

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 29 1991

# United States Bankruptcy Court

For the NORTHERN District of IOWA

BARBARA A. EVERLY, CLERK

IN RE:  
RUSSELL L. COX,  
Debtor(s),  
UNITED STATES OF AMERICA  
v.  
RUSSELL L. COX,  
Defendant

Chapter 7  
Case No. L91-00086W

Adversary Proceeding No. L91-0056W

## JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable  
**MICHAEL J. MELLOY**, United States Bankruptcy Judge, presiding, and  
the issues having been duly tried or heard and a decision having been rendered.

[OR]

The issues of this proceeding having been duly considered by the Honorable  
**MICHAEL J. MELLOY**, United States Bankruptcy Judge, and a decision  
having been reached without trial or hearing,

### IT IS ORDERED AND ADJUDGED:

The debt owed by defendant Russell L. Cox to the plaintiff, United States of America, in the amount of \$9,239.86, is determined to be a nondischargeable debt.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: May 29, 1991

BARBARA A. EVERLY

Clerk of Bankruptcy Court

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By: Michael A. Bolay  
Deputy Clerk

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 29 1991

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:	Chapter 7 BANKRUPTCY NO.
RUSSELL L. COX,	L-91-00086W
Debtor.	
-----	
UNITED STATES OF AMERICA,	ADVERSARY NO.
Plaintiff,	L-91-0056W
v.	
RUSSELL L. COX,	
Defendant.	

**ORDER RE: SCHEDULING CONFERENCE**

A scheduling conference and motion for judgment on the pleadings came on for hearing on May 28, 1991. Appearing for the plaintiff was Assistant United States Attorney Ana Maria Martel; appearing for the defendant was attorney John S. Tremaine.

The Court, having reviewed the pleadings and being advised by counsel, finds that a judgment for nondischargeability of debt owed to Farmers Home Administration should be entered. The parties also stipulated and agreed that the balance of plaintiff's complaint requesting that discharge be denied pursuant to § 727 may be dismissed.

IT IS THEREFORE ORDERED that judgment shall enter finding that a debt in the amount of \$9,239.86, owed by the defendant, Russell L. Cox, to the plaintiff, United States of America, is determined to be a nondischargeable debt.

IT IS FURTHER ORDERED that the balance of the complaint,  
specifically that portion requesting that debtor's discharge be  
denied pursuant to 11 U.S.C. § 727(a)(5) is dismissed.

DONE AND ORDERED this 28<sup>th</sup> day of May, 1991.

  
MICHAEL J. MELLOY  
Chief Bankruptcy Judge

Copies to: *(w/ Judgment)*  
Ana Maria Martel,  
Atty for plaintiff;  
John S. Tremaine,  
Atty for defendant;  
U.S. Trustee;  
this May 29, 1991

*Marian A. Golay*  
Deputy Clerk, U.S. Bankruptcy Court  
P.O. Box 74890  
Cedar Rapids, Iowa 52407

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

~~FILED~~  
~~U.S. BANKRUPTCY COURT~~  
~~NORTHERN DISTRICT OF IOWA~~  
~~97 FEB -7 PM 4:05~~  
~~CLERK'S OFFICE~~

IN RE: )  
)  
RUSSELL L. COX, )  
)  
)  
Debtor. )  
)  
)  
UNITED STATES OF AMERICA, )  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
RUSSELL L. COX, )  
)  
)  
Defendant. )

Chapter 7  
Bk. No. L91-00086W

Adv. No. L91-0056W

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 07 1997

GEORGE D. PRENTICE, II, CLERK

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States Bankruptcy Court to issue a Writ of Garnishment upon the judgment entered against the Defendant Russell L. Cox (hereafter referred to as "the judgment debtor") Social Security number 485-78-3006, whose last known address is: 2394 Timber Avenue, Readlyn, IA, 50668. A judgment in the amount of \$9,239.86 was entered against the judgment debtor on or about May 29, 1991, for a dischargeable debt in the above cited action. The sum of \$3,022.00 has

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been credited to the judgment debt, with a total balance due of \$6,222.86 as of February 5, 1997.

Plaintiff further requests that it be allowed to recover as part of this garnishment, a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$622.28, pursuant to 28 U.S.C. § 3011(a).

