

MIDVALE JUSTICE COURT
 7505 S HOLDEN STREET, MIDVALE, UT 84047
 Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____,Plaintiff)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

Name _____,Defendant)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

**APPLICATION FOR
WRIT OF GARNISHMENT**

(non-wage)

Case No. _____

Instructions: You must attach the following records and forms if they are not already filed with the court. ~Continuation pages (If any, completing paragraphs that don't have enough space. Write the paragraph number on the continuation page.) ~ Writ of Garnishment and ~ Answers to Interrogatories for Property Other than Earnings (If applicable) ~ Writ of Continuing Garnishment and ~ Answers to Interrogatories for Earnings (If applicable) ~ Notice of Garnishment and Exemptions ~ Reply and Request for Hearing (2 copies) ~ Check payable to the Garnishee for the fee required by statute (If this Application is electronically filed, the fee must be delivered to the Garnishee when the Writ is served.) ~ Check payable to the Sheriff, Constable or Private Investigator for serving the Writ ~ Check payable to the court for the filing fee

I am the Plaintiff/Petitioner Defendant/Respondent. I am the attorney for the Plaintiff/Petitioner Defendant/Respondent my Utah Bar number is _____. By and through my attorney, I say that: (attorney, check here if you are appearing on behalf of your client.)

This is an application for a Writ of Garnishment (non-wage). I request that a Writ of Garnishment (non-wage) be issued and served upon each of the Garnishee(s) named below, along with the attached forms.

The amount due is:

Amount of Original Judgment	\$
Post-Judgment Interest (if any, if not, leave blank)	\$
Cost to file Application for Writ	\$ 50.00
Cost to serve this Writ (estimated okay)	\$
Garnishee's fee	\$ 10.00
Filing, Service fees and Garnishee Fees for other Writs (Attach receipts.)	\$
Subtotal	\$
Less Payments Made	-\$
Total Amount Due	\$

The Judgment debtor is:

Name:	
Address:	
SS# (last 4 digits only, if known):	
DL#(last 4 digits only, if known):	
Year and Month of Birth (If known):	

I believe that the following people hold property of the judgment debtor.

Person Holding Property (name, address, phone number)	Property Description (If and account, includes the location and last four digits of account number)	Estimated value of property	Is the property earnings?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Application for Writ of Garnishment(non-wage) continued

6. I believe that the following people claim an interest in the property, and I request that the Writ of Garnishment be served upon each, along with the attached forms:

Name of person claiming property interest	Address	Phone Number

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Application for Writ of Garnishment (non-wage) is true and correct.

Date _____ Sign here ► _____
 Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Application for Writ of Garnishment on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable & discretion residing there.)		
Midvale Justice Court (Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	7505 S Holden Street Midvale, UT 84047	
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date _____ Sign here ► _____
 Typed or printed name _____

MIDVALE JUSTICE COURT
 7505 S HOLDEN STREET, MIDVALE, UT 84047
 Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____, Plaintiff)
 Street Address _____) **Writ of Garnishment and Instructions**
 City, State, ZIP _____ Day Phone _____) **(non-wage)**
)

Name _____, Defendant) Case No. _____
 Street Address _____)
 City, State, ZIP _____ Day Phone _____)

TO: _____
 (Garnishee name and address)

- (1) Under the Utah State Code, the judgment creditor should have included with this Writ of Garnishment a fee to you. If the fee was not included, sign here and return the forms to the judgment creditor (or judgment creditor's attorney). _____
- (2) A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ _____. Papers filed with the court show that you may possess or control some of the judgment debtor's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. If you are the Garnishee (holder of the property), you are required to take certain steps to deliver the property or to hold it and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.
- (3) The Judgment debtor is:

Name:	
Address:	
SS# (last 4 digits only, if known):	
DL#(last 4 digits only, if known):	
Year and Month of Birth (If known):	

- (4) Within 7 business days after this writ is served on you, you must:
 - (A) answer the attached Interrogatories; and file your answers with the court;
 - (B) serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment creditor's attorney);
 - (C) serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the property. The papers to be served are:
 - one copy of this Writ of Continuing Garnishment;
 - one copy of your Answers to Interrogatories;
 - one copy of the Notice of Garnishment and Exemptions form; and
 - two copies of the Reply and Request for Hearing form.
- (5) You may serve the judgment creditor (or judgment creditor's attorney), the judgment debtor and any other person by hand delivery or by first class mail. The address of the judgment creditor (or judgment creditor's attorney) is at the top of the first page of this Writ.
- (6) What to do with the property.

