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## How to File an Objection to Garnishment

These are step-by-step instructions to help you file your Objection to Garnishment. It is best to read them all the way through before starting. **Keep a copy of everything you file for your records.**

### Step 1. Prepare your forms and find out how you will file

Use the [Do-It-Yourself Objection to Garnishment](https://michiganlegalhelp.org/self-help-tools/money-and-debt/do-it-yourself-objection-garnishment) tool to prepare the form you need.

There is no fee for filing an Objection to Garnishment.

Some of the steps later in these instructions may have slightly different information for you depending on how you will file with the court, and so you may want to learn more about the choices in your area.

Each court decides how it will accept documents for filing. Contact your court to find out which methods are available. Depending on your court, you may be able to file by:

* In-person filing
* E-mail
* E-Filing using MiFILE
* Mailing or dropping off documents

You can find contact information for your court on the [Courts & Agencies](https://michiganlegalhelp.org/node/217) page of Michigan Legal Help.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-Filing](https://www.courts.michigan.gov/siteassets/mifile/mifilecourtlist.pdf). To learn more, read [What Is E-Filing?](https://michiganlegalhelp.org/node/11056).

### Step 2. Sign your forms and make copies

Sign the objection on the Defendant's signature line. It is under the “Objections to Garnishment” heading and before the “Notice of [Hearing](https://michiganlegalhelp.org/taxonomy/term/169) on Objections” heading. If you chose to sign electronically, this is already done. The electronic signature will look like this: /s/ *Your Name*.

After you sign your objection, make four copies of it. If you are filing either by e-mail or using MiFILE, you will not need to make copies.

### Step 3. File your objection with the court

File your form and the copies with the court clerk’s office in the court where your case and the [writ of garnishment](https://michiganlegalhelp.org/taxonomy/term/168) were filed.

Contact your court to find out which filing methods are available. Depending on your court, you may be able to file electronically. To learn more about filing methods that may be available, read Step 1. If you are e-Filing using MiFILE you will need to know the case-type code. The case type code should be SC, GC, or CK. You can check the case number to find out which code to use.

If you file by mail, include a self-addressed stamped envelope so the clerk can return to you copies with the Notice of Hearing section filled out.

If you file in person, give the clerk the original and all the copies. The clerk will give you back what the court doesn’t need after stamping and signing the documents. Ask the clerk how the Notice of Hearing section will be filled out and how you will get copies with that section filled out.

If you are filing by MiFILE or email, call the court and ask how they would like the Notice of Hearing section to be filled out. If the clerk will fill it out, ask how you will get copies with that section filled out.

### Step 4. Serve the objection

Look at the header (the top section) of the [Writ of Garnishment](https://michiganlegalhelp.org/taxonomy/term/168) you got to see if your case is in circuit or district court.

If your case is in district court, the clerk will [serve](https://michiganlegalhelp.org/taxonomy/term/161) your objection on your [creditor](https://michiganlegalhelp.org/taxonomy/term/298) (the plaintiff) and the [garnishee](https://michiganlegalhelp.org/taxonomy/term/134). You will only get one copy back.

If your case is in circuit court, you must serve the objection on your creditor and the garnishee. You must serve the objection with the Notice of Hearing section filled out, so you should wait to get those copies from the clerk before serving the other parties. If the creditor has an attorney, serve the creditor’s attorney instead of the creditor. You must serve these documents electronically if you can and if the other parties have access to e-mail. If you or the other parties can't do this electronically, or if you are not sure, you can serve it by regular mail.

If you are using MiFILE to file documents electronically, your documents will be served (sent to the other party) electronically as long as the other party is also using MiFILE. If the other party is not using MiFILE, you will need to serve (send) the documents by e-mail, if possible, or by regular mail if electronic options are not available.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-filing](https://courts.michigan.gov/Administration/admin/Documents/MiFILE/MiFILECourtList.pdf). To learn more, read [What Is E-Filing?](https://michiganlegalhelp.org/self-help-tools/e-filing/what-e-filing).

If you are serving documents by e-mail, keep the following rules in mind:

* All documents must be in PDF format;
* The e-mail subject line must include the name of the court, case name, case number, and the title of each document being sent;
* If you e-mail a document at or before 11:59 p.m., it is considered served on that day. If you send the e-mail on a Saturday, Sunday, or legal holiday, it is considered served on the next business day;
* Do not delete any e-mails you send to the other party, especially e-mails that served court documents. You must keep a record of sent items until a judgment or final order is entered and all appeals have been completed.

After you serve the notice, sign and date the Certificate of Mailing section of your objection. Make a copy, and give it to the clerk. File the Certificate of Mailing the same way you filed your other documents.

If you served the motion electronically, cross out the part of the Certificate of Mailing section that says “first-class mail addressed to their last-known address as defined in MCR 2.107(C)(3)” and write how you served your documents. If it is by e-mail, include the e-mail address you used. For example, you could write “I served this document by e-mail to emailaddress@email.com.”

**If you served the other party using MiFILE, you will not need to file a Proof of Service. MiFILE will create and file a Proof of Service for you.**

### Step 5: Get ready for your hearing

Prepare yourself before the day of the [hearing](https://michiganlegalhelp.org/taxonomy/term/169) — make a list of what you think the judge needs to know. Review the reasons for your objection. Be ready to explain to the judge why you are exempt from garnishment.

Gather your [evidence](https://michiganlegalhelp.org/taxonomy/term/131). Evidence is what you show a court to prove your case. It includes any documents that support it, as well as statements from other people who know firsthand about what happened.

### Step 6: Attend the hearing

These are brief instructions about going to court. To learn more, watch the [Going to Court](https://michiganlegalhelp.org/videos) video.

Attend the [hearing](https://michiganlegalhelp.org/taxonomy/term/169) and be prepared to tell the judge why you are exempt from garnishment. The hearing will take place at the time and location stated in the notice.

Go to the hearing location on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes before your scheduled hearing time. Go to the clerk and tell them your name, that you are there for a hearing, and that you are representing yourself. Follow the clerk’s directions and do not interrupt any hearing in progress.

Be prepared to spend most of the morning or afternoon in court. Bring your witnesses and your [evidence](https://michiganlegalhelp.org/taxonomy/term/131) with you. Remember to speak clearly, answer any questions the judge asks, and don’t interrupt the judge or the other party.

Remember that when people represent themselves in court, they are expected to follow the same rules an attorney does.

When you are called, go to the podium and tell the judge:

* Your name
* That you’re representing yourself
* What you would like the court to order
* The facts or reasons for your request, including the evidence you’ve brought
* If you have any witnesses who are willing to testify
* Any other information you think the court should hear

Answer the judge’s questions clearly and directly. If the judge wants to hear from your other witnesses, ask them to tell the court what they know or saw regarding your situation.

If your [creditor](https://michiganlegalhelp.org/taxonomy/term/298) or your creditor’s attorney is in court, they will also have a chance to speak. Take notes so you can ask questions when it is your turn.

### Step 7: Get your order signed by the judge

After the [hearing](https://michiganlegalhelp.org/taxonomy/term/169), the judge will issue an order granting or denying your objection. Bring an order form to the hearing with you. Fill it out so it says what the judge orders in court. Ask the judge to sign it at the hearing.

### Step 8: Serve the order

Send a copy of the order to the [garnishee](https://michiganlegalhelp.org/taxonomy/term/134). The garnishee is the person or institution that has control of your money, usually your bank or employer. Some courts will send the order for you. Check with the court clerk to find out.