
SENATE BILL 6608

State of Washington 61st Legislature 2010 Regular Session

By Senators Hobbs, Carrell, Schoesler, and Berkey

Read first time 01/19/10. Referred to Committee on Judiciary.

1 AN ACT Relating to garnishment; amending RCW 6.27.020, 6.27.090,
2 6.27.100, 6.27.110, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.210,
3 6.27.250, 6.27.330, 6.27.350, 6.27.360, and 6.27.370; adding new
4 sections to chapter 6.27 RCW; and repealing RCW 6.27.340.

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

6 **Sec. 1.** RCW 6.27.020 and 2003 c 222 s 1 are each amended to read
7 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 in district court with like
14 effect by the attorney of record for the judgment creditor, and the
15 form of writ shall be substantially the same as when issued by the
16 court except that it shall be subscribed only by the signature of such
17 attorney.

18 (3) Alternatively, writs of garnishment may be issued in
19 conformance with this chapter in district court by the attorney of

1 record for the judgment creditor, that do not require answers to be
2 filed with the court, or court-issued judgments or orders to pay to
3 effect payment of nonexempt funds to the judgment creditor, or other
4 court intervention in the absence of necessary hearings on exemption
5 claims or controversions.

6 (4) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the
7 superior courts and district courts of this state may issue prejudgment
8 writs of garnishment to a plaintiff at the time of commencement of an
9 action or at any time afterward, subject to the requirements of chapter
10 6.26 RCW.

11 **Sec. 2.** RCW 6.27.090 and 2000 c 72 s 2 are each amended to read as
12 follows:

13 (1) The writ of garnishment shall set forth in the first paragraph
14 the amount that garnishee is required to hold, which shall be an amount
15 determined as follows: (a)(i) If after judgment, the amount of the
16 judgment remaining unsatisfied on the clerk of the court's execution
17 docket, if any, plus interest to the date of garnishment, as provided
18 in RCW 4.56.110, plus interest estimated to accrue during the
19 garnishment process not to exceed thirty days or, in the case of a writ
20 for continuing lien on earnings, not to exceed one hundred fifty days,
21 plus taxable costs and attorney's fees, or (ii) if before judgment, the
22 amount prayed for in the complaint plus estimated taxable costs of suit
23 and attorneys' fees(~~(7)~~); together with, (b) whether before or after
24 judgment, estimated costs of garnishment as provided in subsection (2)
25 of this section. The court may, by order, set a higher amount to be
26 held upon a showing of good cause by plaintiff.

27 (2) Costs recoverable in garnishment proceedings, to be estimated
28 for purposes of subsection (1) of this section, include filing and ex
29 parte fees, service and affidavit fees, postage and costs of certified
30 mail, answer fee or fees, other fees legally chargeable to a plaintiff
31 in the garnishment process, and a garnishment attorney fee in the
32 amount of the greater of fifty dollars or ten percent of (a) the amount
33 of the judgment remaining unsatisfied or (b) the amount prayed for in
34 the complaint. The garnishment attorney fee shall not exceed two
35 hundred fifty dollars.

1 **Sec. 3.** RCW 6.27.100 and 2003 c 222 s 4 are each amended to read
2 as follows:

3 (1) The writ shall be substantially in the following form, but ((if
4 the writ is issued under a court order or judgment for child support,
5 the following statement shall appear conspicuously in the caption:
6 "This garnishment is based on a judgment or court order for child
7 support"; and if the garnishment is for a continuing lien, the form
8 shall be modified as provided in RCW 6.27.340; and if the writ is not
9 directed to an employer for the purpose of garnishing a defendant's
10 earnings, the paragraph relating to the earnings exemption may be
11 omitted and the paragraph relating to the deduction of processing fees
12 may be omitted; and)) if the writ is issued by an attorney, the writ
13 shall be revised as indicated in subsection ((+2)) (3) of this
14 section:

15 "IN THE COURT
16 OF THE STATE OF WASHINGTON IN AND FOR
17 THE COUNTY OF

18 ,
19 Plaintiff, No.
20 vs.
21 , WRIT OF
22 Defendant GARNISHMENT
23 ,
24 Garnishee

25 THE STATE OF WASHINGTON TO:

26 Garnishee

27 AND TO:

28 Defendant

29 The above-named plaintiff has applied for a writ of
30 garnishment against you, claiming that the above-named
31 defendant is indebted to plaintiff and that the amount to be
32 held to satisfy that indebtedness is \$....., consisting of:

33 Balance on Judgment or Amount of Claim \$....
34 Interest under Judgment from to \$....
35 Estimated Interest \$....

1	Taxable Costs and Attorneys' Fees	\$....
2	Estimated Garnishment Costs:	
3	Filing <u>and Ex Parte</u> Fees	\$....
4	Service and Affidavit Fees	\$....
5	Postage and Costs of Certified Mail	\$....
6	Answer Fee or Fees (If applicable)	\$....
7	Garnishment Attorney Fee	\$....
8	Other	\$....

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

18 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
19 attached form according to the instructions in this writ and in the
20 answer forms and, within twenty days after the service of the writ upon
21 you, to mail or deliver the original of such answer to the court, one
22 copy to the plaintiff or the plaintiff's attorney, and one copy to the
23 defendant, in the envelopes provided.

24 ~~((If, at the time this writ was served, you owed the defendant any~~
25 ~~earnings (that is, wages, salary, commission, bonus, or other~~
26 ~~compensation for personal services or any periodic payments pursuant to~~
27 ~~a nongovernmental pension or retirement program), the defendant is~~
28 ~~entitled to receive amounts that are exempt from garnishment under~~
29 ~~federal and state law. You must pay the exempt amounts to the~~
30 ~~defendant on the day you would customarily pay the compensation or~~
31 ~~other periodic payment. As more fully explained in the answer, the~~
32 ~~basic exempt amount is the greater of seventy five percent of~~
33 ~~disposable earnings or a minimum amount determined by reference to the~~
34 ~~employee's pay period, to be calculated as provided in the answer.~~
35 ~~However, if this writ carries a statement in the heading that "This~~

1 garnishment is based on a judgment or court order for child support,"
2 the basic exempt amount is forty percent of disposable earnings.

