

CV93 - Statement of Judgment Balance Remaining Due Instructions

Definitions used:

Debtor – The individual that owes the debt being garnished.

Creditor – The individual that is *owed* the amount being garnished.

Garnishee – The individual or company that holds money or property belonging to a debtor and is directed to turn over the money or property to the court or attorney for the creditor for the purpose of satisfying a judgment. The party summoned as garnishee in the writ of garnishment or levy (CV92).

Garnishment Application and Order (CV92) – The form used to file the garnishment application with the issuing court and is served on the garnishee.

Remaining Due Amount – The amount entered in the Amount Remaining Unpaid section of the CV92 represents the total debt remaining due at the time the application is filed. This amount will appear on each six month reporting on the Statement of Judgment Balance Remaining Due (CV93) form on **Line 9**.

Introduction:

Effective July 1, 2016, a statement of judgment balance remaining due is required to be filed every six months for a continuous wage garnishment or in any case in which the creditor has elected to have payments made directly to its attorney. The first statement must be filed by the creditor with the issuing court no later than 20 days after last day of the six month reporting period and shall continue to be reported every six months thereafter until the garnishment is satisfied or is no longer effective. The statement is to list all payments received by the creditor within the preceding six months and the remaining unsatisfied portions of the judgment, which may include all unsatisfied post-judgment interest and costs as of a specified date. A statement of judgment balance need not be filed if the garnishor files a new garnishment application and order (CV92) in the same case and against the same debtor prior to the date the statement would have been required to be filed with the issuing court.

Copies of the statement shall be served by ordinary mail on the garnishee and debtor. Any party may file a motion for accounting of judgment balance with the issuing court up to 30 days after satisfaction of the judgment.

Failure to file a statement of judgment balance remaining due as provided in Rule 90.19(b), can result in the garnishment being terminated. (SCR 90.19(c))

Any remittance from the garnishee that exceeds the amount necessary to fully satisfy the judgment shall be returned within 10 days to the garnishee. (SCR 90.19(e))

Instructions for Completing the Statement of Judgment Balance Remaining Due (CV93 form)

Lines 1 and 2 – Reporting Period from Date and thru Date

The six month period being reported. Example: The reporting period that starts March 1, 2016 would go thru August 31, 2016 with the next reporting period going from September 1, 2016 thru February 28, 2017. (Leap years would go thru February 29th)

Line 3 – Total received from the garnishee during previous reporting periods

This is **all** payments from the garnishee for **all** prior reporting periods since the most recent CV92 Garnishment Application and Order was filed. For the *first* six month reporting period the

amount will be zero. For subsequent reporting periods use the amount on **Line 5**, Total all payments received from the garnishee from the CV93 report filed for the previous six months.

Line 4. Payments received from the garnishee during the six month reporting period. – List the payment dates and amounts received from the garnishee during the reporting period. Attorneys should include all payments received from the court or directly from the garnishee. Pro se litigants that have filed a continuous wage garnishment should list all amounts received from the court during the reporting period. If the number of payments received during the reporting period exceeds the lines available in 4, attach a separate listing of each payment date and amount paid to the CV93. On the last line of Line 4 add the comment “See attached listing” and enter the total dollar amount from the attached listing in the Amount field.

Line 5. Total all payments received from the garnishee – Sum of the amounts listed in the **Line 4** section plus the total received during previous reporting periods noted in **Line 3**. The Line 5 amount is carried forward to page **Line 16**.

Direct Payments

Those amounts that were not paid by the garnishee but were received directly by the creditor from the debtor. Amounts noted in this section may also represent other reductions to the debt allowed by the creditor.

Line 6. Total received directly by the creditor from the debtor and/or other reductions to the debt during previous reporting periods – For the first six month reporting period this amount will be zero. For subsequent reporting periods use the total received during previous reporting periods noted on line 8, **Total all payments received directly by the creditor from the debtor and/or other reductions to the debt** from the CV93 report filed for the previous six months.

Line 7. Payments and/or other reductions to the debt received directly by the creditor from the debtor during the reporting period – List each payment date and amount received directly from the debtor during the reporting period to reduce the debt. If the number of payments received during the reporting period exceeds the lines available in 7, attach a separate listing of each payment date and amount to the CV93. On the last line of line 7 add the comment “See attached listing” and enter the total dollar amount from the attached listing in the Amount field.

Line 8. Total all payments and/or other reductions to the debt received directly by the creditor from the debtor – Sum of the amounts listed in the section for **Line 7** plus the total received during previous reporting periods noted in **Line 6**. This amount will be carried forward to page 2 **Line 14**.

Increases/Decreases to the CV92 Garnishment Application and Order

This section documents the changes to the **Total Remaining Due** noted on the CV92. The amounts represent the accumulated amounts since the filing of the application, not just the amounts for the current reporting period.

Line 9. Total Due from Garnishment Application and Order CV92 – This amount will be the same for every Statement of Judgment Balance Remaining Due reporting period and is obtained from the **TOTAL REMAINING DUE** field on the related CV92. This amount represents the initial judgment amount plus post judgment interest costs etc. up to the time of filing the garnishment application and order.

If the garnishment was terminated and the creditor files a new CV92 Garnishment Application and Order, use the **Total Remaining Due** amount from the new CV92 for Line 9 and for all subsequent filings of the Statement of Judgment Balance Remaining Due.

Increases to CV92 Total Remaining Due:

Line 10 Post judgment interest – Total post judgment interest rate and interest accumulated *after* the CV 92 was filed. Do not include any post judgment interest that was included in the **Total Remaining Due** on the CV92.

Line 11 Post judgment costs – Total costs accumulated *after* the CV92 was filed. Do not include any post judgment costs that were included in the **Total Remaining Due** on the CV 92.

Line 12. Other increases – Any other costs accumulated *after* the CV92 was filed. Do not include any other costs that were included in the **Total Remaining Due** on the CV92.

Line 13. Subtotal all Increases – Total of **Line 10, Line 11 and Line 12.**

Decreases to CV92 Total Remaining Due:

Line 14. Payments and/or other reductions to the debt received directly by the creditor from the debtor – Enter the amount from page 1 **Line 8.**

Line 15. Total Adjusted Judgment Balance Due Prior to Reductions for Payments – Total of **Line 9** plus **Line 13** minus **Line 14**. This amount represents the adjusted total amount to be garnished by the garnishee and paid to the creditor over the life of the garnishment. The changes to this amount between reporting periods will be due to additional interest accumulating during the reporting period as well as other allowable costs and reductions for partial satisfactions of the debt paid by the debtor directly to the creditor for the debt being garnished.

Line 16. Payments received from the garnishee – Enter the amount from page 1 **Line 5.**

Line 17. Total Unsatisfied Judgment Balance Remaining Due – **Total Line 15** minus **Line 16**. This amount includes all remaining principle, interest and costs owed by the debtor and is the total amount remaining due as of the last day of the reporting period.

NOTE to Garnishees: Adjust the total amount to be garnished from the debtor to the amount shown on **Line 15** after receiving an updated Statement of Judgment Balance Remaining Due.

Garnishments that are paid to the court: the amount on **Line 15** will be reflected on Case.net as the Total Due after the CV93 has been submitted to the court and the court updates the garnishment account in the case management system.