Demand for payment of the above-stated debt was made upon the judgment debtor, and the judgment debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the judgment debtor, and said property is a nonexempt interest of the judgment debtor.

The name, address and telephone number of the Garnishee is:

Nestle Beverage Company  
70 6th Avenue NW  
Waverly, IA 50677

Respectfully submitted,

STEPHEN J. RAPP  
United States Attorney

By: *Kandice A. Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

FEB 07 1997

GEORGE D. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	
RUSSELL L. COX,	)	Chapter 7
	)	Bk. No. L91-00086W
	)	
Debtor.	)	
	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Nestle Beverage Company

An application for a Writ of Garnishment against the property of Russell L. Cox, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a nondischargeable debt with a present balance of \$6,222.86, as of February 5, 1997. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$622.28, pursuant to 28 U.S.C. § 3011(a).

*as per US entry 2-10-97*

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You are hereby required to withhold and retain pending further Order, any property or funds in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Russell L. Cox.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk, 425 Second Street, SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: 2394 Timber Avenue, Readlyn, IA, 50668, and upon the United States Attorney, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Under the law, there is property which may be exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying Clerk's Notice of Post Judgment Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the judgment debtor from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date \_\_\_\_\_

GEORGE D. PRENTICE, II  
U.S. BANKRUPTCY COURT CLERK

By: \_\_\_\_\_  
Deputy 

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FEB 07 1997

GEORGE D. PRENTICE, II, CLERK

IN RE:	)	
	)	
RUSSELL L. COX,	)	Chapter 7
	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS  
TO THE ABOVE-NAMED DEFENDANT OR DEBTOR:

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a judgment entered against you on May 29, 1991, and the Garnishment was served on Nestle Beverage Company, Garnishee, and it is believed that the Garnishee may, now or in the future, has or have property or funds of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file written objections to that answer

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or to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered directing disposition of the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the Clerk of the United States Bankruptcy Court, Northern District of Iowa, 425 Second Street SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. The objection must state your reasons for believing that this property is not subject to garnishment by the United States of America. A copy of the objection or other pleadings must also be served on: (1) the United States Attorney for the Northern District of Iowa, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, and (2) Nestle Beverage Company, 70 6th Avenue, Waverly, IA, 50677..

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

Respectfully submitted,

STEPHEN J. RAPP  
United States Attorney

By: *Kandice A. Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 07 1997

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

CLERK'S NOTICE OF POST-JUDGMENT WAGE GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a judgment in this case in the sum of \$9,239.86 for a nondischargeable debt. A balance of \$6,222.86 as of February 5, 1997, remains outstanding.

In addition, you are hereby notified that a portion of an individual's wages are exempt from garnishment under the law. This law protects some of the wages from being taken by the government. Attached are Instructions explaining how to compute the exempt

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portion of the judgment debtor's wages. This computation will be done automatically by the judgment debtor's employer.

If you are Russell L. Cox, you have a right to ask the Court to return your property to you if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at 425 Second Street SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

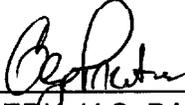
At the hearing you may explain to the judge why you believe the property the Government has taken is exempt. If you do not request a hearing within twenty (20) days of receiving this notice, a Court order will be entered directing that your garnished wages be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver

it in person to the Clerk of the Court, 425 Second SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: 2-7-97

  
\_\_\_\_\_  
CLERK, U.S. BANKRUPTCY COURT

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REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
or telephonically at \_\_\_\_\_  
(Telephone Number)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor

\_\_\_\_\_  
Judgment Debtor's printed name

*copy returned 2-15-97  
mg*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form

and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Instructions to the Garnishee Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

## CLAIM FOR EXEMPTION FORM

### MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
  - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
	\$ _____	\$ _____	\$ _____

\_\_\_ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_\_ 8f. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$_____
_____	
_____	

**NOTE:** If you select the Bankruptcy Code exemptions (lines 8a through 8f above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

\_\_\_ 9. State of Iowa, which generally provides exemptions for:

