

QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV OR IN EXAMPLIFY ANSWER SCREEN 11

On November 1, 2019, the state district court in Michigan entered two separate default money judgments in favor of plaintiff Hi-Time Credit Card Company. One judgment was against defendant Darla and the other against defendant Bernard. Both judgments arose out of a significant past due credit card account balance. At Hi-Time's request when the judgments were not satisfied after a year, the court issued writs of garnishment, which Hi-Time served on the following garnishees: (1) Darla's bank, seeking to receive any funds it was then holding in her bank account; (2) Bernard's corporate employer, seeking to periodically receive (i.e., every pay day) the maximum legal portion of his wages; and (3) the State of Michigan, seeking to receive any state income tax refund due to them both in 2021.

Both defendants filed objections to garnishment with the court. Darla's objections to the bank garnishment are based on her assertion that the monies are legally exempt from garnishment because half of her bank account is populated with her social security benefits, and the remaining half is comprised of retirement pension benefits from her former employment as a public school teacher. She also objects to garnishing any Michigan income tax refund, citing financial hardship.

Bernard bases his objections to both the wage and the income tax refund garnishments on the fact of a previously court entered installment payment order with Hi-Time that he has been honoring, and which allows him to pay that judgment balance in \$150 monthly installments.

Applying Michigan law, and assuming the facts alleged by each defendant in their respective objections are true, fully discuss whether Hi-Time is entitled to enforcement of the writs of garnishment.