

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
STEPHENSON COUNTY, ILLINOIS**

	PLAINTIFF(S),	}	
		}	
VS.		}	No. _____
		}	
	DEFENDANT(S),	}	Return date _____
		}	21 to 40 days after date of issuance of summons
and		}	
		}	
	EMPLOYER.	}	

**AFFIDAVIT FOR WAGE DEDUCTION ORDER**

\_\_\_\_\_ on oath states:

1. I believe employer \_\_\_\_\_ is indebted to the judgment debtor \_\_\_\_\_ for wages due or to become due. Employer's address is: \_\_\_\_\_

2. The last known address of the judgment debtor is \_\_\_\_\_

I request that a summons issue directed to employer and I certify that a copy of the attached Wage Deduction Notice was mailed to judgment debtor, by first class mail, at his/her last known address prior to filing of this wage deduction proceeding.

Name: _____	Affiant: _____
Attorney for Judgment Creditor: _____	Under penalty of perjury as provided by law pursuant to 735 ILCS 5/1-109 the affiant certifies that the statements set forth herein are true and correct.
Address: _____	
City/ZIP: _____	
Telephone: _____	

**CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR**

NOTE: Non-Attorneys must also submit a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment.

I, the undersigned certify under penalties as provided by law pursuant to 735 ILCS 5/1-109 that the following information is true:

1. Judgment in the above captioned case was entered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_
  2. The amount of judgment was \_\_\_\_\_ \$ \_\_\_\_\_
  3. Allowable costs previously expended:
    - a. Initial filing fee \_\_\_\_\_ \$ \_\_\_\_\_
    - b. Original and alias summons \_\_\_\_\_ \$ \_\_\_\_\_
    - c. Filing and summons costs of prior supplementary proceedings \_\_\_\_\_ \$ \_\_\_\_\_
  4. Filing and summons cost for this proceeding \_\_\_\_\_ \$ \_\_\_\_\_
  5. Statutory interest due on Judgment from date above \_\_\_\_\_ \$ \_\_\_\_\_
- Total \$ \_\_\_\_\_

DEDUCT: Total amount paid by or on behalf of the judgment debtor prior to this proceeding \_\_\_\_\_ \$ \_\_\_\_\_

BALANCE DUE JUDGMENT CREDITOR \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney or Judgment Creditor

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
STEPHENSON COUNTY, ILLINOIS**

Return Date \_\_\_\_\_

Case Number: \_\_\_\_\_

**INTERROGATORIES/ANSWER TO WAGE DEDUCTION PROCEEDINGS**

Employer/Agent \_\_\_\_\_ certifies under penalty of perjury that the following Answer is true and corrects to the best of her/his knowledge and belief concerning the property of the judgment debtor:

Debtor Name: \_\_\_\_\_ Soc. Sec. No \_\_\_\_\_

Do you pay monies to the judgment debtor listed above? Yes \_\_\_\_\_ No \_\_\_\_\_

State whether any funds paid to the debtor are for disability, retirement or are in any other way exempt or subject to other Court Order: \_\_\_\_\_

One Pay Period Equals: \_\_\_\_\_ day(s) \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

**CALCULATION TO DETERMINE AMOUNT OF WITHHOLDING:**

(A) Gross Wages minus mandatory contributions to pension or retirement plans is (A) \_\_\_\_\_

(B) Method I – 15% of (A) = (B) \_\_\_\_\_

Method II

(C) Enter Total FICA, State and Federal Tax and Medicare (C) \_\_\_\_\_

(D) Subtract (C) from (A) = (D) \_\_\_\_\_

(E) Enter Minimum wage per pay period (45 x \$5.15 per week) (E) \_\_\_\_\_

(F) Subtract (E) from (D) (F) \_\_\_\_\_

(G) Enter the lesser of Line (b) or (f) (G) \_\_\_\_\_

(H) Enter Child Support of other Court Ordered Deduction (H) \_\_\_\_\_

(I) Subtract (H) from (G) (I) \_\_\_\_\_

(J) Subtract Employer's Statutory Fee (5/12-814) (J) \_\_\_\_\_

(K) Amount to be applied to judgment (K) \_\_\_\_\_

Line I is the amount to be withheld from employee's paycheck as of the date of service of Summons and not disbursed until further order of Court.

Signature of Employer \_\_\_\_\_

**INSTRUCTIONS**

- 1. Mail a copy of this Answer to the Court and mail to attorney for Plaintiff and give a copy to the Defendant.**
- 2. You will receive a copy of a Court Order by fax or mail instructing you how to proceed and where to send deducted funds.**

Employer/Agent:

Agent Name \_\_\_\_\_

Clerk of the Circuit Court

Employer Name \_\_\_\_\_

\_\_\_\_\_ County Courthouse

Address \_\_\_\_\_

\_\_\_\_\_  
Street

Phone \_\_\_\_\_

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

Fax \_\_\_\_\_

Note: A copy of this Answer should be mailed to the Court, Attorney for Plaintiff or Judgment Creditor and to the Defendant.

