
SENATE BILL 5592

State of Washington 58th Legislature 2003 Regular Session

By Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin

Read first time 01/31/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to garnishments; amending RCW 6.27.020, 6.27.070,
2 6.27.100, 6.27.130, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.250,
3 6.27.265, 6.27.320, 6.27.340, and 6.27.350; and reenacting and amending
4 RCW 6.27.040.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 6.27.020 and 1987 c 442 s 1002 are each amended to
7 read as follows:

8 (1) The clerks of the superior courts and district courts of this
9 state may issue writs of garnishment returnable to their respective
10 courts for the benefit of a judgment creditor who has a judgment wholly
11 or partially unsatisfied in the court from which the garnishment is
12 sought.

13 (2) Writs of garnishment may be issued with like effect by the
14 attorney of record for the judgment creditor, and the form of writ
15 shall be substantially the same as when issued by the court except that
16 it shall be subscribed only by the signature of such attorney.

17 (3) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the
18 superior courts and district courts of this state may issue prejudgment

1 writs of garnishment to a plaintiff at the time of commencement of an
2 action or at any time afterward, subject to the requirements of chapter
3 6.26 RCW.

4 **Sec. 2.** RCW 6.27.040 and 1987 c 442 s 1004 and 1987 c 202 s 134
5 are each reenacted and amended to read as follows:

6 (1) The state of Washington, all counties, cities, towns, school
7 districts and other municipal corporations shall be subject to
8 garnishment after judgment has been entered in the principal action,
9 but not before, in the superior and district courts, in the same manner
10 and with the same effect, as provided in the case of other garnishees.

11 (2) The venue of any such garnishment proceeding shall be the same
12 as for the original action, and the writ shall be issued by the clerk
13 of the court having jurisdiction of such original action or by the
14 attorney of record for the judgment creditor.

15 (3) The writ of garnishment shall be served (~~in the same manner~~
16 ~~and~~) upon the same officer as is required for service of summons upon
17 the commencement of a civil action against the state, county, city,
18 town, school district, or other municipal corporation, as the case may
19 be.

20 **Sec. 3.** RCW 6.27.070 and 1987 c 442 s 1007 are each amended to
21 read as follows:

22 (1) When application for a writ of garnishment is made by a
23 judgment creditor and the requirements of RCW 6.27.060 have been
24 complied with, the clerk shall docket the case in the names of the
25 judgment creditor as plaintiff, the judgment debtor as defendant, and
26 the garnishee as garnishee defendant, and shall immediately issue and
27 deliver a writ of garnishment to the judgment creditor in the form
28 prescribed in RCW 6.27.100, directed to the garnishee, commanding the
29 garnishee to answer said writ on forms served with the writ and
30 complying with RCW 6.27.190 within twenty days after the service of the
31 writ upon the garnishee. The clerk shall likewise docket the case when
32 a writ of garnishment issued by the attorney of record of a judgment
33 creditor is filed. Whether a writ is issued by the clerk or an
34 attorney, the clerk shall bear no responsibility for errors contained
35 in the writ.

1 The above-named plaintiff has applied for a writ of
2 garnishment against you, claiming that the above-named
3 defendant is indebted to plaintiff and that the amount to be
4 held to satisfy that indebtedness is \$, consisting of:

5	Balance on Judgment or Amount of Claim	\$
6	Interest under Judgment from to	\$
7	Taxable Costs and Attorneys' Fees	\$
8	Estimated Garnishment Costs:	
9	Filing Fee	\$
10	Service and Affidavit Fees	\$
11	Postage and Costs of Certified Mail	\$
12	Answer Fee or Fees (If applicable)	\$
13	Garnishment Attorney Fee	\$
14	Other	\$

15 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
16 by the attorney of record for the plaintiff, or by this writ, not to
17 pay any debt, whether earnings subject to this garnishment or any other
18 debt, owed to the defendant at the time this writ was served and not to
19 deliver, sell, or transfer, or recognize any sale or transfer of, any
20 personal property or effects of the defendant in your possession or
21 control at the time when this writ was served. Any such payment,
22 delivery, sale, or transfer is void to the extent necessary to satisfy
23 the plaintiff's claim and costs for this writ with interest.

24 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
25 attached form according to the instructions in this writ and in the
26 answer forms and, within twenty days after the service of the writ upon
27 you, to mail or deliver the original of such answer to the court, one
28 copy to the plaintiff or the plaintiff's attorney, and one copy to the
29 defendant, in the envelopes provided.