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

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

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

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

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

23 [Seal]

24	.....	.....
25	Attorney for	Clerk of
26	Plaintiff (or	the Court
27	Plaintiff, if no	
28	attorney)	
29	.....	.....
30	Address	By
31		.....
32		Address"

33 (2) A writ that is issued for a continuing lien on earnings shall
34 be substantially in the following form, but if the writ is issued under
35 a court order or judgment for child support, the following statement
36 shall appear conspicuously in the caption: "This garnishment is based

1 on a judgment or court order for child support"; and if the writ is
2 issued by an attorney, the writ shall be revised as indicated in
3 subsection (3) of this section:

4
5 "IN THE COURT
6 OF THE STATE OF WASHINGTON IN AND FOR
7 THE COUNTY OF

8 ,
9 Plaintiff, No.
10 vs.
11 , WRIT OF
12 Defendant GARNISHMENT
13 , FOR CONTINUING
14 Garnishee LIEN ON EARNINGS
15 THE STATE OF WASHINGTON TO:
16 Garnishee
17 AND TO:
18 Defendant

19 The above-named plaintiff has applied for a writ of
20 garnishment against you, claiming that the above-named
21 defendant is indebted to plaintiff and that the amount to be
22 held to satisfy that indebtedness is \$....., consisting of:

<u>Balance on Judgment or Amount of Claim</u>	<u>\$....</u>
<u>Interest under Judgment from to</u>	<u>\$....</u>
<u>Estimated Interest</u>	<u>\$....</u>
<u>Taxable Costs and Attorneys' Fees</u>	<u>\$....</u>
<u>Estimated Garnishment Costs:</u>	
<u>Filing and Ex Parte Fees</u>	<u>\$....</u>
<u>Service and Affidavit Fees</u>	<u>\$....</u>
<u>Postage and Costs of Certified Mail</u>	<u>\$....</u>
<u>Answer Fee or Fees (If applicable)</u>	<u>\$....</u>
<u>Garnishment Attorney Fee</u>	<u>\$....</u>
<u>Other</u>	<u>\$....</u>

1 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
2 by the attorney of record for the plaintiff, or by this writ, not to
3 pay any debt, whether earnings subject to this garnishment or any other
4 debt, owed to the defendant at the time this writ was served and not to
5 deliver, sell, or transfer, or recognize any sale or transfer of, any
6 personal property or effects of the defendant in your possession or
7 control at the time when this writ was served. Any such payment,
8 delivery, sale, or transfer is void to the extent necessary to satisfy
9 the plaintiff's claim and costs for this writ with interest.

10 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
11 attached form according to the instructions in this writ and in the
12 answer forms and, within twenty days after the service of the writ upon
13 you, to mail or deliver the original of such answer to the court, one
14 copy to the plaintiff or the plaintiff's attorney, and one copy to the
15 defendant, in the envelopes provided.

16 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the
17 nonexempt portion of the defendant's earnings due at the time of
18 service of this writ and shall also hold the defendant's nonexempt
19 earnings that accrue through the last payroll period ending on or
20 before ONE HUNDRED TWENTY days after the date of service of this writ.
21 HOWEVER, IF THE GARNISHEE IS CURRENTLY HOLDING THE NONEXEMPT PORTION OF
22 THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A
23 CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the
24 defendant's nonexempt earnings that accrue from the date the previously
25 served writ or writs terminate and through the last payroll period
26 ending on or before one hundred twenty days after the date of
27 termination of the previous writ or writs. IN EITHER CASE, THE
28 GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE
29 AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

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

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

6 You may deduct a processing fee from the remainder of the
7 employee's earnings after withholding under the writ. The processing
8 fee may not exceed twenty dollars for the first answer and ten dollars
9 at the time you submit your second answer.

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

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

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

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

25 [Seal]

26	.....	.....
27	<u>Attorney for</u>	<u>Clerk of</u>
28	<u>Plaintiff (or</u>	<u>the Court</u>
29	<u>Plaintiff, if no</u>	
30	<u>attorney)</u>	
31	.....	.....
32	<u>Address</u>	<u>By</u>
33		.....
34		<u>Address"</u>

35 (3) If an attorney issues the writ of garnishment, the final

1 paragraph of the writ, containing the date((7)) and the subscribed
2 attorney and clerk provisions, shall be replaced with text in
3 substantially the following form:

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

8
9 Dated thisday of.....,20.....
10
11
12 Attorney for Plaintiff
13
14 Address" Address of the Clerk of the
15 Court

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 6.27 RCW
17 to read as follows:

18 An alternative form of garnishment is authorized in district court
19 in cases where the judgment creditor is represented by a licensed
20 attorney. A garnishment issued under this section does not require a
21 court-issued judgment for costs or order to pay to effect payment of
22 withheld amounts by the garnishee defendant to the judgment creditor.

23 (1) The writ shall be substantially in the following form:

24 "IN THECOURT
25 OF THE STATE OF WASHINGTON IN AND FOR
26 THE COUNTY OF
27 ,
28 Plaintiff, No.
29 vs.
30 , WRIT OF
31 Defendant GARNISHMENT
32 ,
33 Garnishee
34 THE STATE OF WASHINGTON TO:

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Garnishee

AND TO:
Defendant

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

Balance on Judgment or Amount of Claim	\$....
Interest under Judgment from to	\$....
Estimated Interest	\$....
Taxable Costs and Attorneys' Fees	\$....
Estimated Garnishment Costs:	
Filing and Ex Parte Fees	\$....
Service and Affidavit Fees	\$....
Postage and Costs of Certified Mail	\$....
Answer Fee or Fees (If applicable)	\$....
Garnishment Attorney Fee	\$....
Other	\$....

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

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

THIS GARNISHMENT DOES NOT REQUIRE COURT INTERVENTION. DO NOT FILE YOUR ANSWER WITH THE COURT UNLESS YOU ARE INSTRUCTED TO DO SO BY THE

1 COURT OR THE ATTORNEY FOR THE PLAINTIFF. AMOUNTS YOU WITHHOLD TO
2 SATISFY THIS WRIT, IF ANY, ARE TO BE PAID DIRECTLY TO THE PLAINTIFF OR
3 THE ATTORNEY FOR PLAINTIFF, AND NO COURT-ISSUED ORDER TO PAY IS
4 REQUIRED. YOU WILL RECEIVE PAYMENT INSTRUCTIONS FROM PLAINTIFF'S
5 ATTORNEY AFTER YOU SUBMIT YOUR ANSWER TO THE WRIT.

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

10 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
11 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
12 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
13 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
14 ANSWER THIS WRIT AND PAY OVER ANY WITHHELD FUNDS AS INSTRUCTED, NO
15 JUDGMENT WILL BE ENTERED AGAINST YOU.

16 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
17 FEES INCURRED BY THE PLAINTIFF IF NOT PAID BY THE GARNISHEE DEFENDANT
18 THROUGH THIS GARNISHMENT.

19 This writ is issued by the undersigned attorney of record for
20 plaintiff under the authority of chapter 6.27 of the Revised Code of
21 Washington, and must be complied with in the same manner as a writ
22 issued by the clerk of the court.