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
STEPHENSON COUNTY, ILLINOIS**

Judgment Creditor	Plaintiff(s),	}	
		}	
VS.		}	No. _____
		}	
Judgment Debtor	Defendant(s).	}	
		}	
Judgment Debtor: (insert last known address)			Name and Address of attorney for Judgment Creditor or of Judgment creditor if not represented by an attorney:
Name _____			Name _____
Address _____			Address _____
City _____			City _____
Phone _____			Phone _____
Amount of Judgment: \$ _____			Balance Due: \$ _____
Name of Employer: _____			Return Date: _____

**WAGE DEDUCTION NOTICE**

NOTICE: The court has issued a wage deduction summons against the employer named above for wages due or about to become due to you. The wage deduction summons was issued on the basis of a judgment against you in favor of the judgment creditor in the amount stated above. This judgment is a lien on the judgment debtor's wages until the total amount due is paid.

The amount of wages that may be deducted is limited by federal and Illinois law.

(1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.

(2) Under federal law, the amount of wages that may be deducted is limited to the littlest of (i) 25 % of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing, you must notify the clerk of the court in writing at **15 N. Galena, 2<sup>nd</sup> Floor, Freeport, IL. 61032** on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the judgment creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first call mail.

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
STEPHENSON COUNTY, ILLINOIS**

	PLAINTIFF(S), }	}	
	}	}	
VS.	}	}	No. _____
	}	}	
	DEFENDANT(S), }	}	Address of employer:
	}	}	
and	}	}	_____
	}	}	
	EMPLOYER. }	}	_____

**WAGE DEDUCTION SUMMONS**

To the employer:

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, in the office of the Clerk of this Court \_\_\_\_\_ Illinois, on or before \_\_\_\_\_, \_\_\_\_\_.

(21 to 40 days after issuance of summons)

However, if this summons is served on you less than 3 days before that date, you must file answers to the interrogatories on or before a new return date, to be set by the court, not less than 21 days after you were served with this summons.

This proceeding applies to non-exempt wages due at the time you were served with this summons and to wages which become due thereafter until the balance due on the judgment is paid.

IF YOU FAIL TO ANSWER, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.

FEDERAL AGENCY EMPLOYERS: Effective upon service of this summons and pursuant to 5 USC 552 (a), you are to commence to pay over deducted wages to the attorney for the judgment creditor in accordance with 735 ILCS 5/12-808.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than the above date.

Witness, \_\_\_\_\_, \_\_\_\_\_ (Clerk of the Circuit Court)

**(Seal of Court)**

By \_\_\_\_\_ (Deputy)

\_\_\_\_\_  
(Plaintiff's attorney or plaintiff if not represented by an attorney)

Name

Attorney for

Address

City

Telephone

**TITLE III OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT**  
**RESTRICTIONS ON GARNISHMENT**

Sec. 301. (a) The Congress finds:

(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit: Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of this title are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

(82 Stat. 163; 15 U.S.C. 1671.)

Sec. 302. For the purposes of this title:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

(82 Stat. 163; 15 U.S.C. 1672.)

Sec. 303. (a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed.

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) The restrictions of subsection (a) do not apply in the case of

(1) any order of any court for the support of any person.

(2) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.

(3) any debt due for any State or Federal tax.

(c) No court of the United States or any State may make, execute, or enforce any order or process in violation of this section.

(82 Stat. 163; 15 U.S.C. 1673.)

Sec. 304. (a) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

(b) Whoever willfully violates subsection (a) of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(82 Stat. 163; 15 U.S.C. 1674.)

Sec. 305. The Secretary of Labor may by regulation exempt from the provisions of section 303 (a) garnishments issued under the laws of any State if he determines that the laws of the State provide restrictions on garnishment which are substantially similar to those provided in section 303(a).

(82 Stat. 164; 15 U.S.C. 1675.)

Sec. 306. The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this title.

(82 Stat. 164; 15 U.S.C. 1676.)

Sec. 307. This title does not annul, alter, or affect, or exempt any person from complying with, the laws of any State

(1) prohibiting garnishments or providing for more limited garnishments than are allowed under this title, or

(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness.

(82 Stat. 164; 15 U.S.C. 1677.)

## **INSTRUCTIONS FOR WAGE DEDUCTIONS**

1. Complete Affidavit for Wage Deduction Order. After completing make 5 copies (Clerk of the Circuit Clerk, Plaintiff, Defendant, Employer, and an extra copy.)
2. Print out 2 blank copies of Interrogatories/Answer to Wage Deduction Proceedings. (To be included with Defendant and Employer copy of Affidavit)
3. Complete Wage Deduction Notice. After completing, make 3 copies (Clerk of the Circuit Clerk, Defendant, and Employer.)
4. Complete Wage Deduction Summons. After completing, make 2 copies. (Clerk of the Circuit Clerk and Defendant)
5. Bring in all copies to the Circuit Clerk's Office, the Deputy Clerk will provide date, sign and seal summons. File originals with Deputy Clerk. There is a \$15.00 fee for the filing. Finish completing remainder of copies to be served upon employer and defendant.