30 If, at the time this writ was served, you owed the defendant any
31 earnings (that is, wages, salary, commission, bonus, or other
32 compensation for personal services or any periodic payments pursuant to
33 a pension or retirement program), the defendant is entitled to receive
34 amounts that are exempt from garnishment under federal and state law.
35 You must pay the exempt amounts to the defendant on the day you would
36 customarily pay the compensation or other periodic payment. As more
37 fully explained in the answer, the basic exempt amount is the greater

1 of seventy-five percent of disposable earnings or a minimum amount
2 determined by reference to the employee's pay period, to be calculated
3 as provided in the answer. However, if this writ carries a statement
4 in the heading that "This garnishment is based on a judgment or court
5 order for child support," the basic exempt amount is forty percent of
6 disposable earnings.

7 IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT
8 A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER
9 WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY
10 DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE
11 SECOND ANSWER.

12 If you owe the defendant a debt payable in money in excess of the
13 amount set forth in the first paragraph of this writ, hold only the
14 amount set forth in the first paragraph and any processing fee if one
15 is charged and release all additional funds or property to defendant.

16 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
17 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
18 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
19 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
20 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
21 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
22 IN YOUR POSSESSION OR CONTROL.

23 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
24 FEES INCURRED BY THE PLAINTIFF.

25 Witness, the Honorable, Judge of the above-entitled
26 Court, and the seal thereof, this day of, 20. . .

27 [Seal]

28
29 Attorney for Clerk of
30 Plaintiff (or the Court
31 Plaintiff, if no
32 attorney)
33
34 Address By
35
36 Address"

1 (2) If an attorney issues the writ of garnishment, the final
2 paragraph of the writ, containing the date, and the subscribed
3 attorney and clerk provisions, shall be replaced with text in
4 substantially the following form:

5 "This writ is issued by the undersigned attorney of record for
6 plaintiff under the authority of chapter 6.27 of the Revised Code of
7 Washington, and must be complied with in the same manner as a writ
8 issued by the clerk of the court.

9 Dated thisday of.....,20.....

10

11 Attorney for Plaintiff

12

13 Address"

14

15 Address of the Clerk of the

Court

16 **Sec. 5.** RCW 6.27.130 and 1988 c 231 s 27 are each amended to read
17 as follows:

18 (1) When a writ is issued under a judgment, on or before the date
19 of service of the writ on the garnishee, the judgment creditor shall
20 mail or cause to be mailed to the judgment debtor, by certified mail,
21 addressed to the last known post office address of the judgment debtor,
22 (a) a copy of the writ and a copy of the (~~judgment or, if it is a~~
23 ~~district court judgment, a copy of the~~) judgment creditor's affidavit
24 submitted in application for the writ, and (b) if the judgment debtor
25 is an individual, the notice and claim form prescribed in RCW 6.27.140.
26 In the alternative, on or before the day of the service of the writ on
27 the garnishee or within two days thereafter, the stated documents shall
28 be served on the judgment debtor in the same manner as is required for
29 personal service of summons upon a party to an action.

30 (2) The requirements of this section shall not be jurisdictional,
31 but (a) no disbursement order or judgment against the garnishee
32 defendant shall be entered unless there is on file the return or
33 affidavit of service or mailing required by subsection (3) of this
34 section, and (b) if the copies of the writ and judgment or affidavit,
35 and the notice and claim form if the defendant is an individual, are
36 not mailed or served as herein provided, or if any irregularity appears
37 with respect to the mailing or service, the court, in its discretion,

1 on motion of the judgment debtor promptly made and supported by
2 affidavit showing that the judgment debtor has suffered substantial
3 injury from the plaintiff's failure to mail or otherwise to serve such
4 copies, may set aside the garnishment and award to the judgment debtor
5 an amount equal to the damages suffered because of such failure.

6 (3) If the service on the judgment debtor is made by a sheriff, the
7 sheriff shall file with the clerk of the court that issued the writ a
8 signed return showing the time, place, and manner of service and that
9 the copy of the writ was accompanied by a copy of a judgment or
10 affidavit, and by a notice and claim form if required by this section,
11 and shall note thereon fees for making such service. If service is
12 made by any person other than a sheriff, such person shall file an
13 affidavit including the same information and showing qualifications to
14 make such service. If service on the judgment debtor is made by mail,
15 the person making the mailing shall file an affidavit including the
16 same information as required for return on service and, in addition,
17 showing the address of the mailing and attaching the return receipt or
18 the mailing should it be returned to the sender as undeliverable.

