

STATE OF VERMONT

SUPERIOR COURT

Unit

CIVIL DIVISION

Case No. _____

Plaintiff Name	V.	Defendant Name
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MOTION FOR TRUSTEE PROCESS (Non-Wage Garnishment)

(12 V.S.A. § 3011, V.R.S.C.P. 9, and V.R.C.P. 4.2)

- I obtained a judgment against _____ (name) on _____ (date) in the amount of \$_____.
- The judgment has not been paid in full. A total of \$_____ has been paid towards the judgment.
- To help pay the judgment, I wish to garnish non-wage funds from the following person or company. The funds are held for, or owed to, the debtor.
Name of person or company holding or owing money:

Address of person or company holding or owing money:

- The total amount currently due is:

Judgment amount not paid: \$ _____
 Costs of filing this motion: \$ _____
 Interest since date of judgment: \$ _____
 Total due: \$ _____

I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the court.

Date _____ Signature _____

Printed Name _____

Mailing Address _____

Home/Cell Phone _____
Work Phone _____

Email Address _____

Recognizance signed by _____ (name) has been received by me in the amount of \$50.00. The surety must be someone other than the Plaintiff (12 V.S.A. § 3087).

Definitions

- A party who gets a judgment is called the **'creditor'** or **'judgment creditor'**. The creditor is the person who is *'owe'* money.
- A party who owes the money is called the **'debtor'** or **'judgment debtor'**. The debtor is the person who *'owe'* money.
- A third party holding the assets of the debtor – such as the debtor's bank – is called a **'trustee'**.

INSTRUCTIONS FOR CREDITOR

Required Documents

The following documents must be given to (served on) the debtor and the trustee:

- Trustee Summons (from the court)
- A copy of the filed Motion for Trustee Process (Non-Wage Garnishment) (form 100-00505)
- Notice of the date and time of the hearing
- Trustee Disclosure (Non-Wage Garnishment) (form 100-00505)
- List of Exemptions (form 100-00511)

Service

The documents must be served on the debtor and trustee by a sheriff. Give the sheriff two sets of the documents listed above – one for the debtor, one for the trustee.

Once the sheriff has served the papers, they will give you a document called a Return of Service for each person served. File the Return of Service forms and a Certificate of Service (form 100-00260) with the court to show they were served.

More Information

Find forms and more information on the Vermont Judiciary's website: www.vermontjudiciary.org. Search **small claims** and choose the **Collecting a Small Claims Judgment** link.