\_\_\_ 9a. Homestead Exemption

		<u>Statute</u>	<u>Fair Market Value</u>
___(i)	½ A in city plot (give address) _____ _____	§ 561.1	\$ _____
___(ii)	40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b.	Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	§ 627.6	\$ _____ \$ _____
___ 9c.	One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d.	Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e.	Burial Plot		\$ _____

<p>____ 9f.</p>	<p>Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>____ 9g.</p>	<p>Life insurance (describe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p>
<p>____ 9h.</p>	<p>Professionally prescribed health aids (describe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p>
<p>____ 9i.</p>	<p>Debtors rights</p> <p>(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)</p> <p>(2) Veterans Benefit</p> <p>(3) Disability or illness Benefits</p> <p>(4) Alimony, support or separate maintained to the extent necessary for support</p> <p>(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>

\_\_\_ 9j. Any combination of the following not to exceed a total value of \$5,000

(1) Musical instruments for personal use (describe)

\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_

(2) One motor vehicle (give make, model, year and license number)

\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_

(3) Tax refunds up to \$1,000

\$ \_\_\_\_\_

\_\_\_ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

\_\_\_ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

---

RUSSELL L. COX  
Judgment Debtor/Defendant

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	

TO: Nestle Beverage Company

INSTRUCTIONS TO THE GARNISHEE

**PLEASE READ THESE INSTRUCTIONS CAREFULLY, AS THEY REPRESENT A SIGNIFICANT CHANGE IN GARNISHMENT PROCEDURES THAN THAT WHICH MAY BE FAMILIAR.**

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property or funds of the judgment debtor listed therein, or any other property of the judgment debtor's. **Title 28,**

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**U.S.C. § 3205(c)(2)(E) requires that you file with the Court a written answer to this writ within 10 days of your receipt of this writ.** An answer form is attached for your use. You must also serve a copy of your answer on the judgment debtor and on the United States Attorney. You are further required to withhold and retain any property or funds in which the judgment debtor has a substantial non-exempt pending interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment served upon you. The amount garnished consists of all of these.
2. AMOUNT WITHHELD. Under federal law, 15 U.S.C. § 1673(a), you should withhold each pay period:
  - (a) 25% of disposable earnings each week, or
  - (b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage,

whichever is less. If the employee's disposable earnings equal at least the federal minimum hourly wage based upon a 40 hour work week, you will generally be required to withhold 25% of the employee's disposable earnings.

3. "DISPOSABLE EARNINGS" means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. § 1672(b): First National Bank v. Hasty, 415 S.Supp. 170 (E.D. Mich., 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).
4. DISBURSEMENT OF WITHHELD AMOUNTS. Each pay period, amounts withheld should be remitted to the Office of the United States Attorney.

Mail remittances to: United States Attorney Office  
Attn: Financial Litigation Unit  
P.O. Box 74950  
Cedar Rapids, Iowa 52407-4950

Your check or money order should be made payable to the "U.S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

5. THIS IS A CONTINUING GARNISHMENT. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property or funds held by you unless you re-instate or re-employ the judgment debtor within 90 days of termination or resignation.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE UNITED STATES OF AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Assistant United States Attorney  
Kandice A. Wilcox, at telephone number 319-363-6333 or by mail to: P.O. Box 74950,  
Cedar Rapids, Iowa, 52407-4950.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	

ANSWER OF THE GARNISHEE

\_\_\_\_\_, BEING DULY SWORN DEPOSES AND SAYS:  
(Name of Person Answering)

On the \_\_\_\_ day of \_\_\_\_\_, 1997, Nestle Beverage Company,  
Garnishee was served with the Writ of Continuing Garnishment. For the pay period in  
effect on the date of service, shown above: (check appropriate response)

Yes No

\_\_\_ \_\_\_ 1. Defendant is/was in my/our employ.

2. Pay period is \_\_\_ weekly, \_\_\_

\_\_\_ bi-weekly \_\_\_ semi-monthly, \_\_\_ monthly.