19 **Sec. 6.** RCW 6.27.140 and 1997 c 59 s 2 are each amended to read as
20 follows:

21 (1) The notice required by RCW 6.27.130(1) to be mailed to or
22 served on an individual judgment debtor shall be in the following form,
23 printed or typed in type no smaller than elite type:

24 NOTICE OF GARNISHMENT
25 AND OF YOUR RIGHTS

26 A Writ of Garnishment issued ((by)) in a Washington court has
27 been or will be served on the garnishee named in the attached
28 copy of the writ. After receipt of the writ, the garnishee is
29 required to withhold payment of any money that was due to you
30 and to withhold any other property of yours that the garnishee
31 held or controlled. This notice of your rights is required by
32 law.

33 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

34 WAGES. If the garnishee is your employer who owes wages or
35 other personal earnings to you, your employer is required to
36 pay amounts to you that are exempt under state and federal

1 laws, as explained in the writ of garnishment. You should
2 receive a copy of your employer's answer, which will show how
3 the exempt amount was calculated. If the garnishment is for
4 child support, the exempt amount paid to you will be forty
5 percent of wages due you, but if you are supporting a spouse or
6 dependent child, you are entitled to claim an additional ten
7 percent as exempt.

8 BANK ACCOUNTS. If the garnishee is a bank or other institution
9 with which you have an account in which you have deposited
10 benefits such as Temporary Assistance for Needy Families,
11 Supplemental Security Income (SSI), Social Security, veterans'
12 benefits, unemployment compensation, or a United States
13 pension, you may claim the account as fully exempt if you have
14 deposited only such benefit funds in the account. It may be
15 partially exempt even though you have deposited money from
16 other sources in the same account. An exemption is also
17 available under RCW 26.16.200, providing that funds in a
18 community bank account that can be identified as the earnings
19 of a stepparent are exempt from a garnishment on the child
20 support obligation of the parent.

21 OTHER EXEMPTIONS. If the garnishee holds other property of
22 yours, some or all of it may be exempt under RCW 6.15.010, a
23 Washington statute that exempts up to five hundred dollars of
24 property of your choice (including up to one hundred dollars in
25 cash or in a bank account) and certain property such as
26 household furnishings, tools of trade, and a motor vehicle (all
27 limited by differing dollar values).

28 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
29 mail or deliver it as described in instructions on the claim
30 form. If the plaintiff does not object to your claim, the
31 funds or other property that you have claimed as exempt must be
32 released not later than 10 days after the plaintiff receives
33 your claim form. If the plaintiff objects, the law requires a
34 hearing not later than 14 days after the plaintiff receives
35 your claim form, and notice of the objection and hearing date

1 will be mailed to you at the address that you put on the claim
2 form.

3 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN
4 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT
5 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

6 (2) The claim form required by RCW 6.27.130(1) to be mailed to or
7 served on an individual judgment debtor shall be in the following form,
8 printed or typed in type no smaller than elite type:

[Caption to be filled in by judgment creditor
or plaintiff before mailing.]

.....
Name of Court
..... No.....
Plaintiff,
vs.
..... EXEMPTION CLAIM
Defendant,
.....
Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.

1 2. Make two copies of the completed form. Deliver
2 the original form by first class mail or in person to
3 the clerk of the court, whose address is shown at the
4 bottom of the writ of garnishment. Deliver one of
5 the copies by first class mail or in person to the
6 plaintiff or plaintiff's attorney, whose name and
7 address are shown at the bottom of the writ. Keep
8 the other copy. YOU SHOULD DO THIS AS
9 QUICKLY AS POSSIBLE, BUT NO LATER
10 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
11 ON THE WRIT.

12 I/We claim the following money or property as exempt:

13 IF BANK ACCOUNT IS GARNISHED:

14 [] The account contains payments from:

15 [] Temporary assistance for needy families, SSI, or
16 other public assistance. I receive \$
17 monthly.

18 [] Social Security. I receive \$ monthly.

19 [] Veterans' Benefits. I receive \$ monthly.

20 [] U.S. Government Pension. I receive \$
21 monthly.

22 [] Unemployment Compensation. I receive \$
23 monthly.

24 [] Child support. I receive \$ monthly.

25 [] Other. Explain
26

27 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
28 ANSWER ONE OR BOTH OF THE FOLLOWING:

29 [] No money other than from above payments are in
30 the account.

31 [] Moneys in addition to the above payments have
32 been deposited in the account. Explain
33
34

1 IF EARNINGS ARE GARNISHED FOR CHILD

2 SUPPORT:

- 3 [] I claim maximum exemption.
- 4 [] I am supporting another child or other children.
- 5 [] I am supporting a husband or a wife.