- (A) DO NOT SEND THE PROPERTY TO THE COURT. You are to withhold from the judgment debtor the amount shown in your Answers to Interrogatories. You are to hold the property for 20 calendar days after you serve the judgment debtor.
 - (B) If you do not receive from the judgment debtor a Reply and Request for Hearing within 20 days after serving the judgment debtor, you are to deliver the property to the judgment creditor (or judgment creditor's attorney). You are then relieved from any liability unless it is shown that your Answers to Interrogatories are incorrect.
 - (C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.
- (7) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.
- (8) You may deliver to the judgment debtor in the normal course any property greater than you are required to withhold.
- (9) Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Date _____

Court Clerk Sign here ► _____

Certificate of Service

I certify that I served a copy of this Writ of Garnishment on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age & discretion residing there.)		
Midvale Justice Court (Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	7505 S Holden Street Midvale, UT 84047	
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Date _____

Sign here ► _____

Typed or printed name _____

MIDVALE JUSTICE COURT
 7505 S HOLDEN STREET, MIDVALE, UT 84047
 Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____, Plaintiff)
 Street Address _____) **Writ of Garnishment and Instructions**
 City, State, ZIP _____ Day Phone _____) **(non-wage)**
)

Name _____, Defendant) Case No. _____
 Street Address _____)
 City, State, ZIP _____ Day Phone _____)

TO: _____
 (Garnishee name and address)

- (1) Under the Utah State Code, the judgment creditor should have included with this Writ of Garnishment a fee to you. If the fee was not included, sign here and return the forms to the judgment creditor (or judgment creditor's attorney). _____
- (2) A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ _____. Papers filed with the court show that you may possess or control some of the judgment debtor's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. If you are the Garnishee (holder of the property), you are required to take certain steps to deliver the property or to hold it and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.
- (3) The Judgment debtor is:

Name:	
Address:	
SS# (last 4 digits only, if known):	
DL#(last 4 digits only, if known):	
Year and Month of Birth (If known):	

- (4) Within 7 business days after this writ is served on you, you must:
 - (A) answer the attached Interrogatories; and file your answers with the court;
 - (B) serve a copy of your Answers to Interrogatories on the judgment creditor (or judgment creditor's attorney);
 - (C) serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the property. The papers to be served are:
 - one copy of this Writ of Continuing Garnishment;
 - one copy of your Answers to Interrogatories;
 - one copy of the Notice of Garnishment and Exemptions form; and
 - two copies of the Reply and Request for Hearing form.
- (5) You may serve the judgment creditor (or judgment creditor's attorney), the judgment debtor and any other person by hand delivery or by first class mail. The address of the judgment creditor (or judgment creditor's attorney) is at the top of the first page of this Writ.
- (6) What to do with the property.

- (A) DO NOT SEND THE PROPERTY TO THE COURT. You are to withhold from the judgment debtor the amount shown in your Answers to Interrogatories. You are to hold the property for 20 calendar days after you serve the judgment debtor.
 - (B) If you do not receive from the judgment debtor a Reply and Request for Hearing within 20 days after serving the judgment debtor, you are to deliver the property to the judgment creditor (or judgment creditor's attorney). You are then relieved from any liability unless it is shown that your Answers to Interrogatories are incorrect.
 - (C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.
- (7) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.
- (8) You may deliver to the judgment debtor in the normal course any property greater than you are required to withhold.
- (9) Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Date _____

Court Clerk Sign here ► _____

Certificate of Service

I certify that I served a copy of this Writ of Garnishment on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age & discretion residing there.)		
Midvale Justice Court (Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	7505 S Holden Street Midvale, UT 84047	
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Date _____