Enter date present pay period began. \_\_\_\_\_

(Present means the pay period in which this order and notice of garnishment were served)

Enter date above pay period ends. \_\_\_\_\_

3. Enter amount of net wages. Calculate below:

(a) Gross Pay \$ \_\_\_\_\_

(b) Federal income tax \$ \_\_\_\_\_

(c) F.I.C.A. income tax \$ \_\_\_\_\_

(d) State income tax \$ \_\_\_\_\_

Total of tax withholdings \$ \_\_\_\_\_

Net Wages \$ \_\_\_\_\_

(a) minus (b) (c) & (d)

Yes No

\_\_\_ \_\_\_ 4. Have there been previous garnishments in effect. If the answers is yes, describe below.

\_\_\_\_\_  
\_\_\_\_\_

5. Garnishee anticipates owing to the judgment-debtor in the future, the following amounts:

<u>Amount</u>	<u>Estimate date or Period Due</u>
1. \$ _____	_____

*copy returned  
2-10-97*

2. \$ \_\_\_\_\_

3. \$ \_\_\_\_\_

4. \$ \_\_\_\_\_

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

\_\_\_ The Garnishee makes the following claim of exemption on the part of Defendant:  
\_\_\_\_\_

\_\_\_ The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ The Garnishee is in no manner and upon no account indebted or under liability to the judgment debtor, Russell L. Cox, and that the Garnishee does not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Debtor, Russell L. Cox, 2394 Timber Avenue, Readlyn, IA, 50668 and (2) the attorney for the United States, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true and correct.

NESTLE BEVERAGE COMPANY  
Garnishee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Type or print name)

\_\_\_\_\_  
(Indicate your relationship  
to Garnishee -- i.e. President,  
Treasurer, Payroll Clerk, etc.)

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States Bankruptcy Court  
425 Second Street SE  
8th Floor, The Centre  
P.O. Box 74890  
Cedar Rapids, IA 52407-4890

and a copy of this Answer to:

United States Attorney's Office  
P.O. Box 74950  
Cedar Rapids, Iowa 52407-4950  
Attention: Financial Litigation Unit

and

Russell L. Cox  
2394 Timber Avenue  
Readlyn, IA 50668

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 13 1997

GEORGE D. PRENTICE, II, CLERK

IN RE:	)	
	)	
RUSSELL L. COX,	)	Chapter 7
	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
FEB 13 1997  
GEORGE D. PRENTICE, II, CLERK

ANSWER OF THE GARNISHEE

William E. Simonis, BEING DULY SWORN DEPOSES AND SAYS:  
(Name of Person Answering)

On the 12 day of February, 1997, Nestle Beverage Company,  
Garnishee was served with the Writ of Continuing Garnishment. For the pay period in  
effect on the date of service, shown above: (check appropriate response)

- Yes No
- X \_\_\_ 1. Defendant is/was in my/our employ.
2. Pay period is X weekly, \_\_\_

Recorded Vol. 115  
Page 27

\_\_\_ bi-weekly \_\_\_ semi-monthly, \_\_\_ monthly.

Enter date present pay period began. 2-10-97

(Present means the pay period in which this  
order and notice of garnishment were served)

Enter date above pay period ends. 2-16-97

3. Enter amount of net wages. Calculate below:

(a) Gross Pay \$ 549.20

(b) Federal income tax \$ 45.38

(c) F.I.C.A. income tax \$ 42.01

(d) State income tax \$ 23.57

Total of tax withholdings \$ 110.96

Net Wages \$ 438.24

(a) minus (b) (c) & (d)

Yes No

x \_\_\_ 4. Have there been previous garnishments in effect. If the answer is  
yes, describe below.

St. Francis Hospital & Dr. Panegos 1-23-90

St. Francis Hospital & Dr. Panegos 12-17-90

5. Garnishee anticipates owing to the judgment-debtor in the future,  
the following amounts:

<u>Amount</u>	<u>Estimate date or Period Due</u>
1. \$ <u>549.20</u>	<u>2-21-97</u>

2. \$ 549.20 2-28-97
3. \$ 549.20 3-7-97
4. \$ 549.20 3-14-97

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

The Garnishee makes the following claim of exemption on the part of Defendant:

\_\_\_\_\_

The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_

\_\_\_\_\_

The Garnishee is in no manner and upon no account indebted or under liability to the judgment debtor, Russell L. Cox, and that the Garnishee does not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Debtor, Russell L. Cox, 2394 Timber Avenue, Readlyn, IA, 50668 and (2) the attorney for the United States, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true and correct.