6 IF PENSION OR RETIREMENT BENEFITS ARE
7 GARNISHED:

- 8 [] Name and address of employer who is paying the
- 9 benefits:
- 10

11 OTHER PROPERTY:

- 12 [] Describe property
- 13
- 14 (If you claim other personal property as exempt, you
- 15 must attach a list of all other personal property that
- 16 you own.)

17

18 Print: Your name	If married,
	name of husband/wife

20

21 Your signature	Signature of husband
	or wife

23

24
25 Address	Address
	(if different from yours)

27

28 Telephone number	Telephone number
	(if different from yours)

30 CAUTION: If the plaintiff objects to your claim, you will have to go
 31 to court and give proof of your claim. For example, if you claim that
 32 a bank account is exempt, you may have to show the judge your bank
 33 statements and papers that show the source of the money you deposited
 34 in the bank. Your claim may be granted more quickly if you attach
 35 copies of such proof to your claim.

1 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
2 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
3 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
4 PLAINTIFF'S ATTORNEY FEES.

5 **Sec. 7.** RCW 6.27.160 and 2002 c 265 s 3 are each amended to read
6 as follows:

7 (1) A defendant may claim exemptions from garnishment in the manner
8 specified by the statute that creates the exemption or by delivering to
9 or mailing by first class mail to the clerk of the court out of which
10 the writ was issued a declaration in substantially the following form
11 or in the form set forth in RCW 6.27.140 and mailing a copy of the form
12 by first class mail to the plaintiff or plaintiff's attorney at the
13 address shown on the writ of garnishment, all not later than twenty-
14 eight days after the date stated on the writ except that the time shall
15 be extended to allow a declaration mailed or delivered to the clerk
16 within twenty-one days after service of the writ on the garnishee if
17 service on the garnishee is delayed more than seven days after the date
18 of the writ.

19 [NAME OF COURT]

20 No.

21 Plaintiff

22
23 Defendant

24 CLAIM OF EXEMPTION

25 Garnishee

26 I/We claim the following described property or money as
27 exempt from execution:

28
29
30

31 I/We believe the property is exempt because:

32
33

1 the failure to release the exempt property. The attorney of record for
2 the plaintiff may, as an alternative to obtaining a court order
3 releasing exempt funds, property, or effects, deliver to the garnishee
4 and file with the court an authorization to release claimed exempt
5 funds, property, or effects, signed by the attorney, in substantially
6 the following form:

7 [NAME OF COURT]

8 No.

9 Plaintiff,

10 vs. RELEASE OF WRIT OF
11 GARNISHMENT

12

13 Defendant

14

15 Garnishee.

16
17 TO THE ABOVE-NAMED GARNISHEE

18 You are hereby directed by the attorney for plaintiff,
19 under the authority of chapter 6.27 of the Revised Code of
20 Washington, to release the writ of garnishment issued in
21 this cause on, as follows: [indicate
22 full or partial release, and if partial the extent to which the
23 garnishment is released]

24 You are relieved of your obligation to withhold funds
25 or property of the defendant to the extent indicated in this
26 release. Any funds or property covered by this release
27 which have been withheld, should be returned to the
28 defendant.

29
30 Date:

31 Attorney for Plaintiff

32 **Sec. 8.** RCW 6.27.190 and 2000 c 72 s 4 are each amended to read as
33 follows:

34 The answer of the garnishee shall be signed by the garnishee or
35 attorney or if the garnishee is a corporation, by an officer, attorney
36 or duly authorized agent of the garnishee, under penalty of perjury,

1 and the original delivered, either personally or by mail, to the clerk
 2 of the court (~~((that issued the writ))~~), one copy to the plaintiff or the
 3 plaintiff's attorney, and one copy to the defendant. The answer shall
 4 be made on a form substantially as appears in this section, served on
 5 the garnishee with the writ (~~(, with minimum exemption amounts for the
 6 different pay periods filled in by the plaintiff before service of the
 7 answer forms: PROVIDED, That,))~~). Prior to serving the answer forms
 8 for a writ for continuing lien on earnings, the plaintiff shall fill in
 9 the minimum exemption amounts for the different pay periods, and the
 10 maximum percentages of disposable earnings subject to lien and exempt
 11 from lien. If the garnishment is for a continuing lien, the answer
 12 forms shall be as prescribed in RCW 6.27.340 and 6.27.350 (~~(:—AND~~
 13 ~~PROVIDED FURTHER, That))~~). If the writ is not directed to an employer
 14 for the purpose of garnishing the defendant's wages, the paragraphs in
 15 section II of the answer relating to (~~the~~) earnings (~~exemptions~~)
 16 and calculations of withheld amounts may be omitted.

