

**Rule Change #1997(26)**  
**The Colorado Rules of Civil Procedure**  
**Chapter 13. Seizure of Property**  
**Rule 103. Garnishment**  
**Chapter 25. The Colorado Rules of County Court Civil Procedure**  
**Rule 403. Garnishment**  
**Appendix to Chapters 1 to 17A**  
**Form 26. Writ of Continuing Garnishment**  
**Form 27. Calculation of the Amount of Exempt Earnings**  
**Form 28. Objection to Calculation of the Amount of Exempt Earnings**

**Rule 103/403. Garnishment**

**SECTION 1**

**WRIT OF CONTINUING GARNISHMENT**  
**(ON EARNINGS OF A NATURAL PERSON)**

(a) through (j) \* \* \* [NO CHANGE] \* \* \*

**(k) Answer and Tender of Payment by Garnishee.**

(1) The garnishee shall FILE THE answer TO the writ of continuing garnishment WITH THE CLERK OF THE COURT AND SEND A COPY TO THE JUDGMENT CREDITOR no less than five (5) nor more than ten (10) days following the time the judgment debtor receives earnings for the first pay period affected by such writ, or forty (40) days following the date such writ was served pursuant to section (1)(d) of this rule, whichever is less.

(2) The garnishee shall pay any nonexempt earnings and deliver a calculation of the amount of exempt earnings to the clerk of the court which issued such writ no less than five (5) nor more than ten (10) days following the time the judgment debtor receives earnings affected by such writ. HOWEVER, IF THE JUDGMENT CREDITOR IS REPRESENTED BY AN ATTORNEY, OR IS A COLLECTION AGENCY LICENSED PURSUANT TO SECTION 12-14-101, ET SEQ, C.R.S., THE GARNISHEE MAY BE DIRECTED TO PAY ANY NONEXEMPT EARNINGS AND DELIVER A CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS TO THE ATTORNEY OR THE LICENSED COLLECTION AGENCY.

(3) \* \* \* [NO CHANGE] \* \* \*

**(l) Disbursement of Garnished Earnings.**

~~(4) If no objection is filed by the judgment debtor within five (5) days of the receipt of nonexempt earnings by the clerk of the court, the clerk shall disburse said funds to the judgment creditor without further application or order and enter the disbursement in the court records. The judgment creditor shall refund to the clerk of the court any disbursement in excess of the amount necessary to satisfy the judgment.~~

(1) IF NO OBJECTION IS FILED BY THE JUDGMENT DEBTOR WITHIN FIVE (5) DAYS, THE GARNISHEE SHALL SEND THE NONEXEMPT EARNINGS TO THE ATTORNEY, COLLECTION AGENCY LICENSED PURSUANT TO SECTION 12-14-101, ET SEQ. C.R.S., OR COURT DESIGNATED ON THE WRIT OF CONTINUING GARNISHMENT (C.R.C.P. FORM 26, PAGE 1, PARAGRAPH E). THE JUDGMENT CREDITOR SHALL REFUND TO THE JUDGMENT DEBTOR ANY DISBURSEMENT IN EXCESS OF THE AMOUNT NECESSARY TO SATISFY THE JUDGMENT.

~~(2) If a written objection to the calculation of exempt earnings is filed with the clerk of the court, the garnished nonexempt earnings shall be placed in the registry of the court pending further order of the court.~~

(2) IF A WRITTEN OBJECTION TO THE CALCULATION OF EXEMPT EARNINGS IS FILED WITH THE CLERK OF THE COURT, THE GARNISHEE SHALL SEND THE GARNISHED NONEXEMPT EARNINGS TO THE CLERK OF THE COURT. THE GARNISHED NONEXEMPT EARNINGS SHALL BE PLACED IN THE REGISTRY OF THE COURT PENDING FURTHER ORDER OF THE COURT.

(m) REQUEST FOR ACCOUNTING OF GARNISHED FUNDS BY JUDGMENT DEBTOR. UPON REASONABLE WRITTEN REQUEST BY A JUDGMENT DEBTOR, THE JUDGMENT CREDITOR SHALL PROVIDE AN ACCOUNTING IN WRITING OF ALL FUNDS RECEIVED TO THE DATE OF THE REQUEST, INCLUDING THE BALANCE DUE AT THE DATE OF THE REQUEST.

SECTIONS 2 THROUGH 5 \* \* \* [NO CHANGE] \* \* \*

## SECTION 6

### JUDGMENT DEBTOR'S OBJECTION— WRITTEN CLAIM OF EXEMPTION—HEARING

(a) Judgment Debtor's Objection to Calculation of Exempt Earnings Under Writ of Continuing Garnishment.

(1) through (2) \* \* \* [NO CHANGE] \* \* \*

(3) The written objection ~~to be~~ SHALL BE filed WITH THE CLERK OF THE COURT by the judgment debtor ~~shall be~~ in the form and content of Appendix to Chapters 1 to 17, Form 28, C.R.C.P.

(4) The judgment debtor shall, by certified mail, return receipt requested, immediately deliver a copy of such objection to the garnishee and the judgment creditor's attorney of record, or if none, to the judgment creditor. IF THE GARNISHEE HAS BEEN DIRECTED TO TRANSMIT THE NONEXEMPT EARNINGS TO AN ATTORNEY OR A COLLECTION AGENCY LICENSED PURSUANT TO SECTION 12-14-101, ET SEQ. C.R.S., THEN UPON RECEIPT OF THE OBJECTION, THE GARNISHEE SHALL TRANSMIT THE NONEXEMPT EARNINGS TO THE CLERK OF THE COURT.

(5) Upon the filing of a written objection, all proceedings with relation to ~~said~~ THE earnings of the judgment debtor in possession and control of the garnishee, THE JUDGMENT CREDITOR, THE ATTORNEY FOR THE JUDGMENT CREDITOR, or in the registry of the court shall be stayed until the written objection is determined by the court.

(b) through (e) \* \* \* [NO CHANGE] \* \* \*

## SECTION 7

### FAILURE OF GARNISHEE TO ANSWER (ALL FORMS OF GARNISHMENT)

#### (a) Default Entered by Clerk of Court.

(1) If a garnishee, having been served with any form of writ provided for by this rule, fails to answer or pay any nonexempt earnings ~~to the clerk of the court~~ AS DIRECTED within the time required, the clerk of the court shall enter a default against such garnishee upon request.

(2) \* \* \* [NO CHANGE] \* \* \*

(b) \* \* \* [NO CHANGE] \* \* \*

SECTIONS 8 THROUGH 11 \* \* \* [NO CHANGE] \* \* \*

## SECTION 12

### RELEASE AND DISCHARGE OF GARNISHEE (ALL FORMS OF GARNISHMENT)

(a) \* \* \* [NO CHANGE] \* \* \*

(b) Effect of Payment. Payment by a garnishee of any sums required to be remitted by such garnishee pursuant to Sections 1 (k)~~(1)~~(2) or 3 (g)(2) of this rule shall release and discharge such garnishee from all claims or demands of the judgment debtor to the extent of all such sums paid. ~~to the clerk of the court.~~

(c) \* \* \* [NO CHANGE] \* \* \*

SECTION 13 \* \* \* [NO CHANGE] \* \* \*