NESTLE BEVERAGE COMPANY  
Garnishee



Signature

William E. Simonis  
(Type or print name)

Manager, Human Resources  
(Indicate your relationship  
to Garnishee -- i.e. President,  
Treasurer, Payroll Clerk, etc.)

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States Bankruptcy Court  
425 Second Street SE  
8th Floor, The Centre  
P.O. Box 74890  
Cedar Rapids, IA 52407-4890

and a copy of this Answer to:

United States Attorney's Office  
P.O. Box 74950  
Cedar Rapids, Iowa 52407-4950  
Attention: Financial Litigation Unit

and

Russell L. Cox  
2394 Timber Avenue  
Readlyn, IA 50668

MAR 06 1997

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAR 06 1997

GEORGE D. PRENTICE, II

IN RE:	)	
	)	
RUSSELL L. COX,	)	Chapter 7
	)	Bk. No. L91-00086W
Debtor.	)	
	)	Adv. No. L91-0056W
UNITED STATES OF AMERICA,	)	
	)	AGREED FINAL ORDER
Plaintiff,	)	IN GARNISHMENT
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	
	)	
NESTLE BEVERAGE COMPANY,	)	
	)	
Garnishee.	)	

The parties, the United States of America, the Defendant Russell L. Cox, and the Garnishee, Nestle Beverage Company, agree and stipulate as follows:

1. The Defendant's Social Security Number and address are: Russell L. Cox, 485-78-3006, 2394 Timber Avenue, Readlyn, Iowa, 50668.
2. A judgment was entered against the Defendant in this action in the amount of \$9,239.86. A total balance due on the judgment is \$6,211.28 as of February 26, 1997.

Recorded:  
Vol. III page 27

3. The Garnishee, whose address is 70 6th Avenue NW, Waverly, Iowa, 50677, has in its possession, custody or control, property of the Defendant in the form of wages paid to the Defendant.

4. The Defendant waives his right to a hearing under Section 3206 of the Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. § 3205 and any other process to which the Defendant may be entitled under the FDCPA.

5. The Garnishee waives being heard in this matter and any other process to which the Garnishee may be entitled under the FDCPA.

6. The Defendant agrees and stipulates that his wages are subject to garnishment under 28 U.S.C. § 3205 and expressly agrees and stipulates that the entry of a Final Order in Garnishment is proper.

7. The parties therefore agree and stipulate to entry of a Final Order in Garnishment against all the non-exempt wages of the Defendant. It is expressly agreed and stipulated to by the parties that the Garnishee shall pay to the United States the total sum of \$50.00 per pay period, which shall be withheld from the wages owed to the Defendant.

8. These sums are to be applied upon the judgment rendered in this case. These payments are to continue for a period of one year, or until February 1, 1998 at which time the Defendant shall submit additional financial information to the Plaintiff and the agreed garnishment amount may be increased.

9. Checks should be made payable to the United States Department of Justice and mailed to P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950.

10. The Plaintiff shall not pursue administrating offsets, including that by the Internal Revenue Service, for so long as the Defendant is current on his monthly payments described at paragraph 7 above. In the event the Defendant fails to provide current monthly payments or otherwise fails to comply with this order, the Plaintiff shall be entitled to pursue administrative offsets, including those by the Internal Revenue Service and the Defendant specifically consents to the offset. Any payments applied to this claim by the Internal Revenue Service as a result of tax return offsets will be credited as a payment to the existing balance and will not be included as part of the periodic payments, nor will it affect the periodic payments.

11. The Defendant can at any time, request an accounting of the funds garnished. However, the Defendant hereby knowingly waives any rights that he may have under 28 U.S.C. § 3205(c)(9) to any automatic accounting.