17 IN THE COURT
 18 OF THE STATE OF WASHINGTON IN AND FOR
 19 THE COUNTY OF

	NO.
Plaintiff	
vs.	ANSWER
	TO WRIT OF
Defendant	GARNISHMENT
Garnishee Defendant	

27 SECTION I. On the date the writ of garnishment was issued (~~by the~~
 28 ~~court~~) as indicated by the date appearing on the last page of the
 29 writ (~~(, defendant (check one) . . . was . . . was not employed by~~
 30 ~~garnishee; defendant (check one) . . . did . . . did not maintain a~~
 31 ~~financial account with garnishee; and garnishee (check one) . . . did~~
 32 ~~. . . did not have possession of or control over any funds, personal~~
 33 ~~property, or effects of defendant.~~

34 At the time of service of the writ of garnishment on the garnishee
 35 there was due and owing from the garnishee to the above named defendant
 36 \$ (On the reverse side of this answer form, or on an

1 ~~attached page, give an explanation of the dollar amount stated, or give~~
2 ~~reasons why there is uncertainty about your answer.)~~

3 ~~If the above amount or any part of it is for personal earnings~~
4 ~~(that is, compensation payable for personal services, whether called~~
5 ~~wages, salary, commission, bonus, or otherwise, and including periodic~~
6 ~~payments pursuant to a pension or retirement program): Garnishee has~~
7 ~~deducted from this amount \$ which is the exemption to which~~
8 ~~the defendant is entitled, leaving \$ that garnishee holds~~
9 ~~under the writ. The exempt amount is calculated as follows:~~

10

11	Total compensation due defendant	\$.....
12	LESS deductions for social security	
13	and withholding taxes and any	
14	other deduction required by law	
15	(list separately and identify)	\$.....
16	Disposable earnings	\$.....

17 ~~If the title of this writ indicates that this is a garnishment~~
18 ~~under a child support judgment, enter forty percent of disposable~~
19 ~~earnings: \$ This amount is exempt and must be paid to the~~
20 ~~defendant at the regular pay time after deducting any processing fee~~
21 ~~you may charge.~~

22 ~~If this is not a garnishment for child support, enter seventy five~~
23 ~~percent of disposable earnings: \$ From the listing in~~
24 ~~the following paragraph, choose the amount for the relevant pay period~~
25 ~~and enter that amount: \$ (If amounts for more than one~~
26 ~~pay period are due, multiply the preceding amount by the number of pay~~
27 ~~periods and/or fraction of pay period for which amounts are due and~~
28 ~~enter that amount: \$) The greater of the amounts entered~~
29 ~~in this paragraph is the exempt amount and must be paid to the~~
30 ~~defendant at the regular pay time after deducting any processing fee~~
31 ~~you may charge.~~

32 ~~Minimum exempt amounts for different pay periods: Weekly~~
33 ~~\$; Biweekly \$; Semimonthly \$;~~
34 ~~Monthly \$~~

35 ~~List all of the personal property or effects of defendant in the~~
36 ~~garnishee's possession or control when the writ was served. (Use the~~
37 ~~reverse side of this answer form or attach a schedule if necessary.)):~~

1 (A) The defendant: (check one) was, was not employed
2 by garnishee. If not employed and you have no possession or control of
3 any funds of defendant, indicate the last day of employment:
4 . . . ; and complete section III of this answer and mail or deliver the
5 forms as directed in the writ;

6 (B) The defendant: (check one) did, did not maintain
7 a financial account with garnishee; and

8 (C) The garnishee: (check one) did, did not have
9 possession of or control over any funds, personal property, or effects
10 of the defendant. (List all of defendant's personal property or
11 effects in your possession or control on the last page of this answer
12 form or attach a schedule if necessary.)

13 SECTION II. At the time of service of the writ of garnishment on
14 the garnishee there was due and owing from the garnishee to the above-
15 named defendant \$

16 This writ attaches a maximum of percent of the defendant's
17 disposable earnings (that is, compensation payable for personal
18 services, whether called wages, salary, commission, bonus, or
19 otherwise, and including periodic payments pursuant to a pension or
20 retirement program). Calculate the attachable amount as follows:

21 Gross Earnings \$(1)
22 Less deductions required by law (social security,
23 federal withholding tax, etc. Do not include
24 deductions for child support orders or government
25 liens here. Deduct child support orders and liens
26 on line 7): \$(2)
27 Disposable Earnings (subtract line 2 from
28 line 1): \$(3)
29 Enter percent of line 3: \$(4)
30 Enter one of the following exempt amounts*: \$(5)

31 If paid: Weekly \$..... Semi-monthly \$.....
32 Bi-weekly \$..... Monthly \$.....

33 *These are minimum exempt amounts that the
34 defendant must be paid. If your answer

1 covers more than one pay period, multiply
2 the preceding amount by the number of pay
3 periods and/or fraction thereof your answer
4 covers. If you use a pay period not shown,
5 prorate the monthly exempt amount.

