

1987 Assembly Bill 736

Date of enactment: April 8, 1988  
Date of publication: April 18, 1988

## 1987 Wisconsin Act 221

AN ACT to amend 812.04 (2) of the statutes, relating to the form for a garnishee summons.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 812.04 (2) of the statutes is amended to read:

812.04 (2) The garnishee summons shall be substantially in the following form:

STATE OF WISCONSIN

.... COURT

.... COUNTY

A. B., Plaintiff

vs.

C. D., Defendant

and

E. F., Garnishee

The State of Wisconsin, to the garnishee:

You are hereby summoned, as garnishee of the defendant, C. D., and required, within 20 days after the service of this summons and the annexed complaint upon you, exclusive of the day of service, to answer, whether you are indebted to or have in your possession or under your control any property belonging to the defendant.

IF YOU ARE INDEBTED TO THE DEFENDANT, YOU ARE ORDERED TO PAY THE PRESCRIBED SUBSISTENCE ALLOWANCE TO THE DEFENDANT IF EARNINGS ARE THE SUBJECT MATTER OF THIS GARNISHMENT ACTION. IF YOU ARE INDEBTED TO THE DEFENDANT FOR PAYMENT FOR THE SALE OF AGRICULTURAL PRODUCTS, YOU ARE ORDERED TO PAY THE PRESCRIBED AMOUNT TO THE DEFENDANT. YOU ARE ORDERED TO RETAIN FROM THE BALANCE THE AMOUNT OF THE PLAINTIFF'S CLAIM AND DISBURSEMENTS, NOT TO EXCEED \$40, AS STATED IN THE ANNEXED COMPLAINT PENDING THE FURTHER ORDER OF THE COURT. ANY EXCESS INDEBTEDNESS SHALL NOT BE SUBJECT TO THE GARNISHMENT. IF YOU HAVE PROPERTY OR EARNINGS BELONGING TO THE DEFENDANT AND THE AMOUNT OF INDEBTEDNESS

RETAINED IS LESS THAN THE AMOUNT CLAIMED AND DISBURSEMENTS, ~~NOT TO EXCEED \$40~~, YOU ARE TO RETAIN THE PROPERTY OR EARNINGS PENDING THE FURTHER ORDER OF THE COURT, EXCEPT AS PROVIDED IN SECTION 812.18 (3) OF THE WISCONSIN STATUTES. THE AMOUNT RETAINED BY YOU FOR THE PLAINTIFF'S DISBURSEMENTS MAY NOT EXCEED \$40.

You are further required to serve a copy of your answer to the garnishee complaint on the undersigned attorney and to file your original answer with the clerk of this court, within the 20-day period. In case of your failure to answer, judgment will be entered against you for the amount of plaintiff's judgment against the defendant and costs, of which the defendant will also take notice.

If earnings are the subject matter of this garnishment action, you are required under section 812.18 (2) of the Wisconsin Statutes to pay over to the principal defendant, on the date when the earnings subject to the garnishment action are normally payable, a subsistence allowance, out of the earnings then owing, in the sum of either 75% of the defendant's disposable earnings or 30 times the federal minimum hourly wage in effect at the time the earnings are payable, whichever is greater.

If the property which is the subject of this garnishment action is the proceeds from the sale of crops, livestock, dairy products or another product grown or produced by a person or by his or her minor children, you must pay over to the principal defendant the appropriate amount under section 812.18 (2m) (b) of the Wisconsin Statutes.

Dated this .... day of ...., 19 ....

Clerk of .... Court  
(Seal)

Attorney for Plaintiff:

....

P. O. Address

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SECTION 2. **Effective date.** This act takes effect  
on July 1, 1988.

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