Sign here ► _____

Typed or printed name _____

MIDVALE JUSTICE COURT
 7505 S HOLDEN STREET, MIDVALE, UT 84047
 Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____,Plaintiff)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

vs. _____)

Name _____,Defendant)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

**Garnishee's Answers to
 Interrogatories for property
 other than earnings (non-wage)**

Case No. _____

- (1) Write your answers in the spaces provided. Attach additional sheets if necessary.
- (2) Do you possess or control any property in which judgment debtor has an interest? (Property includes real and personal property, including money.)
- ANSWER: Yes No
- (3) If "no," skip the remaining questions, sign the form, and mail it as indicated. If "yes," explain in the table below.

Describe the Property	Nature of Judgment Debtor's Interest In the Property	The Property Is Due to the Judgment Debtor on: (Date)	Value of Judgment Debtor's Interest in the Property
			\$
			\$
			\$
Total*			\$

(*Unless you deduct an amount under paragraph (4), this is the amount you must withhold from the judgment debtor. The Writ of Garnishment directs what to do with the property.)

- (4) You may deduct from the amount to be withheld money owed to you by the judgment debtor or the judgment creditor, if the amount of money owed is not disputed.

ANSWER: Undisputed amount owed to you: \$ _____ by
 Judgment Debtor Judgment Creditor

- (5) Do you know about any of the judgment debtor's other property or other debts to judgment debtor?

ANSWER: Yes No

(6) If yes, please explain in the table below.

ANSWER:

Description of Property	Name and Address of Person with Possession	Nature and Value of Judgment Debtor's Interest

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Garnishee's Answers to Interrogatories for Property other than Earnings is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Garnishee's Answers to Interrogatories for property other than earnings on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age & discretion residing there.)		
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Date _____ Sign here ► _____

Typed or printed name _____

MIDVALE JUSTICE COURT
7505 S HOLDEN STREET, MIDVALE, UT 84047
Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____, Plaintiff)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

)

Name _____, Defendant)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

I am the Plaintiff/Petitioner Defendant/Respondent Attorney for the Plaintiff/Petitioner
 Defendant/Respondent and my Utah Bar number is _____

Reply and Request for Hearing

Case No. _____

(1) I have read the Notice of Garnishment and Exemptions form. I understand that, by filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I believe that the creditor has improperly garnished some of my money or property to pay the judgment.

(2) I request that this matter be scheduled for a hearing.

(3) The garnished property is: Funds in an account Wages Other Property

(4) The Writ of Garnishment was issued improperly because:

(5) The Answers to Interrogatories are inaccurate because:

(6) All [or this part: \$ _____] of the property is exempt because it is:

- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Retirement benefits.
- Public assistance.
- Money for child support, alimony or separate maintenance.
- Compensatory damages from bodily injury or wrongful death.
- The proceeds of a life insurance contract or trust.

- Exempt wages.
- Owned by another person.
- Other. Explain.

(7) The judgment creditor owes me money because:

(8) I claim ownership of all or part of the money or property taken, and I am not one of the persons against whom a judgment was entered. Explain.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Reply and Request for Hearing is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Reply and Request for Hearing on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age & discretion residing there.)		
Midvale Justice Court (Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	7505 S Holden Street, Midvale, UT 84047	
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Date _____

Sign here ► _____

Typed or printed name _____

MIDVALE JUSTICE COURT
7505 S HOLDEN STREET, MIDVALE, UT 84047
Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

Name _____,Plaintiff)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

_____)

Name _____,Defendant)

Street Address _____)

City, State, ZIP _____ Day Phone _____)

I am the Plaintiff/Petitioner Defendant/Respondent Attorney for the Plaintiff/Petitioner
 Defendant/Respondent and my Utah Bar number is _____

Reply and Request for Hearing

Case No. _____

(1) I have read the Notice of Garnishment and Exemptions form. I understand that, by filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I believe that the creditor has improperly garnished some of my money or property to pay the judgment.

(2) I request that this matter be scheduled for a hearing.

