

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

IN THE ALLEN SUPERIOR  
SMALL CLAIMS COURT  
FORT WAYNE, INDIANA

CASE NUMBER:

\_\_\_\_\_  
Plaintiff(s)

VS.

\_\_\_\_\_  
Defendant(s)

AND

\_\_\_\_\_  
Garnishee Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip Code

**VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL TO DEFENDANT AND  
TO GARNISHEE DEFENDANT FINANCIAL INSTITUTION**

Plaintiff / Plaintiff's counsel appears and states that to the best of its/his/her knowledge:

1. Plaintiff owns the judgment rendered in this case against the Defendant(s);
2. Plaintiff's judgment is unsatisfied, with a balance due upon judgment, interest and costs in
3. the amount of \$\_\_\_\_\_; and
4. Plaintiff has no cause to believe that levy of execution against the Defendant(s) will satisfy the judgment.
5. Garnishee Defendant has or will have in its possession one or more deposit accounts as defined by Ind. Code 28-9-2-1, et. seq. in which the Defendant(s) has (have) an interest.

Plaintiff requests that the Court issue an order notifying Defendant(s) of these proceedings and requiring the Garnishee Defendant to answer interrogatories concerning Defendant's property in its/his/her possession.

I affirm, under the penalty of perjury, that the foregoing representations are true.

\_\_\_\_\_  
Street Address of Plaintiff / Attorney

\_\_\_\_\_  
Signature of Plaintiff / Attorney

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Printed Name of Plaintiff / Attorney

\_\_\_\_\_  
Telephone Number Supreme Court ID Number

Certificate of Service

I hereby certify that a copy of this document was sent to the parties or their counsel by \_\_\_\_\_  
(US Mail, E-Service, Sheriff, other manner allowed by IN Trial Rules).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

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AND \_\_\_\_\_  
Garnishee Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
City, State Zip Code

**ORDER GRANTING VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL TO  
DEFENDANT AND TO GARNISHEE DEFENDANT FINANCIAL INSTITUTION**

Plaintiff files verified motion for proceedings supplemental and interrogatories. Motion granted.

**To the Defendant:**

You are ordered to appear in this Court on \_\_\_\_\_ at \_\_\_\_\_ A.M./P.M. in the Allen Superior Court Small Claims Division 1 West Superior St., Fort Wayne, IN 46802, if you wish to contest the garnishment order.

**See the attached page entitled “*Notice of Certain Exemptions and Your Right to a Prompt Hearing*” for important information. If you, the Defendant, believe that you are entitled to an exemption because the funds in the account at issue include stimulus funds, you may file a written request for an immediate hearing to determine if funds are attributable to a stimulus payment by using the attached form.**

**To the Garnishee Defendant:**

You are ordered to answer and return the attached interrogatories to the Court on or before \_\_\_\_\_ and to restrict the deposit account(s) of Defendant(s) pursuant to Ind. Code 28-9-4-2 and 3. If you are not served with a valid court order directing otherwise, this restriction shall expire ninety (90) days after it is placed on the account.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Magistrate, Allen Superior Court

Certificate of Service

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

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CASE NUMBER:

\_\_\_\_\_  
Plaintiff(s)

vs.

\_\_\_\_\_  
Defendant(s)

**EXEMPTION CLAIM AND REQUEST FOR HEARING**

I believe that all or part of the money in the account(s) that may have been frozen cannot be frozen since the account(s) contain(s) exempt funds. I would like a hearing at the earliest time.

CHECK ONE:

\_\_\_ I am the judgment debtor.

\_\_\_ I maintain a joint account with the judgment defendant.

\_\_\_ I am the legal representative for \_\_\_\_\_  
Name and Type of Party (Ex. "John Doe – Judgment Debtor")

I believe the money in the account(s) is / are exempt because \_\_\_\_\_

\_\_\_\_\_  
Street Address of Plaintiff / Attorney

\_\_\_\_\_  
Signature of Plaintiff / Attorney

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Printed Name of Plaintiff / Attorney

\_\_\_\_\_  
Telephone Number    Supreme Court ID Number

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

## **NOTICE OF CERTAIN EXEMPTIONS AND YOUR RIGHT TO A PROMPT HEARING**

It may be that the Plaintiff has or will give notice to your bank or other persons holding property or assets for you of the intent to put a hold on certain accounts held by you, either individually or jointly with another person, including but not limited to bank, share, and credit union accounts. Under Indiana law, this notice may already have resulted in the placing of a hold on those accounts.

UNDER FEDERAL AND STATE LAW, CERTAIN FUNDS ARE EXEMPT FROM GARNISHMENT. THIS MEANS THAT THESE FUNDS MAY NOT BE TAKEN BY CREDITORS EVEN IF THEY HAVE BEEN DEPOSITED INTO YOUR ACCOUNTS. SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, VETERANS BENEFITS, CERTAIN DISABILITY PENSION BENEFITS, AND BENEFITS UNDER ANY PENSION PAID FROM A TRUST QUALIFIED UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 CANNOT BE TAKEN. THERE MAY BE OTHER EXEMPTIONS UNDER STATE OR FEDERAL LAW. IF YOU OR ANOTHER PERSON WHO MAINTAINS A JOINT ACCOUNT WITH YOU BELIEVE THAT ALL OR SOME OF THE FUNDS IN THESE ACCOUNTS ARE EXEMPT, YOU OR YOUR JOINT DEPOSITOR ARE ENTITLED TO A PROMPT HEARING IN THIS COURT TO PRESENT EVIDENCE TO ESTABLISH EXEMPTIONS AND TO SEEK REMOVAL OF THE HOLD.

To obtain such a hearing, fill in the form entitled "Exemption Claim and Request for Hearing" and make two (2) copies of it (keep the original for your own records). One copy of this form should be filed with the Court. The other copy of this form should be sent to Plaintiff's attorney or to the Plaintiff, if the Plaintiff is not represented by an attorney, at the address set forth on the documents related to the Proceeding Supplemental in this matter. A prompt hearing will be scheduled by the Court as soon as possible, but generally no later than five (5) days (excluding Saturdays, Sundays, and legal holidays) after the completed form is received by the Court. If you call the Court to determine your hearing date, please use the case number located at the top right-hand side on the front of the "Order and Notice to Defendant" which begins with "02D01", "02D02", "02D03", or "02D09".

After hearing, the Court will decide whether all or part of the funds in each account on which a hold has been placed or other accounts in which you have an interest may be taken by the Plaintiff. If a joint depositor or you do not request an early hearing, there will be hearing at the time when you are ordered to appear. At that hearing, you and a joint depositor are entitled to assert any exemptions. However, if a joint depositor or you do not request an early hearing, each account on which a hold has been placed may not be released until the time you are ordered to appear.