23 Dated thisday of....., 20.....

24

25

26 Attorney for Plaintiff

27

28 Address"

29 (2) A writ that is issued for a continuing lien on earnings shall
30 be substantially in the following form, but if the writ is issued under
31 a court order or judgment for child support, the following statement
32 shall appear conspicuously in the caption: "This garnishment is based
33 on a judgment or court order for child support":

1 "IN THE COURT
2 OF THE STATE OF WASHINGTON IN AND FOR
3 THE COUNTY OF

4 ,
5 Plaintiff, No.
6 vs.
7 , WRIT OF
8 Defendant GARNISHMENT
9 , FOR CONTINUING
10 Garnishee LIEN ON EARNINGS

11 THE STATE OF WASHINGTON TO:
12 Garnishee

13 AND TO:
14 Defendant

15 The above-named plaintiff has applied for a writ of
16 garnishment against you, claiming that the above-named
17 defendant is indebted to plaintiff and that the amount to be
18 held to satisfy that indebtedness is \$....., consisting of:

19	Balance on Judgment or Amount of Claim	\$....
20	Interest under Judgment from to	\$....
21	Estimated Interest	\$....
22	Taxable Costs and Attorneys' Fees	\$....
23	Estimated Garnishment Costs:	
24	Filing and Ex Parte Fees	\$....
25	Service and Affidavit Fees	\$....
26	Postage and Costs of Certified Mail	\$....
27	Answer Fee or Fees (If applicable)	\$....
28	Garnishment Attorney Fee	\$....
29	Other	\$....

30 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
31 by the attorney of record for the plaintiff, or by this writ, not to
32 pay any debt, whether earnings subject to this garnishment or any other
33 debt, owed to the defendant at the time this writ was served and not to
34 deliver, sell, or transfer, or recognize any sale or transfer of, any
35 personal property or effects of the defendant in your possession or

1 control at the time when this writ was served. Any such payment,
2 delivery, sale, or transfer is void to the extent necessary to satisfy
3 the plaintiff's claim and costs for this writ with interest.

4 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
5 attached form according to the instructions in this writ and in the
6 answer forms and, within twenty days after the service of the writ upon
7 you, to mail or deliver the original of such answer to the plaintiff's
8 attorney and one copy to the defendant, in the envelopes provided.

9 THIS GARNISHMENT DOES NOT REQUIRE COURT INTERVENTION. DO NOT FILE
10 YOUR ANSWER WITH THE COURT UNLESS YOU ARE INSTRUCTED TO DO SO BY THE
11 COURT OR THE ATTORNEY FOR THE PLAINTIFF. AMOUNTS YOU WITHHOLD TO
12 SATISFY THIS WRIT, IF ANY, ARE TO BE PAID DIRECTLY TO THE PLAINTIFF OR
13 THE ATTORNEY FOR PLAINTIFF, AND NO COURT-ISSUED ORDER TO PAY IS
14 REQUIRED. SUBMIT YOUR FIRST PAYMENT TO THE PLAINTIFF OR THE ATTORNEY
15 FOR PLAINTIFF WITH YOUR FIRST ANSWER IN THE ENVELOPE PROVIDED, AND
16 THEREAFTER AT THE TIMES SUBSEQUENT AMOUNTS ARE WITHHELD. MAKE YOUR
17 CHECK PAYABLE TO: (specify plaintiff or
18 attorney for plaintiff) AND MAIL TO THE FOLLOWING:

19 (Name)
20 (Mailing Address)

21 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the
22 nonexempt portion of the defendant's earnings due at the time of
23 service of this writ and shall also hold the defendant's nonexempt
24 earnings that accrue through the last payroll period ending on or
25 before ONE HUNDRED TWENTY days after the date of service of this writ.
26 HOWEVER, IF THE GARNISHEE IS CURRENTLY HOLDING THE NONEXEMPT PORTION OF
27 THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A
28 CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the
29 defendant's nonexempt earnings that accrue from the date the previously
30 served writ or writs terminate and through the last payroll period
31 ending on or before one hundred twenty days after the date of
32 termination of the previous writ or writs. IN EITHER CASE, THE
33 GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE
34 AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

35 If, at the time this writ was served, you owed the defendant any
36 earnings (that is, wages, salary, commission, tips, bonus, or other
37 compensation for personal services or any periodic payments pursuant to
38 a nongovernmental pension or retirement program), the defendant is

1 entitled to receive amounts that are exempt from garnishment under
2 federal and state law. You must pay the exempt amounts to the
3 defendant on the day you would customarily pay the compensation or
4 other periodic payment. As more fully explained in the answer, the
5 basic exempt amount is the greater of seventy-five percent of
6 disposable earnings or a minimum amount determined by reference to the
7 employee's pay period, to be calculated as provided in the answer.
8 However, if this writ carries a statement in the heading that "This
9 garnishment is based on a judgment or court order for child support,"
10 the basic exempt amount is forty percent of disposable earnings.

11 You may deduct a processing fee from the remainder of the
12 employee's earnings after withholding under the writ. The processing
13 fee may not exceed twenty dollars for the first answer and ten dollars
14 at the time you submit your second answer.

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

19 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
20 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
21 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
22 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
23 ANSWER THIS WRIT AND PAY OVER ANY WITHHELD FUNDS AS INSTRUCTED, NO
24 JUDGMENT WILL BE ENTERED AGAINST YOU.

25 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
26 FEES INCURRED BY THE PLAINTIFF IF NOT PAID BY THE GARNISHEE DEFENDANT
27 THROUGH THIS GARNISHMENT.

28 This writ is issued by the undersigned attorney of record for
29 plaintiff under the authority of chapter 6.27 of the Revised Code of
30 Washington, and must be complied with in the same manner as a writ
31 issued by the clerk of the court.

32 Dated thisday of....., 20.....

33
34
35 Attorney for Plaintiff
36
37 Address"

1 **Sec. 5.** RCW 6.27.110 and 1998 c 227 s 4 are each amended to read
2 as follows:

3 (1) Service of the writ of garnishment on the garnishee is invalid
4 unless the writ is served together with: (a) Four answer forms as
5 prescribed in RCW 6.27.190; (b) three stamped envelopes addressed
6 respectively to the clerk of the court issuing the writ, the attorney
7 for the plaintiff (or to the plaintiff if the plaintiff has no
8 attorney), and the defendant; and (c) check or money order made payable
9 to the garnishee in the amount of twenty dollars for the answer fee if
10 the writ of garnishment is not a writ for a continuing lien on
11 earnings. If the writ is in a form that does not require answers to be
12 filed with the court, the plaintiff may omit one answer form and the
13 envelope addressed to the clerk of the court.