(3) The garnished property is: Funds in an account Wages Other Property

(4) The Writ of Garnishment was issued improperly because:

(5) The Answers to Interrogatories are inaccurate because:

(6) All [or this part: \$_____ of the property is exempt because it is:

- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Retirement benefits.
- Public assistance.
- Money for child support, alimony or separate maintenance.
- Compensatory damages from bodily injury or wrongful death.
- The proceeds of a life insurance contract or trust.

- Exempt wages.
- Owned by another person.
- Other. Explain.

(7) The judgment creditor owes me money because:

(8) I claim ownership of all or part of the money or property taken, and I am not one of the persons against whom a judgment was entered. Explain.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Reply and Request for Hearing is true and correct.

Date _____ Sign here ► _____
 Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Reply and Request for Hearing on the following people.

Business or Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age & discretion residing there.)		
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Date _____ Sign here ► _____
 Typed or printed name _____

NOTICE OF GARNISHMENT AND EXEMPTIONS

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.

- (1) A judgment for money has been entered against you, and the creditor has taken steps to garnish your money or property to pay the judgment. If you think the creditor has improperly garnished some of your money or property, you may object to the garnishment by taking the steps described below. You may not use these steps to object to the judgment. **If you think the judgment itself is improper, you must file a timely motion under Utah Rule of Civil Procedure 60(b) to set the judgment aside.**
- (2) If you are the judgment debtor in this action, your rights may be affected. You should read this notice and take steps to protect your rights.
- (3) If you are not the judgment debtor in this action, papers filed with the court indicate that you may have an interest in the judgment debtor's property. Your rights may be affected, and you should read this notice and take steps to protect your rights.
- (4) The Garnishee (someone who possesses your property) has been ordered to hold your property. This means that you cannot obtain the property and it may be used to pay a judgment creditor.
- (5) Certain property and money are exempt from execution (cannot be garnished). The following is a partial list of exempt property and money, but some of these exemptions might not apply to judgments for alimony or child support.
 - (A) A burial plot for you and your family.
 - (B) Health aids.
 - (C) Benefits because of disability, illness or unemployment.
 - (D) Medical care benefits.
 - (E) Veteran's benefits.
 - (F) Social security benefits.
 - (G) Supplemental security income benefits (SSI).
 - (H) Workers' compensation benefits.
 - (I) Certain retirement benefits.
 - (J) Public assistance.
 - (K) Money or property for child support, alimony or separate maintenance.
 - (L) Certain furnishings, appliances, carpets, animals, books, musical instruments, and heirlooms.
 - (M) Provisions for 12 months.
 - (N) Wearing apparel, not including jewelry or furs.
 - (O) Beds and bedding.
 - (P) Certain works of art.
 - (Q) Compensatory damages from bodily injury or wrongful death.
 - (R) The proceeds of certain life insurance contracts and trusts.
 - (S) Books, implements and tools of a trade.
 - (T) A personal motor vehicle.
 - (U) A motor vehicle used in trade or business.
 - (V) Part of your wages.
 - (W) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.
- (6) You should consult Utah Code Title 78B, Chapter 5, Part 5, Utah Exemptions Act for full information about exemptions. There is no exemption solely because you are having difficulty paying your debts.
- (7) If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, that the judgment creditor owes you money, or that you are entitled to an exemption, **DO THE FOLLOWING IMMEDIATELY**. You have a deadline of 10 business days from the date the Garnishee mailed or delivered this notice to you.
 - (A) Complete the attached "Reply and Request for Hearing" form.
 - (B) Sign your name in the space provided.
 - (C) Mail or deliver the form to: the court clerk, the judgment creditor, (or judgment creditor's attorney) and the Garnishee. Keep a copy for your records. The name and address of the court, the judgment creditor, (or judgment creditor's attorney) and the Garnishee are on the first page of the Writ of Garnishment.
- (8) The court clerk will schedule the matter for hearing and notify you. You should file with the Reply and Request for Hearing form or bring to the hearing any documents that help you prove your claim.
- (9) If you fail to take these steps, the property being held may be used to pay a judgment creditor.
- (10) You may consult an attorney and have the attorney represent you at the hearing.