Date 3/6/97



PAUL J. KILBURG, Judge  
United States Bankruptcy Court  
Northern District of Iowa

*Copy to us atty -  
Russell Coy  
& North Branch  
3.6.97  
mg*

CONSENTED TO:

Kandice A. Wilcox  
KANDICE A. WILCOX

Date: 3/3/97

Russell L. Cox  
RUSSELL L. COX

Date: 2/28/97

William E. ...  
NESTLE BEVERAGE COMPANY

Date: 2/28/97

638-7721

RECEIVED  
U.S. MARSHAL  
97 FEB 12 AM 8:33

U.S. Department of Justice  
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

FILED

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Bk. No. L 91-00086W
DEFENDANT RUSSELL L. COX	TYPE OF PROCESS See Below
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SERVE Russell L. Cox ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 2394 Timber Avenue Readlyn, IA 50668

IA  
CEDAR RAPIDS

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

97 FEB 25 AM 8:33

CEAR RAPIDS DISTRICT OFFICE

BY: *[Signature]*

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285
United States Attorney P.O. Box 74950 Cedar Rapids, IA 52407-4950	Number of parties to be served in this case
	Check for service on U.S.A.

MAR 07 1997

GEORGE D. PRENTICE, II, CLERK

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

PLEASE SERVE THE APPLICATION, WRIT, 2 CLERK'S NOTICE OF GARNISHMENT, INSTRUCTIONS TO GARNISHEE, AND NOTICE OF GARNISHMENT AND INSTRUCTIONS TO ABOVE DEFENDANT.

ALSO, PLEASE SERVE ON NESTLE BEVERAGE COMPANY BEFORE SERVING DEFENDANT RUSSELL L. COX.

Signature of Attorney or other Originator requesting service on behalf of: <i>Kandice A. Wilcox</i> Kandice A. Wilcox	XX PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 2/7/97
--	--	----------------------------------	----------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk <i>Jac</i>	Date 2/12/97
---	---------------	------------------------------	-----------------------------	--	-----------------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 2-19-97
	Time 8:30 pm
	Signature of U.S. Marshal or Deputy <i>Lt. Rich Greenlee</i>

Service Fee \$40.00	Total Mileage Charges (including endeavors) \$34.10	Forwarding Fee -	Total Charges \$74.10	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
------------------------	--	---------------------	--------------------------	------------------	--------------------------------	------------------

REMARKS:  
2 1/2 miles East of Readlyn on Hwy 3 then 1 mile South  
WORKS MIDNIGHT TO 8AM AT NESTLE, PACKAGE SECTION  
\* attempt 2/12

Recorded  
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page 27

U.S. Department of Justice  
United States Marshals Service

RECEIVED  
FEB 12 AM 8:39  
N/A  
CEDAR RAPIDS

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER BK No. L 91-00086W
DEFENDANT RUSSELL L. COX	TYPE OF PROCESS See Below

**SERVE**  **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Nestle Beverage Company
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 70 6th Avenue NW Waverly, IA 50677

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

United States Attorney P.O. Box 74950 Cedar Rapids, IA 52407-4950	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

PLEASE SERVE THE APPLICATION, WRIT, CLERK'S NOTICE OF GARNISHMENT, INSTRUCTIONS TO GARNISHEE AND ANSWER OF GARNISHEE.

ALSO, PLEASE SERVE NESTLE BEVERAGE COMPANY BEFORE SERVING DEFENDANT RUSSELL L. COX.

Signature of Attorney or other Originator requesting service on behalf of: <i>Kandice A. Wilcox</i> Kandice A. Wilcox	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 2/17/97
--	---	----------------------------------	-----------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 2/12/97
--	---------------	---------------------------	--------------------------	--	-----------------

I hereby certify and return that  I have personally served,  I have legal evidence of service,  I have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) <i>Bill Simonis, Mgr Human Resources</i>	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 2/17/97
	Time 12:25 pm
	Signature of U.S. Marshal or Deputy <i>[Signature]</i>

Service Fee 40.00	Total Mileage Charges (including endeavors) <del>44.32</del> 22.32	Forwarding Fee	Total Charges <del>84.64</del> 62.32	Advance Deposits	Amount owed to U.S. Marshal or - 0 -	Amount of Refund
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REMARKS:

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
FEB 07 1997  
GEORGE D. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

CLERK'S NOTICE OF POST-JUDGMENT WAGE GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a judgment in this case in the sum of \$9,239.86 for a nondischargeable debt. A balance of \$6,222.86 as of February 5, 1997, remains outstanding.