6 Subtract the larger of lines 4 and 5 from
7 line 3: \$(6)

8 Enter amount (if any) withheld for ongoing
9 government liens such as child support: \$(7)

10 Subtract line 7 from line 6. This amount
11 must be held out for the plaintiff: \$(8)

12 This is the formula that you will use for withholding each pay period
13 over the required sixty-day garnishment period. Deduct any allowable
14 processing fee you may charge from the amount that is to be paid to the
15 defendant.

16 If there is any uncertainty about your answer, give an explanation
17 on the last page or on an attached page.

18 SECTION III. An attorney may answer for the garnishee.

19 Under penalty of perjury, I affirm that I have examined this
20 answer, including accompanying schedules, and to the best of my
21 knowledge and belief it is true, correct, and complete.

22
23 Signature of Date
24 Garnishee Defendant

25
26 Signature of person Connection with
27 answering for garnishee
28 garnishee

29
30 ((.....
31
32 Address of Garnishee))

33
34 Print name of person
35 signing Address of garnishee

1 **Sec. 9.** RCW 6.27.200 and 1997 c 296 s 6 are each amended to read
2 as follows:

3 If the garnishee fails to answer the writ within the time
4 prescribed in the writ, after the time to answer the writ has expired
5 and after required returns or affidavits have been filed, showing
6 service on the garnishee and service on or mailing to the defendant, it
7 shall be lawful for the court to render judgment by default against
8 such garnishee, after providing a notice to the garnishee by personal
9 service or first class mail deposited in the mail at least ten calendar
10 days prior to entry of the judgment, for the full amount claimed by the
11 plaintiff against the defendant, or in case the plaintiff has a
12 judgment against the defendant, for the full amount of the plaintiff's
13 unpaid judgment against the defendant with all accruing interest and
14 costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the
15 garnishee at any time within seven days following service on, or
16 mailing to, the garnishee of a copy of ((a)) the first writ of
17 execution or ((a)) writ of garnishment under such judgment, the
18 judgment against the garnishee shall be reduced to the amount of any
19 nonexempt funds or property which was actually in the possession of the
20 garnishee at the time the writ was served, plus the cumulative amount
21 of the nonexempt earnings subject to the lien provided for in RCW
22 6.27.350, or the sum of one hundred dollars, whichever is more, but in
23 no event to exceed the full amount claimed by the plaintiff or the
24 amount of the unpaid judgment against the principal defendant plus all
25 accruing interest and costs and attorney's fees as prescribed in RCW
26 6.27.090, and in addition the plaintiff shall be entitled to a
27 reasonable attorney's fee for the plaintiff's response to the
28 garnishee's motion to reduce said judgment against the garnishee under
29 this proviso and the court may allow additional attorney's fees for
30 other actions taken because of the garnishee's failure to answer.

31 **Sec. 10.** RCW 6.27.250 and 2000 c 72 s 5 are each amended to read
32 as follows:

33 (1)(a) If it appears from the answer of the garnishee or if it is
34 otherwise made to appear that the garnishee was indebted to the
35 defendant in any amount, not exempt, when the writ of garnishment was
36 served, and if the required return or affidavit showing service on or
37 mailing to the defendant is on file, the court shall render judgment

1 for the plaintiff against such garnishee for the amount so admitted or
2 found to be due to the defendant from the garnishee, unless such amount
3 exceeds the amount of the plaintiff's claim or judgment against the
4 defendant with accruing interest and costs and attorney's fees as
5 prescribed in RCW 6.27.090, in which case it shall be for the amount of
6 such claim or judgment, with said interest, costs, and fees. In the
7 case of a superior court garnishment, the court shall order the
8 garnishee to pay to the plaintiff or to the plaintiff's attorney
9 through the registry of the court the amount of the judgment against
10 the garnishee, the clerk of the court shall note receipt of any such
11 payment, and the clerk of the court shall disburse the payment to the
12 plaintiff. In the case of a district court garnishment, the court
13 shall order the garnishee to pay the judgment amount directly to the
14 plaintiff or to the plaintiff's attorney. In either case, the court
15 shall inform the garnishee that failure to pay the amount may result in
16 execution of the judgment, including garnishment.