14 (2) Except as provided in RCW 6.27.080 for service on a bank,
15 savings and loan association, or credit union, the writ of garnishment
16 shall be mailed to the garnishee by certified mail, return receipt
17 requested, addressed in the same manner as a summons in a civil action,
18 and will be binding upon the garnishee on the day set forth on the
19 return receipt. In the alternative, the writ shall be served by the
20 sheriff of the county in which the garnishee lives or has its place of
21 business or by any person qualified to serve process in the same manner
22 as a summons in a civil action is served.

23 (3) If a writ of garnishment is served by a sheriff, the sheriff
24 shall file with the clerk of the court that issued the writ a signed
25 return showing the time, place, and manner of service and that the writ
26 was accompanied by answer forms, addressed envelopes, and check or
27 money order if required by this section, and noting thereon fees for
28 making the service. If service is made by any person other than a
29 sheriff, such person shall file an affidavit including the same
30 information and showing qualifications to make such service. If a writ
31 of garnishment is served by mail, the person making the mailing shall
32 file an affidavit showing the time, place, and manner of mailing and
33 that the writ was accompanied by answer forms and addressed envelopes,
34 and check or money order if required by this section, and shall attach
35 the return receipt to the affidavit.

36 **Sec. 6.** RCW 6.27.140 and 2009 c 521 s 15 are each amended to read
37 as follows:

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

4 NOTICE OF GARNISHMENT
5 AND OF YOUR RIGHTS

6 A Writ of Garnishment issued in a Washington court has been or
7 will be served on the garnishee named in the attached copy of
8 the writ. After receipt of the writ, the garnishee is required
9 to withhold payment of any money that was due to you and to
10 withhold any other property of yours that the garnishee held or
11 controlled. This notice of your rights is required by law.

12 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

13 WAGES. If the garnishee is your employer who owes wages or
14 other personal earnings to you, your employer is required to
15 pay amounts to you that are exempt under state and federal
16 laws, as explained in the writ of garnishment. You should
17 receive a copy of your employer's answer, which will show how
18 the exempt amount was calculated. If the garnishment is for
19 child support, the exempt amount paid to you will be forty
20 percent of wages due you, but if you are supporting a spouse,
21 state registered domestic partner, or dependent child, you are
22 entitled to claim an additional ten percent as exempt.

23 BANK ACCOUNTS. If the garnishee is a bank or other institution
24 with which you have an account in which you have deposited
25 benefits such as Temporary Assistance for Needy Families,
26 Supplemental Security Income (SSI), Social Security, veterans'
27 benefits, unemployment compensation, or a United States
28 pension, you may claim the account as fully exempt if you have
29 deposited only such benefit funds in the account. It may be
30 partially exempt even though you have deposited money from
31 other sources in the same account. An exemption is also
32 available under RCW 26.16.200, providing that funds in a
33 community bank account that can be identified as the earnings
34 of a stepparent are exempt from a garnishment on the child
35 support obligation of the parent.

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

8 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
9 mail or deliver it as described in instructions on the claim
10 form. If the plaintiff does not object to your claim, the
11 funds or other property that you have claimed as exempt must be
12 released not later than 10 days after the plaintiff receives
13 your claim form. If the plaintiff objects, the law requires a
14 hearing not later than 14 days after the plaintiff receives
15 your claim form, and notice of the objection and hearing date
16 will be mailed to you at the address that you put on the claim
17 form.

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

21 (2) The claim form required by RCW 6.27.130(1) to be mailed to or
22 served on an individual judgment debtor shall be substantially in the
23 following form, printed or typed in type no smaller than elite type:
24 PROVIDED That, if the writ is not directed to a financial institution,
25 then the exemptions pertaining to bank accounts may be omitted: AND
26 PROVIDED FURTHER That, if the writ is not based on a judgment or court
27 order for child support, the exemption pertaining to the garnishment of
28 earnings for child support may be omitted:

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

31
32 Name of Court
33 No.....
34 Plaintiff,

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

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

IF BANK ACCOUNT IS GARNISHED:

- The account contains payments from:
- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.
 - Social Security. I receive \$ monthly.
 - Veterans' Benefits. I receive \$ monthly.
 - U.S. Government Pension. I receive \$ monthly.
 - Unemployment Compensation. I receive \$ monthly.

- 1 Child support. I receive \$ monthly.
- 2 Other. Explain
- 3

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

- 6 No money other than from above payments are in
- 7 the account.
- 8 Moneys in addition to the above payments have
- 9 been deposited in the account. Explain
- 10
- 11

12 IF EARNINGS ARE GARNISHED FOR CHILD
 13 SUPPORT:

- 14 I claim maximum exemption.
- 15 I am supporting another child or other children.
- 16 I am supporting a husband, wife, or state registered
- 17 domestic partner.

18 IF PENSION OR RETIREMENT BENEFITS ARE
 19 GARNISHED:

- 20 Name and address of employer who is paying the
- 21 benefits:
- 22

23 OTHER PROPERTY:

- 24 Describe property
- 25
- 26 (If you claim other personal property as exempt, you
- 27 must attach a list of all other personal property that
- 28 you own.)

29

30 Print: Your name If married or in a state
 31 registered domestic
 32 partnership,
 33 name of husband/wife/state
 34 registered domestic partner

1
2 Your signature Signature of husband,
3 wife, or state registered
4 domestic partner
5
6
7 Address Address
8 (if different from yours)
9
10 Telephone number Telephone number
11 (if different from yours)

12 CAUTION: If the plaintiff objects to your claim, you will have to
13 go to court and give proof of your claim. For example, if you claim
14 that a bank account is exempt, you may have to show the judge your bank
15 statements and papers that show the source of the money you deposited
16 in the bank. Your claim may be granted more quickly if you attach
17 copies of such proof to your claim.

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

22 **Sec. 7.** RCW 6.27.160 and 2003 c 222 s 7 are each amended to read
23 as follows:

24 (1) A defendant may claim exemptions from garnishment in the manner
25 specified by the statute that creates the exemption or by delivering to
26 or mailing by first-class mail to the clerk of the court out of which
27 the writ was issued a declaration in substantially the following form
28 or in the form set forth in RCW 6.27.140 and mailing a copy of the form
29 by first-class mail to the plaintiff or plaintiff's attorney at the
30 address shown on the writ of garnishment, all not later than twenty-
31 eight days after the date stated on the writ except that the time shall
32 be extended to allow a declaration mailed or delivered to the clerk
33 within twenty-one days after service of the writ on the garnishee if
34 service on the garnishee is delayed more than seven days after the date
35 of the writ.

[NAME OF COURT]

No.