In addition, you are hereby notified that a portion of an individual's wages are exempt from garnishment under the law. This law protects some of the wages from being taken by the government. Attached are Instructions explaining how to compute the exempt

portion of the judgment debtor's wages. This computation will be done automatically by the judgment debtor's employer.

If you are Russell L. Cox, you have a right to ask the Court to return your property to you if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at 425 Second Street SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property the Government has taken is exempt. If you do not request a hearing within twenty (20) days of receiving this notice, a Court order will be entered directing that your garnished wages be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver

it in person to the Clerk of the Court, 425 Second SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: \_\_\_\_\_

\_\_\_\_\_  
CLERK, U.S. BANKRUPTCY COURT

---

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
or telephonically at \_\_\_\_\_  
(Telephone Number)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor

\_\_\_\_\_  
Judgment Debtor's printed name

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	

NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form

and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Instructions to the Garnishee Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION FORM**

**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
  - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____			

\_\_\_ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

\_\_\_\_ 8f. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	
_____	

**NOTE:** If you select the Bankruptcy Code exemptions (lines 8a through 8f above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

\_\_\_ 9. State of Iowa, which generally provides exemptions for:

\_\_\_ 9a. Homestead Exemption

		<u>Statute</u>	<u>Fair Market Value</u>
___(I)	½ A in city plot (give address) _____ _____	§ 561.1	\$ _____
___(ii)	40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b.	Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	§ 627.6	\$ _____ \$ _____
___ 9c.	One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d.	Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e.	Burial Plot		\$ _____

\_\_\_ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

\_\_\_ 9g. Life insurance (describe)

_____	\$ _____
_____	

\_\_\_ 9h. Professionally prescribed health aids (describe)

_____	\$ _____
_____	

\_\_\_ 9i. Debtors rights

(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)	\$ _____
(2) Veterans Benefit	\$ _____
(3) Disability or illness Benefits	\$ _____
(4) Alimony, support or separate maintained to the extent necessary for support	\$ _____
(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)	\$ _____
_____	
_____	

\_\_\_\_ 9j. Any combination of the following  
not to exceed a total value of  
\$5,000

(1) Musical instruments for personal use (describe) \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(2) One motor vehicle (give make, model, year and license number) \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(3) Tax refunds up to \$1,000 \$ \_\_\_\_\_

\_\_\_\_ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

\_\_\_\_ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

---

RUSSELL L. COX  
Judgment Debtor/Defendant

FEB 07 1997

GEORGE D. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	RAPIDS
RUSSELL L. COX,	)	Chapter 7
	)	Bk. No. L91-00086W
	)	
Debtor.	)	
	)	Ad
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	

*original*

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Nestle Beverage Company

An application for a Writ of Garnishment against the property of Russell L. Cox, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a nondischargeable debt with a present balance of \$6,222.86, as of February 5, 1997. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$622.28, pursuant to 28 U.S.C. § 3011(a).

You are hereby required to withhold and retain pending further Order, any property or funds in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Russell L. Cox.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk, 425 Second Street, SE, 8th Floor, The Centre, P.O. Box 74890, Cedar Rapids, IA, 52407-4890. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: 2394 Timber Avenue, Readlyn, IA, 50668, and upon the United States Attorney, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Under the law, there is property which may be exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying Clerk's Notice of Post Judgment Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the judgment debtor from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date 2-7-97

GEORGE D. PRENTICE, II  
U.S. BANKRUPTCY COURT CLERK

By:   
~~Deputy~~

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U. S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 20 1998

By: GEORGE D. PRENTICE, II  
Deputy

IN RE: )  
RUSSELL L. COX, )  
Debtor. )  
UNITED STATES OF AMERICA, )  
Plaintiff. )  
vs. )  
RUSSELL L. COX, )  
Defendant. )

Chapter 7  
Bk. No. L91-00086W  
Adv. No. L91-0056W

ANNUAL ACCOUNTING IN GARNISHMENT

To: Russell L. Cox  
2394 Timber Avenue  
Readlyn, IA 50668

Nestle Beverage Company  
70 6th Avenue NW  
Waverly, IA 50677

Pursuant to Title 18, U.S.C. § 3205(c)(9)(A), the United States of America submits the following accounting of the monies and property received under the Writ of Continuing Garnishment filed in the above entitled action.

