

SMALL CLAIMS NON-EARNINGS GARNISHMENT CHECKLIST

– MILWAUKEE COUNTY

To be used when you know the bank or accounts of the party who owes you the judgment (the debtor).

FILING AND SERVICE FEES (May be waived with approved fee waiver)

- \$96: Filing fee
- \$3: Garnishee fee
- \$75: Each, for service to both the debtor and garnishee through the Milwaukee County Sheriff

FORMS and COPIES NEEDED

- **Summons and Complaint Non-Earnings Garnishment – Small Claims (SC-302)** (Original and 3 copies)
- **Petition for Waiver of Fees & Costs (fee waiver) (CV-410 A & B)** (Original only)
- **Creditor's Objection to Answer(s), Non-Earnings Garnishment – Small Claims (SC-304)** (See Section C below)

SECTION A: Requesting a Fee Waiver

If you intend to request that the Court waive the filing and service fees, complete the following steps. If you are not requesting a fee waiver, move to Section B.

- Get Proof of Income or Proof of Public Assistance
 - The Milwaukee County Law Library (Room G8-1) can help print proof of FoodShare.
 - Other proof of income/assistance (1 mo. worth of pay stubs, SSI/SSDI statement, etc.) must come from your records or the issuing agency
- Take notarized fee waiver AND proof of income / public assistance to **Room 609 (Chief Judge's Office)**

SECTION B: Filing the Non-Earnings Garnishment

Complete the following steps in order.

- File original documents and all copies in **Room 104 (Clerk of Court)**
 - Show approved fee waiver or pay the filing fee
 - You will receive a court date at this time.
- Serve** the bank a copy of the Summons and Complaint along with the \$3.00 garnishee fee.
 - Because personal service on a bank has certain legal requirements, please seek legal advice to ensure you are doing this correctly.
- Serve** the debtor a copy of the Summons and Complaint **within 10 business days of the date the bank was served**.
 - If the other party lives in Milwaukee County, you can serve through the **Milwaukee County Sheriff's Department (Safety Building, Room 102)**
 - If you are unable to use the Milwaukee County Sheriff, you may attempt service in one of the following ways: a) Sheriff's Department in the county where the other party lives; b) A private process server

SECTION C: Next Steps

- Save your proof that the bank and the debtor have been served. You must bring that to your hearing.
- If the debtor or bank files and answer, you may complete the **Creditor's Objection to Answer(s) and Demand for Hearing Non-Earnings Garnishment – Small Claims**. Bring this and two copies to your hearing date.
- Arrive to the courthouse early. Be sure to plan for travel/parking, going through security, and finding the right courtroom.
- If the matter is not resolved in front of a Small Claims Commissioner, you will have another date assigned for a hearing in front of the Judge.