Plaintiff

Defendant

CLAIM OF EXEMPTION

Garnishee

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

I/We believe the property is exempt because:

Print name

Print name of spouse, if married

Signature

Signature

Address

Address

Telephone number

Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first-class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together

1 with notice of date, time, and place of a hearing on the objection,
2 which hearing the plaintiff must cause to be noted for a hearing date
3 not later than fourteen days after the receipt of the claim: PROVIDED
4 That, if no hearing calendar is available to the plaintiff between the
5 eighth and fourteenth days after the receipt of the claim, then the
6 plaintiff may schedule the hearing on the next available date. After
7 a hearing on an objection to an exemption claim, the court shall award
8 costs to the prevailing party and may also award an attorney's fee to
9 the prevailing party if the court concludes that the exemption claim or
10 the objection to the claim was not made in good faith. The defendant
11 bears the burden of proving any claimed exemption, including the
12 obligation to provide sufficient documentation to identify the source
13 and amount of any claimed exempt funds.

14 (3) If the plaintiff elects not to object to the claim of
15 exemption, the plaintiff shall, not later than ten days after receipt
16 of the claim, obtain from the court and deliver to the garnishee an
17 order directing the garnishee to release such part of the debt,
18 property, or effects as is covered by the exemption claim. If the
19 plaintiff fails to obtain and deliver the order as required or
20 otherwise to effect release of the exempt funds or property, the
21 defendant shall be entitled to recover fifty dollars from the
22 plaintiff, in addition to actual damages suffered by the defendant from
23 the failure to release the exempt property. The attorney of record for
24 the plaintiff may, as an alternative to obtaining a court order
25 releasing exempt funds, property, or effects, deliver to the garnishee
26 and file with the court an authorization to release claimed exempt
27 funds, property, or effects, signed by the attorney, in substantially
28 the following form:

29 [NAME OF COURT]
30 , No.
31 Plaintiff,
32 vs. RELEASE OF WRIT OF
33 GARNISHMENT
34 ,
35 Defendant
36 ,

1 Garnishee.

2
3 TO THE ABOVE-NAMED GARNISHEE

4 You are hereby directed by the attorney for plaintiff,
5 under the authority of chapter 6.27 of the Revised Code of
6 Washington, to release the writ of garnishment issued in
7 this cause on, as follows: [indicate full
8 or partial release, and if partial the extent to which the
9 garnishment is released]

10 You are relieved of your obligation to withhold funds
11 or property of the defendant to the extent indicated in this
12 release. Any funds or property covered by this release
13 which have been withheld, should be returned to the
14 defendant.

15
16 Date:

17 Attorney for Plaintiff

18 (4)(a) An exemption claim in the form prescribed in RCW 6.27.140
19 submitted by a party shall be deemed nonresponsive in the following
20 circumstances:

21 (i) The form is either submitted in blank or does not assert a
22 claim of exemption, or both;

23 (ii) An exemption or exemptions specific to bank accounts are
24 claimed and the writ is not directed to a bank;

25 (iii) An exemption or exemptions specific to child support
26 garnishments are claimed and the writ is not issued for enforcement of
27 a child support judgment;

28 (iv) An exemption or exemptions specific to pension or retirement
29 benefits are claimed and the writ is not directed to the garnished
30 party's pension or retirement benefit provider; or

31 (v) An exemption or exemptions specific to other personal property
32 are claimed and the writ is directed to a bank, employer, or other
33 holder of monetary amounts belonging to the garnished party.

34 (b) A nonresponsive exemption claim shall be deemed denied without
35 a court hearing if the plaintiff files and serves a notice of
36 nonresponsive exemption claim and another exemption claim form, within
37 seven days of receipt of the exemption claim. Both filing and service

1 can be accomplished by mail, and shall be deemed complete if the
2 described notice is posted in the United States mail, first-class
3 postage affixed, on or before the seventh day after the plaintiff
4 receives the exemption claim.

5 (c) The notice of nonresponsive exemption claim shall be in
6 substantially the following form:

7 "[NAME OF COURT]

8, No.

9 Plaintiff,

10 vs.

NOTICE OF
NONRESPONSIVE
EXEMPTION CLAIM

11,

12 Defendant

13,

14 Garnishee Defendant.

15
16
17
18 The Exemption Claim submitted by the opposing party (copy attached)
19 does not, in fact, state any claim of exemption to the Writ of
20 Garnishment issued previously herein and, thus, creates no issue of
21 exemption to be determined by the court.

22 The purported Exemption Claim fails to create an issue needing judicial
23 resolution for the following reason(s):

24 The Exemption Claim has been submitted in blank and/or does not
25 assert a claim of exemption;

26 Exemption(s) specific to bank accounts are claimed, and the Writ
27 is not directed to a bank;

28 Exemption(s) specific to child support garnishments are claimed,
29 and the Writ is not issued for enforcement of a judgment for child
30 support;

31 Exemption(s) specific to pension or retirement benefits are
32 claimed, and the Writ is not directed to the garnished party's benefits
33 provider;

34 Exemption(s) specific to other personal property are claimed, and

1 the Writ is directed to a bank, employer, or other holder of monetary
2 amounts owed to the garnished party.

3 NO COURT HEARING TO DETERMINE YOUR RIGHT TO HAVE ANY FUNDS OR PROPERTY
4 EXEMPTED FROM GARNISHMENT IS CURRENTLY SCHEDULED.

5 If you believe you have valid exemption rights different from those
6 claimed in your recently submitted Exemption Claim and you wish to have
7 a court hearing to determine those exemption rights, you must submit
8 another Exemption Claim, which specifies the exemption(s) to which you
9 believe you are entitled. Another Exemption Claim form is being
10 provided to you with this notice.

11 YOU MUST SUBMIT ANY ADDITIONAL EXEMPTION CLAIM ACCORDING TO THE
12 DIRECTIONS CONTAINED IN THE EXEMPTION CLAIM AND WITHIN THE LATER OF:

- 13 (1) TWENTY-EIGHT DAYS FROM THE DATE ON THE WRIT OF GARNISHMENT; OR
14 (2) SEVEN DAYS FROM THE DATE THIS NOTICE IS POSTMARKED OR SERVED ON
15 YOU.

16
17 Attorney for Plaintiff
18
19 Address"

20 **Sec. 8.** RCW 6.27.190 and 2003 c 222 s 8 are each amended to read
21 as follows:

22 (1) The answer of the garnishee shall be signed by the garnishee or
23 attorney or if the garnishee is a corporation, by an officer, attorney
24 or duly authorized agent of the garnishee, under penalty of perjury,
25 and the original and copies delivered, either personally or by mail,
26 ((to the clerk of the court, one copy to the plaintiff or the
27 plaintiff's attorney, and one copy to the defendant)) as instructed in
28 the writ. The answer shall be made on a form substantially as appears
29 in this section, served on the garnishee with the writ. Prior to
30 serving the answer forms for a writ for continuing lien on earnings,
31 the plaintiff shall fill in the minimum exemption amounts for the
32 different pay periods, and the maximum percentages of disposable

1 earnings subject to lien and exempt from lien. If the garnishment is
2 for a continuing lien, the answer forms shall be as prescribed in
3 subsection (3) of this section and RCW ((6.27.340 and)) 6.27.350.