Pursuant to the Agreed Final Order in Garnishment, two thousand nine hundred twenty-nine dollars (\$2,929.00) was withheld from the judgment debtor and applied to the judgment debt between February 7, 1997 and February 17, 1998.

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page 27

Respectfully submitted,

STEPHEN J. RAPP  
United States Attorney

By: *Kandice A Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

Copy handed to  
filing attorney  
on date filed *AN*

APR 14 1998

GEORGE D. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	Chapter 7
	)	Bk. No. L91-00086W
RUSSELL L. COX	)	
	)	
<i>Debtor.</i>	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA	)	
	)	
Plaintiff.	)	
	)	
vs.	)	
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	

FINAL ACCOUNTING IN GARNISHMENT

To: Russell L. Cox  
2394 Timber Avenue  
Readlyn, IA 50668

Nestle Beverage Company  
70 6th Avenue NW  
Waverly, IA 50677

Pursuant to Title 18, U.S.C. § 3205(c)(9)(A), the United States of America submits the following accounting of the monies and property received under the Writ of Continuing Garnishment filed in the above entitled action.

Pursuant to the Agreed Final Order in Garnishment, three thousand two hundred twenty-nine dollars (\$3,229.00) was withheld from the judgment debtor and applied to

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the judgment debt. This includes three hundred five dollars (\$305.00) received by the FSA.

Respectfully submitted,

STEPHEN J. RAPP  
United States Attorney

By: *Kandice A. Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

APR 14 1998

GEORGE B. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	Chapter 7
Plaintiff,	)	Bk. No. L91-00086W
	)	
vs.	)	Adv. No. L91-0056W
	)	
RUSSELL L. COX,	)	
	)	
Defendant.	)	
	)	
NESTLE BEVERAGE COMPANY,	)	
	)	
Garnishee.	)	

**TERMINATION OF GARNISHMENT AND FINAL ACCOUNTING  
UPON TERMINATION OF GARNISHMENT**

The garnishment filed on behalf of the United States of America, against Russell L. Cox, was terminated April 10, 1998, due to the debt being paid in full.

Pursuant to this garnishment, the United States has received a total of \$9,351.28 which has been applied to Defendant's account.

You are notified that you have ten (10) days from the receipt of this notice to file a written objection to the accounting and request a hearing in accordance with Title 28, U.S.C. § 3205(c)(9)(B). If you do object, you must state your grounds for objection and send the written objection to the United States District Court, 101 First Street, Federal

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Building, Cedar Rapids, Iowa, 52401, and the United States Attorney's Office, P.O. Box  
74950, Cedar Rapids, Iowa, 52407-4950.

Respectfully submitted,

STEPHEN J. RAPP  
United States Attorney

By: *Kandice A. Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

APR 14 1998

GEORGE D. PRENTICE, II, CLERK

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

RUSSELL L. COX, )

Defendant. )

Bk. No. L91-0086W

Adv. No. L91-0056W

SATISFACTION OF JUDGMENT

Plaintiff, United States of America, hereby acknowledges satisfaction of a judgment entered in favor of the United States of America, against the above-named defendant. This judgment was entered as a judgment lien in Bremer County, Doc. No. 19913939, on November 18, 1991. The clerk is hereby authorized and directed to enter full satisfaction of record in this action .

Respectfully submitted,  
STEPHEN J. RAPP  
United States Attorney

By: *Kandice A. Wilcox*

KANDICE A. WILCOX  
Assistant United States Attorney  
P. O. Box 74950  
Cedar Rapids, IA 52407-4950  
(319) 363-6333  
(319) 363-1990 - fax

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FEB 07 1997

GEORGE D. PRENTICE, II, CLERK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	RAPIDS
	)	Chapter 7
RUSSELL L. COX,	)	Bk. No. L91-00086W
	)	
	)	
Debtor.	)	
	)	Adv. No. L91-0056W
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
RUSSELL L. COX,	)	
	)	
	)	
Defendant.	)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Nestle Beverage Company

An application for a Writ of Garnishment against the property of Russell L. Cox, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a nondischargeable debt with a present balance of \$6,222.86, as of February 5, 1997. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$622.28, pursuant to 28 U.S.C. § 3011(a).