

FINAL BILL REPORT

SSB 5592

C 222 L 03
Synopsis as Enacted

Brief Description: Allowing attorney issued garnishments and simplifying garnishment answer forms.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin).

Senate Committee on Judiciary
House Committee on Judiciary

Background: The clerks of the superior courts and district courts issue writs of garnishment for the benefit of a judgment creditor who has an unsatisfied judgment in the court where the garnishment is sought. The judgment creditor or plaintiff applies for the writ by affidavit and pays a fee to the court clerk. In district court, the plaintiff gives the defendant copies of the application for the writ, the writ, and the exemption documents. In superior court, a copy of the underlying judgment is given to the defendant, instead of the application for the writ.

A defendant may claim exemptions from garnishment and, if the plaintiff elects not to object to the exemptions, he or she must obtain a court order directing the garnishee to release the portion of the debt or property covered by the exemption claim.

A garnishee that has allowed a default judgment to be taken against it for failure to answer a writ can move to reduce the judgment amount within seven days of the time it is garnished.

Proponents of this bill believe allowing attorneys to issue writs of garnishment would reduce delays in the garnishment process and give court clerks more time to attend to other duties.

Summary: Writs of garnishment may be issued by the attorney of record for the judgment creditor. The effect of the writ is the same as one issued by a clerk of district court and the fee for the writ is \$6 in district court. In district court, the plaintiff must supply the defendant with a copy of the affidavit submitted in application for the writ, a copy of the writ, and the exemption documents.

If a defendant claims exemptions from a garnishment, the attorney for the plaintiff may authorize the release of claimed exempt funds or property instead of having to obtain a court order. The form of the answer to the writ of garnishment is a simple, worksheet format. Only non-governmental pensions are subject to garnishment.

A garnishee that has allowed a default judgment to be taken against it for failure to answer a writ can move to reduce the judgment amount within seven days of the first time it is garnished.

Votes on Final Passage:

Senate 43 4
House 93 0 (House amended)
Senate 40 4 (Senate concurred)

Effective: July 27, 2003