4 (2) If the writ is not directed to an employer for the purpose of
5 garnishing the defendant's wages, the ((paragraphs in section II of the
6 answer relating to earnings and calculations of withheld amounts may be
7 omitted.)) answer shall be in substantially the following form:

8 IN THECOURT
9 OF THE STATE OF WASHINGTON IN AND FOR
10 THE COUNTY OF

11 NO.
12 Plaintiff
13 vs. ANSWER
14 TO WRIT OF
15 Defendant GARNISHMENT
16
17 Garnishee Defendant

18 SECTION I. On the date the writ of garnishment was issued as
19 indicated by the date appearing on the last page of the writ:

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

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

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

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

1 ((This writ attaches a maximum of percent of the
 2 defendant's disposable earnings (that is, compensation payable for
 3 personal services, whether called wages, salary, commission, bonus, or
 4 otherwise, and including periodic payments pursuant to a
 5 nongovernmental pension or retirement program). Calculate the
 6 attachable amount as follows:

7 Gross Earnings _____ \$ (1)
 8 Less deductions required by law (social security,
 9 federal withholding tax, etc. Do not include
 10 deductions for child support orders or government
 11 liens here. Deduct child support orders and liens
 12 on line 7): _____ \$ (2)
 13 Disposable Earnings (subtract line 2 from
 14 line 1): _____ \$ (3)
 15 Enter percent of line 3: _____ \$ (4)
 16 Enter one of the following exempt amounts*: _____ \$ (5)

17	If paid:	Weekly	\$.....	Semi-monthly	\$.....
18		Bi-weekly	\$.....	Monthly	\$.....

19 *These are minimum exempt amounts that the
 20 defendant must be paid. If your answer
 21 covers more than one pay period, multiply
 22 the preceding amount by the number of pay
 23 periods and/or fraction thereof your answer
 24 covers. If you use a pay period not shown,
 25 prorate the monthly exempt amount.

26 Subtract the larger of lines 4 and 5 from
 27 line 3: _____ \$ (6)
 28 Enter amount (if any) withheld for ongoing
 29 government liens such as child support: _____ \$ (7)
 30 Subtract line 7 from line 6. This amount
 31 must be held out for the plaintiff: _____ \$ (8)

32 This is the formula that you will use for withholding each pay period

1 ~~over the required sixty day garnishment period. Deduct any allowable~~
2 ~~processing fee you may charge from the amount that is to be paid to the~~
3 ~~defendant.))~~

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

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

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

10	.....	.....
11	Signature of	Date
12	Garnishee Defendant	
13	.....	.....
14	Signature of person	Connection with
15	answering for	garnishee
16	garnishee	
17	.....	.....
18	Print name of person	.....
19	signing	Address of garnishee

20 (3) If the writ is directed to an employer for the purpose of
21 garnishing the defendant's wages, the first answer shall be in
22 substantially the following form. In the event the plaintiff fails to
23 comply with this section, the employer may elect to treat the
24 garnishment as one not creating a continuing lien.

25

26 "IN THE COURT
27 OF THE STATE OF WASHINGTON IN AND FOR
28 THE COUNTY OF

29	.....	<u>NO.</u>
30	<u>Plaintiff</u>	
31	<u>vs.</u>	<u>FIRST ANSWER</u>
32	.....	<u>TO WRIT OF</u>
33	<u>Defendant</u>	<u>GARNISHMENT</u>
34	.....	<u>FOR CONTINUING</u>

SECTION I. On the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ:

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

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

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

If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only sections I and III of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am currently holding the defendant's nonexempt earnings under a previous writ served on that will terminate not later than, 20.

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer this entire form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings.

SECTION II. This writ attaches a maximum of percent of the defendant's disposable earnings (that is, compensation payable for personal services, whether called wages, salary, commission, tips, bonus, or otherwise, and including periodic payments pursuant to a nongovernmental pension or retirement program). Calculate the attachable amount as of the time of service of the writ as follows (and continue withholding as directed in the writ):

1 Gross Earnings: \$(1)
2 Less deductions required by law (social security,
3 federal withholding tax, etc. Do not include
4 deductions for child support orders or government
5 liens here. Deduct child support orders and liens
6 on line 7): \$(2)
7 Disposable Earnings (subtract line 2 from
8 line 1): \$(3)
9 Enter percent of line 3: \$(4)
10 Enter one of the following exempt amounts*: \$(5)

11	<u>If paid:</u>	<u>Weekly</u>	<u>\$.....</u>	<u>Semi-monthly</u>	<u>\$.....</u>
12		<u>Bi-weekly</u>	<u>\$.....</u>	<u>Monthly</u>	<u>\$.....</u>

13 *These are minimum exempt amounts that the
14 defendant must be paid. If your answer
15 covers more than one pay period, multiply
16 the preceding amount by the number of pay
17 periods and/or fraction thereof your answer
18 covers. If you use a pay period not shown,
19 prorate the monthly exempt amount.

20 Subtract the larger of lines 4 and 5 from
21 line 3: \$(6)
22 Enter amount (if any) withheld for ongoing
23 government liens such as child support: \$(7)
24 Subtract line 7 from line 6. This amount
25 must be held out for the plaintiff: \$(8)

26 This is the formula that you will use for withholding each pay period
27 over the required one hundred twenty-day garnishment period. Deduct
28 any allowable processing fee you may charge from the amount that is to
29 be paid to the defendant.

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

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

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

4
5 Signature of Date
6 Garnishee Defendant
7
8 Signature of person Connection with
9 answering for garnishee
10 garnishee
11
12 Print name of person
13 signing Address of garnishee"

14 (4) If the writ is directed to an employer for the purpose of
15 garnishing the defendant's wages, at the time of the expected
16 termination of the lien, the plaintiff shall mail to the garnishee
17 three additional stamped envelopes addressed as provided in RCW
18 6.27.110, and four additional copies of the answer form prescribed in
19 subsection (2) of this section. If the writ is in a form that does not
20 require answers to be filed with the court, the plaintiff may omit the
21 envelope addressed to the clerk of the court and one answer form. The
22 plaintiff shall caption the answer form "SECOND ANSWER TO WRIT OF
23 GARNISHMENT FOR CONTINUING LIEN ON EARNINGS" and shall replace section
24 I of the answer form with a statement in substantially the following
25 form:

26 "SECTION I. ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL
27 AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE
28 AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND INCLUDING THE AMOUNTS,
29 IF ANY, ALREADY PAID OVER TO THE PLAINTIFF. WITHIN TWENTY DAYS AFTER
30 YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT.

