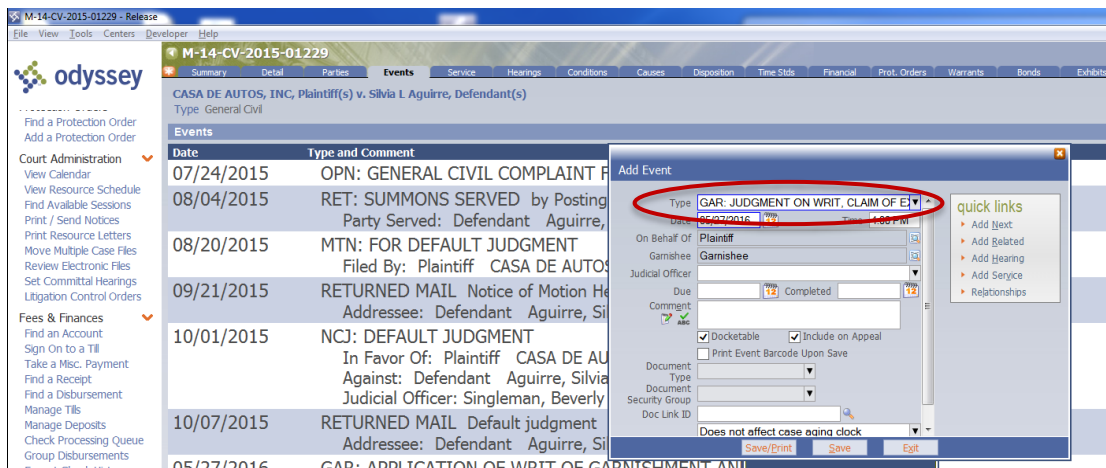


- e. On fourth business day following service of Writ packet, Garnishee will mail or deliver to Judgment Debtor or the Judgment Debtor's attorney of record a copy of the forms served on Garnishee
- f. Within ten days after service Judgment Creditor may file Claim of Exemption
- g. If Claim of Exemption is received, Clerk will docket **5402 GAR: CLAIM OF EXEMPTION FILED**

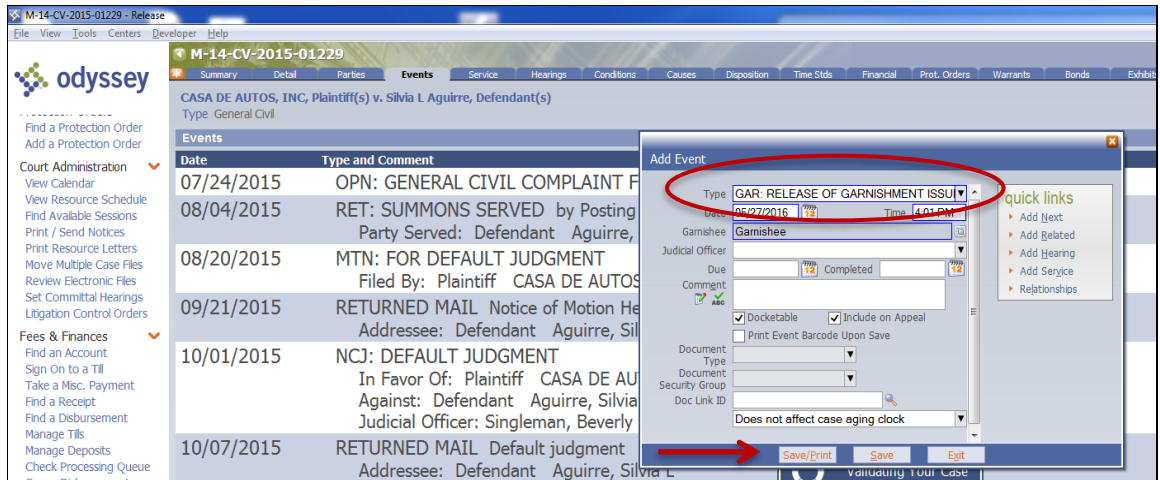
- h. If the Claim of Exemption is filed, the Judgment Debtor is responsible for serving completed and signed copy of Claim of Exemption form upon Judgment Creditor and Garnishee



- i. If Judgment Debtor fails to file Claim of Exemption form within ten days, the Judgment Debtor shall be deemed to have waived the right to claim an exemption
- j. If there is a notice of dispute filed, Judgment Debtor is responsible for serving copy of completed and signed Claim of Exemption form upon Judgment Creditor and Garnishee
- k. Judgment on Writ of Garnishment shall not be determined until a hearing is held.
- l. If Court finds property is not exempt from garnishment, clerk will docket **5303 GAR: ORDER ON WRIT, CLAIM OF EXEMPTION AND ORDER TO PAY**. Clerk will produce the form 4-812 Order on Writ of Garnishment, Claim of Exemption and Order to Pay



- m. It is the responsibility of the Judgment Creditor's to notify court where the judgment is satisfied.
- n. Upon notification of Full Satisfaction of Judgment, clerk will docket **5403 GAR: RELEASE OF GARNISHMENT ISSUED**
- o. Select **Save/Print** button



- p. Generate form **4-814**
- q. Mail all forms to parties
- r. To close case, click on **Disposition** tab
- s. Click on **Case Close**
- t. Click in **Add Events** check box, then click plus (+) sign
- u. Click on the drop down menu
- v. Select **Event Code 3031 CLS: SATISFACTION OF JUDGMENT**
- w. Click **Continue**
- x. Click **Save**
- y. Click **Save** again