17 (b) If, prior to judgment, the garnishee tenders to the plaintiff
18 or to the plaintiff's attorney or to the court any amounts due, such
19 tender will support judgment against the garnishee in the amount so
20 tendered, subject to any exemption claimed within the time required in
21 RCW 6.27.160 after the amounts are tendered, and subject to any
22 controversion filed within the time required in RCW 6.27.210 after the
23 amounts are tendered. Any amounts tendered to the court by or on
24 behalf of the garnishee or the defendant prior to judgment shall be
25 disbursed to the party entitled to same upon entry of judgment or
26 order, and any amounts so tendered after entry of judgment or order
27 shall be disbursed upon receipt to the party entitled to same.

28 (2) If it shall appear from the answer of the garnishee and the
29 same is not controverted, or if it shall appear from the hearing or
30 trial on controversion or by stipulation of the parties that the
31 garnishee is indebted to the principal defendant in any sum, but that
32 such indebtedness is not matured and is not due and payable, and if the
33 required return or affidavit showing service on or mailing to the
34 defendant is on file, the court shall make an order requiring the
35 garnishee to pay such sum into court when the same becomes due, the
36 date when such payment is to be made to be specified in the order, and
37 in default thereof that judgment shall be entered against the garnishee
38 for the amount of such indebtedness so admitted or found due. In case

1 the garnishee pays the sum at the time specified in the order, the
2 payment shall operate as a discharge, otherwise judgment shall be
3 entered against the garnishee for the amount of such indebtedness,
4 which judgment shall have the same force and effect, and be enforced in
5 the same manner as other judgments entered against garnishees as
6 provided in this chapter: PROVIDED, That if judgment is rendered in
7 favor of the principal defendant, or if any judgment rendered against
8 the principal defendant is satisfied prior to the date of payment
9 specified in an order of payment entered under this subsection, the
10 garnishee shall not be required to make the payment, nor shall any
11 judgment in such case be entered against the garnishee.

12 (3) The court shall, upon request of the plaintiff at the time
13 judgment is rendered against the garnishee or within one year
14 thereafter, or within one year after service of the writ on the
15 garnishee if no judgment is taken against the garnishee, render
16 judgment against the defendant for recoverable garnishment costs and
17 attorney fees. However, if it appears from the answer of garnishee or
18 otherwise that, at the time the writ was issued, the garnishee held no
19 funds, personal property, or effects of the defendant and, in the case
20 of a garnishment on earnings, the defendant was not employed by the
21 garnishee, or, in the case of a writ directed to a financial
22 institution, the defendant maintained no account therein, then the
23 plaintiff may not be awarded judgment against the defendant for such
24 costs or attorney fees.

25 **Sec. 11.** RCW 6.27.265 and 2000 c 72 s 6 are each amended to read
26 as follows:

27 The judgment on garnishee's answer or tendered funds, and for costs
28 against defendant, and the order to pay funds shall be substantially in
29 the following form:

30 IN THE COURT OF THE STATE OF WASHINGTON IN AND FOR THE
31 COUNTY OF

32 No.
33 Plaintiff

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vs. JUDGMENT AND ORDER
TO PAY
(Clerk's Action Required)

.....
Defendant
.....
Garnishee

Judgment Summary

Judgment Creditor
Garnishment Judgment Debtor
Garnishment Judgment Amount
Costs Judgment Debtor
Costs Judgment Amount
Judgments to bear interest at %
Attorney for Judgment Creditor

IT APPEARING THAT garnishee was indebted to defendant in the nonexempt amount of \$; that at the time the writ of garnishment was issued defendant was employed by or maintained a financial institution account with garnishee, or garnishee had in its possession or control funds, personal property, or effects of defendant; and that plaintiff has incurred recoverable costs and attorney fees of \$; now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that plaintiff is awarded judgment against garnishee in the amount of \$; that plaintiff is awarded judgment against defendant in the amount of \$ for recoverable costs; that, if this is a superior court order, garnishee shall pay its judgment amount to plaintiff [or to plaintiff's attorney] through the registry of the court, and the clerk of the court shall note receipt thereof and forthwith disburse such payment to plaintiff [or to plaintiff's attorney]; that, if this is a district court order, garnishee shall pay its judgment amount to plaintiff directly [or ((through)) to plaintiff's attorney], and if any payment is received by the clerk of the court, the clerk shall forthwith disburse such payment to plaintiff [or to plaintiff's attorney]. Garnishee is advised that the failure to pay its judgment amount may result in execution of the judgment, including garnishment.

DONE IN OPEN COURT this day of, 20. .