31 Amount due and owing stated in first answer \$....
32 Amount accrued since first answer \$....
33 TOTAL AMOUNT WITHHELD \$...."

1 (5) Within twenty days of receipt of the second answer forms, the
2 garnishee shall mail or serve the completed second answer forms as
3 instructed in the writ.

4 **Sec. 9.** RCW 6.27.200 and 2003 c 222 s 9 are each amended to read
5 as follows:

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

1 **Sec. 10.** RCW 6.27.210 and 1987 c 442 s 1021 are each amended to
2 read as follows:

3 (1) If the garnishee files an answer, either the plaintiff or the
4 defendant, if not satisfied with the answer of the garnishee, may
5 controvert within twenty days after the filing of the answer, by filing
6 an affidavit in writing signed by the controverting party or attorney
7 or agent, stating that the affiant has good reason to believe and does
8 believe that the answer of the garnishee is incorrect, stating in what
9 particulars the affiant believes the same is incorrect. Copies of the
10 affidavit shall be served on or mailed by first-class mail to the
11 garnishee at the address indicated on the answer or, if no address is
12 indicated, at the address to or at which the writ was mailed or served,
13 and to the other party, at the address shown on the writ if the
14 defendant controverts, or at the address to or at which the copy of the
15 writ of garnishment was mailed or served on the defendant if the
16 plaintiff controverts, unless otherwise directed in writing by the
17 defendant or defendant's attorney.

18 (2) If the garnishee is instructed not to file an answer pursuant
19 to a writ issued under section 4 of this act, either the plaintiff or
20 the defendant, if not satisfied with the answer of the garnishee, may
21 controvert within twenty-three days after the garnishee deposits in the
22 mail or personally delivers the answer to writ, by filing an affidavit
23 in writing signed by the controverting party or its attorney or agent,
24 in the same manner as provided in subsection (1) of this section. The
25 controverting party shall include with its affidavit a copy of the
26 answer of the garnishee defendant.

27 **Sec. 11.** RCW 6.27.250 and 2003 c 222 s 10 are each amended to read
28 as follows:

29 (1)(a) If it appears from the answer of the garnishee or if it is
30 otherwise made to appear that the garnishee was indebted to the
31 defendant in any amount, not exempt, when the writ of garnishment was
32 served, and if the required return or affidavit showing service on or
33 mailing to the defendant is on file, the court shall render judgment
34 for the plaintiff against such garnishee for the amount so admitted or
35 found to be due to the defendant from the garnishee, unless such amount
36 exceeds the amount of the plaintiff's claim or judgment against the
37 defendant with accruing interest and costs and attorney's fees as

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

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

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

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

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

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 6.27 RCW
23 to read as follows:

24 In the case of a writ of garnishment that does not require a court-
25 issued order to pay to effect payment from the garnishee defendant, the
26 following shall apply:

27 (1) Where the writ is not issued for a continuing lien on earning,
28 and where the answer of the garnishee defendant has not been
29 controverted within the period provided by RCW 6.27.210(2), the
30 garnishee defendant shall pay over any nonexempt funds indicated in its
31 answer to the plaintiff or the attorney for the plaintiff, upon receipt
32 of a notice issued by the attorney for the plaintiff directing the
33 garnishee defendant to pay over such funds. The notice shall be in
34 substantially the following form:

1 "IN THE COURT
2 OF THE STATE OF WASHINGTON IN AND FOR
3 THE COUNTY OF

4 NO.
5 Plaintiff
6 vs. NOTICE TO
7 GARNISHEE
8 Defendant DEFENDANT
9 TO PAY OVER FUNDS
10 Garnishee Defendant

11 THE STATE OF WASHINGTON TO:
12 Garnishee Defendant

13 YOU ARE HEREBY DIRECTED to pay over the following amount of funds
14 withheld under the writ of garnishment previously issued in this case:
15 \$ MAKE YOUR CHECK PAYABLE TO: (specify
16 plaintiff or attorney for plaintiff) AND MAIL TO THE FOLLOWING:

17 (Name)
18 (Mailing Address)

19 If you fail to pay over said amount within 10 days of receipt of this
20 notice, judgment may be entered against you for the indicated amount,
21 plus plaintiff's costs and reasonable attorneys' fees incurred in
22 obtaining judgment.

23 This notice is issued by the undersigned attorney of record for
24 plaintiff under the authority of chapter 6.27 of the Revised Code of
25 Washington, and must be complied with in the same manner as an order to
26 pay issued by the court.

27 Dated thisday of....., 20.....

28
29 Attorney for Plaintiff
30
31
32 Address"

1 (2) If the garnishee defendant fails to pay over nonexempt funds as
2 directed in subsection (1) of this section, or fails to pay over
3 nonexempt funds as required by a writ for continuing lien on earnings
4 that does not require a court-issued order to pay to effect payment,
5 then the court shall render judgment against the garnishee as provided
6 in RCW 6.27.250.

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

20 (4) When the garnishment is concluded by payment of any nonexempt
21 withheld funds to the plaintiff, the plaintiff shall file with the
22 court a notice that the garnishment has concluded, which notice shall
23 identify the amount of costs accrued in the garnishment and the funds
24 received. The notice shall be in substantially the following form:

25 "IN THECOURT
26 OF THE STATE OF WASHINGTON IN AND FOR
27 THE COUNTY OF

28	NO.
29 Plaintiff	
30 vs.	NOTICE OF
31	CONCLUSION OF
32 Defendant	GARNISHMENT
33	
34 Garnishee Defendant	

35 The writ of garnishment previously issued herein by the attorney for
36 plaintiff, which writ did not require the filing of an answer or the

1 issuance of a judgment and order to pay, has been concluded. A copy of
2 said writ is on file herein. Plaintiff received the following amount
3 under the writ: \$; and incurred the following previously
4 estimated recoverable costs:

5	Filing and Ex Parte Fees	\$....
6	Service and Affidavit Fees	\$....
7	Postage and Costs of Certified Mail	\$....
8	Answer Fee or Fees (if Applicable)	\$....
9	Garnishment Attorney Fee	\$....
10	Other	\$....

11 Dated thisday of....., 20.....

12
13
14 Attorney for Plaintiff
15
16 Address"

17 (5) If a garnishee defendant continues to withhold funds under a
18 writ of garnishment for continuing lien after the plaintiff's judgment,
19 including interest and recoverable costs, has been satisfied, the
20 plaintiff may mail or deliver to the garnishee defendant a notice that
21 the garnishment has concluded and that no further funds should be
22 withheld. The notice can be, but need not be, combined with the notice
23 described in subsection (4) of this section, and may contain text in
24 substantially the following form: "The writ of garnishment previously
25 served upon you in this case has been concluded. You are directed to
26 cease withholding further funds from amounts owed to the defendant.
27 This notice is issued by the undersigned attorney of record for
28 plaintiff under the authority of chapter 6.27 of the Revised Code of
29 Washington, and must be complied with in the same manner as a notice
30 issued by the court."

