

## Writ of Execution – Garnishment

We require three Writ Packages for garnishments. You will need three copies of each:

- Writ of Execution (sealed or e-filed)
- Writ of Execution Notice
- Claim for Exemption Form
- Major Exemption Form
- One (1) Order for Service Form
- Two sets of interrogatories (if needed)
- Appropriate Fees (see Fee Schedule)

For additional defendants, we will need one Writ Package for each.

For additional garnishees, we will need two Writ Packages for each.

If you have additional garnishees with interrogatories, you will need another two sets of interrogatories.

One stamped envelope (with attorney on the Writ’s return address) addressed to the defendant.

One self-addressed stamped envelope.

One Garnishee, One Defendant	\$67
Each Additional Garnishee	\$49
One Garnishee, One Defendant w/Interrogatories	\$67 plus \$49
Each Additional Garnishee w/Interrogatories	\$49 plus \$49
Each Additional Defendant	\$49P

\*Please contact Joseph Kowalko ([jkowalko@montcopa.org](mailto:jkowalko@montcopa.org)) 278-610-3849 or Charlene Warren ([CWarren@montcopa.org](mailto:CWarren@montcopa.org)) 610-278-3335 prior to filing.

## **Writ of Execution – Personal Property Levy**

You will need three copies of each:

- Writ of Execution (sealed or e-filed)
- Writ of Execution Notice
- Claim for Exemption Form
- Major Exemption Form
- Waiver of Watchman
- Certificate to the Sheriff
- One (1) Order for Service Form
- Deposit of \$315 to the Sheriff of Montgomery County
- Indemnification Form (when seizing property)

If you have additional defendants, you will need a Writ Package for each.

If a Writ is filed in another county, it must be indexed in Montgomery County.

If you are impounding a vehicle, you will also need a vehicle abstract. The owner of the vehicle must be the same as the defendant.

The Plaintiff is responsible for all cost incurred for towing and storage.

### **REQUIRED:**

- Two postage-paid envelopes with the attorney on the Writ's return address
- Two postage-paid envelopes with the defendant's return address

**\*\* Please be sure to fill out all forms completely.\*\***

## **Service of Levy**

Our deputies use one of two forms to perform a levy, one for residential properties and one for commercial properties.

Once the levy has been performed, our office will send the attorney on the Writ a copy of the Order for Service along with the Inventory Sheet. The defendant will receive a copy of the Writ and Inventory Sheet at the time of levy.

If the deputies are refused entry, it will be noted on the returned paperwork. Once a Break and Enter Order is obtained by the attorney on the Writ, the deputies will contact the attorney to schedule a locksmith to meet at the property on a set date and time.

Once the levy is complete, the attorney on the Writ may request in writing to have the property listed for sale.

## **Scheduling the Property for Sale**

Once the date has been determined, the Sheriff's Office will send a copy of the handbill to the attorney on the Writ, and the defendant.

The Sheriff's Office will also send a copy of the handbill to the Department of Revenue by certified mail.

Handbills are hung in the hallway, outside of the Sheriff's Main Office. They are also posted at the place of levy and sale location, if different.

## **Sale Process**

The first bid is made by the attorney on the Writ for cost. If there is no other bidding, the property will be sold for cost.

If there is bidding and the property is sold to a third party, the bidder will be required to pay in cash or certified funds after the sale.

The property will need to be removed immediately after the sale.

## **Sheriff's Poundage**

The Sheriff's Office is entitled to 2% poundage of the sale price.

**NOTE:** The Sheriff's Office is entitled to 2% of **any** amount collected.