.....
Judge/Court Commissioner

Presented by:

.....
Attorney for Plaintiff

Sec. 12. RCW 6.27.320 and 2000 c 72 s 7 are each amended to read as follows:

In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of the judgment and payment of recoverable garnishment costs and attorney fees from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after the demand or the satisfaction of judgment and payment of costs and fees, whichever shall be later. The attorney of record for the plaintiff may, as an alternative to obtaining a court order dismissing the garnishment, deliver to the garnishee and file with the court an authorization to dismiss the garnishment in whole or part, signed by the attorney, in substantially the form indicated in RCW 6.27.160(3). In the event of the failure of plaintiff to obtain and serve such an order or release, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff.

Sec. 13. RCW 6.27.340 and 1988 c 231 s 34 are each amended to read as follows:

(1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL

1 HOLD the nonexempt portion of the defendant's earnings due at
2 the time of service of this writ and shall also hold the
3 defendant's nonexempt earnings that accrue through the last
4 payroll period ending on or before SIXTY days after the date of
5 service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY
6 HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER
7 A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE
8 SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt
9 earnings that accrue from the date the previously served writ
10 or writs terminate and through the last payroll period ending
11 on or before sixty days after the date of termination of the
12 previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL
13 STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED
14 IN THIS WRIT OF GARNISHMENT."

15 (3) The answer forms served on an employer with the writ shall
16 include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING
17 LIEN ON EARNINGS," and the following paragraph shall be added (~~as the~~
18 ~~first paragraph~~) to section I of the answer form prescribed in RCW
19 6.27.190:

20 "If you are withholding the defendant's nonexempt earnings
21 under a previously served writ for a continuing lien, answer
22 only (~~this portion~~) sections I and II of this form and mail
23 or deliver the forms as directed in the writ. Withhold from
24 the defendant's future nonexempt earnings as directed in the
25 writ, and a second set of answer forms will be forwarded to you
26 later.

27 ANSWER: I am presently holding the defendant's nonexempt
28 earnings under a previous writ served on that will
29 terminate not later than, ((19)) 20 . . .

30

31 If you are NOT withholding the defendant's earnings under a
32 previously served writ for a continuing lien, answer (~~the~~
33 ~~following portion of~~) this entire form and mail or deliver the
34 forms as directed in the writ. A second set of answer forms

1 will be forwarded to you later for subsequently withheld
2 earnings."

3 (4) In the event plaintiff fails to comply with this section,
4 employer may elect to treat the garnishment as one not creating a
5 continuing lien.

6 **Sec. 14.** RCW 6.27.350 and 1997 c 296 s 7 are each amended to read
7 as follows:

8 (1) Where the garnishee's answer to a garnishment for a continuing
9 lien reflects that the defendant is employed by the garnishee, the
10 judgment or balance due thereon as reflected on the writ of garnishment
11 shall become a lien on earnings due at the time of the effective date
12 of the writ, as defined in this subsection, to the extent that they are
13 not exempt from garnishment, and such lien shall continue as to
14 subsequent nonexempt earnings until the total subject to the lien
15 equals the amount stated on the writ of garnishment or until the
16 expiration of the employer's payroll period ending on or before sixty
17 days after the effective date of the writ, whichever occurs first,
18 except that such lien on subsequent earnings shall terminate sooner if
19 the employment relationship is terminated or if the underlying judgment
20 is vacated, modified, or satisfied in full or if the writ is dismissed.
21 The "effective date" of a writ is the date of service of the writ if
22 there is no previously served writ; otherwise, it is the date of
23 termination of a previously served writ or writs.

24 (2) At the time of the expected termination of the lien, the
25 plaintiff shall mail to the garnishee three additional stamped
26 envelopes addressed as provided in RCW 6.27.110, and four additional
27 copies of the answer form prescribed in RCW 6.27.190(~~(, (a))~~). The
28 plaintiff shall replace the text of section I of the answer form with
29 a statement in substantially the following form (~~((added as the first~~
30 ~~paragraph))~~): "ANSWER (~~(THE SECOND PART)~~) SECTION II OF THIS FORM WITH
31 RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS
32 GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER,
33 AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER
34 THEM AS DIRECTED IN THE WRIT(~~(" and (b) with the following lines~~
35 ~~substituted for the first sentence of the form prescribed in RCW~~
36 ~~6.27.190+))~~)." .

1	Amount due and owing stated in first answer	\$...
2	Amount accrued since first answer	\$...
3	<u>TOTAL AMOUNT WITHHELD</u>	<u>\$...</u>

4 (3) Within twenty days of receipt of the second answer from the
5 garnishee shall file a second answer, in the form as provided in
6 subsection (2) of this section, stating the total amount held subject
7 to the garnishment.

--- END ---