31 **Sec. 13.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to
32 read as follows:

1 A judgment creditor may obtain a continuing lien on earnings by a
2 garnishment pursuant to (~~RCW 6.27.340, 6.27.350, 6.27.360, and~~
3 ~~7.33.390~~) this chapter.

4 **Sec. 14.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read
5 as follows:

6 ((~~1~~)) Where the garnishee's answer to a garnishment for a
7 continuing lien reflects that the defendant is employed by the
8 garnishee, the judgment or balance due thereon as reflected on the writ
9 of garnishment shall become a lien on earnings due at the time of the
10 effective date of the writ, as defined in this subsection, to the
11 extent that they are not exempt from garnishment, and such lien shall
12 continue as to subsequent nonexempt earnings until the total subject to
13 the lien equals the amount stated on the writ of garnishment or until
14 the expiration of the employer's payroll period ending on or before
15 (~~sixty~~) one hundred twenty days after the effective date of the writ,
16 whichever occurs first, except that such lien on subsequent earnings
17 shall terminate sooner if the employment relationship is terminated or
18 if the underlying judgment is vacated, modified, or satisfied in full
19 or if the writ is dismissed. The "effective date" of a writ is the
20 date of service of the writ if there is no previously served writ;
21 otherwise, it is the date of termination of a previously served writ or
22 writs.

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

33	Amount due and owing stated in first answer	\$...
34	Amount accrued since first answer	\$...
35	TOTAL AMOUNT WITHHELD	\$....

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

5 **Sec. 15.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read
6 as follows:

7 (1) Except as provided in subsections (2) and (3) of this section,
8 a lien obtained under RCW 6.27.350 shall have priority over any
9 subsequent garnishment lien or wage assignment except that service of
10 a writ shall not be effective to create a continuing lien with such
11 priority if a writ in the same case is pending at the time of the
12 service of the new writ.

13 (2) A lien obtained under RCW 6.27.350 shall have priority over any
14 prior wage assignment except an assignment for child support as
15 provided in subsection (3) of this section.

16 (3) A lien obtained under RCW 6.27.350 shall not have priority over
17 a notice of payroll deduction issued under RCW 26.23.060 or a wage
18 assignment or ~~((other))~~ garnishment for child support issued under
19 chapter~~((s))~~ 26.18 ~~((and))~~ or 74.20A RCW. Should nonexempt wages
20 remain after deduction of all amounts owing under ~~((a))~~ the notice of
21 payroll deduction, wage assignment, or garnishment for child support,
22 the garnishee shall withhold the remaining nonexempt wages under the
23 lien obtained under RCW 6.27.350.

24 **Sec. 16.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read
25 as follows:

26 (1) Whenever the federal government is named as a garnishee
27 defendant, the clerk of the court shall, upon submitting a notice in
28 the appropriate form by the plaintiff, issue a notice which directs the
29 garnishee defendant to disburse any nonexempt earnings to the court in
30 accordance with the garnishee defendant's normal pay and disbursement
31 cycle.

32 (2) Funds received by the clerk from a garnishee defendant may be
33 deposited into the registry of the court or, in the case of negotiable
34 instruments, may be retained in the court file. Upon presentation of
35 an order directing the clerk to disburse the funds received, the clerk
36 shall pay or endorse the funds over to the party entitled to receive

1 the funds. Except for good cause shown, the funds shall not be paid or
2 endorsed to the plaintiff prior to the expiration of any minimum
3 statutory period allowed to the defendant for filing an exemption
4 claim.

5 (3) The plaintiff shall, in the same manner permitted for service
6 of the writ of garnishment, provide to the garnishee defendant a copy
7 of the notice issued by the clerk and an envelope addressed to the
8 court, and shall supply to the garnished party a copy of the notice.

9 (4) Any answer or processing fees charged by the garnishee
10 defendant to the plaintiff under federal law shall be a recoverable
11 cost under RCW 6.27.090.

12 (5) The notice to the federal government garnishee shall be in
13 substantially the following form:

14 IN THECOURT OF THE STATE OF
15 WASHINGTON

16 IN AND FORCOUNTY

17 , NO.....
18 Plaintiff, NOTICE TO FEDERAL
19 vs. GOVERNMENT GARNISHEE
20 DEFENDANT

21 ,
22 Defendant,
23 ,
24 Garnishee Defendant.

25 TO: THE GOVERNMENT OF THE UNITED STATES
26 AND ANY DEPARTMENT, AGENCY, OR DIVISION
27 THEREOF

28 You have been named as the garnishee defendant in the
29 above-entitled cause. A Writ of Garnishment accompanies
30 this Notice. The Writ of Garnishment directs you to hold
31 the nonexempt earnings of the named defendant, but does
32 not instruct you to disburse the funds you hold.

1 BY THIS NOTICE THE COURT DIRECTS YOU TO
2 WITHHOLD ALL NONEXEMPT EARNINGS AND
3 DISBURSE THEM IN ACCORDANCE WITH YOUR
4 NORMAL PAY AND DISBURSEMENT CYCLE, TO
5 THE FOLLOWING:

6 County Court Clerk
7 Cause No
8
9 (Address)

10 PLEASE REFERENCE THE DEFENDANT
11 EMPLOYEE'S NAME AND THE ABOVE CAUSE
12 NUMBER ON ALL DISBURSEMENTS.

13 The enclosed Writ also directs you to respond to the Writ
14 within twenty (20) days, but you are allowed thirty (30)
15 days to respond under federal law.

16 DATED this day of, ((49)) 20...

17
18 Clerk of the Court

19 (6) The notice to the federal government can be issued with like
20 effect by the attorney of record for the judgment creditor. If the
21 underlying writ is in a form that does not require a court-issued order
22 to pay to effect payment of the withheld funds, the attorney of record
23 can substitute the name and address of the attorney or the plaintiff
24 for that of the court clerk in the notice to the federal government.
25 Text in substantially the following form shall replace the clerk's
26 signature and date:

27 This notice is issued by the undersigned attorney of
28 record for plaintiff under the authority of RCW 6.27.370,
29 and must be complied with in the same manner as a
30 notice issued by the court.

31
32 Dated thisday of, 20.....
33
34

1

2 NEW SECTION. **Sec. 17.** RCW 6.27.340 (Continuing lien on earnings--
3 Captions--Additions to writ and answer forms) and 2003 c 222 s 13, 1988
4 c 231 s 34, 1987 c 442 s 1033, & 1970 ex.s. c 61 s 6 are each repealed.

--- END ---