
SUBSTITUTE HOUSE BILL 1552

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representative Goodman)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to garnishment; amending RCW 6.27.090, 6.27.100,
2 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190, 6.27.200,
3 6.27.250, 6.27.330, 6.27.350, 6.27.360, and 6.27.370; adding a new
4 section to chapter 6.27 RCW; providing an effective date; and providing
5 an expiration date.

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

7 **Sec. 1.** RCW 6.27.090 and 2000 c 72 s 2 are each amended to read as
8 follows:

9 (1) The writ of garnishment shall set forth in the first paragraph
10 the amount that garnishee is required to hold, which shall be an amount
11 determined as follows: (a)(i) If after judgment, the amount of the
12 judgment remaining unsatisfied on the clerk of the court's execution
13 docket, if any, plus interest to the date of garnishment, as provided
14 in RCW 4.56.110, plus estimated interest that may accrue during the
15 garnishment process on a per diem basis under subsection (3) of this
16 section plus taxable costs and (~~attorney's~~) attorneys' fees, or (ii)
17 if before judgment, the amount prayed for in the complaint plus
18 estimated taxable costs of suit and attorneys' fees, together with, (b)
19 whether before or after judgment, estimated costs of garnishment as

1 provided in subsection (2) of this section. The court may, by order,
2 set a higher amount to be held upon a showing of good cause by
3 plaintiff.

4 (2) Costs recoverable in garnishment proceedings, to be estimated
5 for purposes of subsection (1) of this section, include filing and ex
6 parte fees, service and affidavit fees, postage and costs of certified
7 mail, answer fee or fees, other fees legally chargeable to a plaintiff
8 in the garnishment process, and a garnishment attorney fee in the
9 amount of the greater of ((fifty)) one hundred dollars or ten percent
10 of (a) the amount of the judgment remaining unsatisfied or (b) the
11 amount prayed for in the complaint. The garnishment attorney fee shall
12 not exceed ((two)) three hundred ((fifty)) dollars.

13 (3) For purposes of subsection (1) of this section, the plaintiff
14 must indicate in the writ a specific dollar amount of estimated
15 interest that may accrue during the garnishment process per day. The
16 amount must be based on an interest rate of twelve percent or the
17 interest rate set forth in the judgment, whichever rate is less.

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

20 (1) ((The)) A writ issued for a continuing lien on earnings shall
21 be substantially in the form provided in section 3 of this act. All
22 other writs of garnishment shall be substantially in the following
23 form, but if the writ is issued under ((a court)) an order or judgment
24 for child support, the following statement shall appear conspicuously
25 in the caption: "This garnishment is based on a judgment or ((court))
26 order for child support"; and ((if the garnishment is for a continuing
27 lien, the form shall be modified as provided in RCW 6.27.340; and if
28 the writ is not directed to an employer for the purpose of garnishing
29 a defendant's earnings, the paragraph relating to the earnings
30 exemption may be omitted and the paragraph relating to the deduction of
31 processing fees may be omitted; and)) if the writ is issued by an
32 attorney, the writ shall be revised as indicated in subsection (2) of
33 this section:

34 "IN THE COURT
35 OF THE STATE OF WASHINGTON IN AND FOR
36 THE COUNTY OF

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Plaintiff, No.
vs.
..... , WRIT OF
Defendant, GARNISHMENT
..... ,
Garnishee

THE STATE OF WASHINGTON TO:
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	\$
<u>Per Day Rate of Estimated Interest</u>	<u>\$</u>
	<u>per day</u>
Taxable Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
<u>Filing and Ex Parte Fees</u>	\$
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,

1 delivery, sale, or transfer is void to the extent necessary to satisfy
2 the plaintiff's claim and costs for this writ with interest.

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

10 (~~(If, at the time this writ was served, you owed the defendant any~~
11 ~~earnings (that is, wages, salary, commission, bonus, or other~~
12 ~~compensation for personal services or any periodic payments pursuant to~~
13 ~~a nongovernmental pension or retirement program), the defendant is~~
14 ~~entitled to receive amounts that are exempt from garnishment under~~
15 ~~federal and state law. You must pay the exempt amounts to the~~
16 ~~defendant on the day you would customarily pay the compensation or~~
17 ~~other periodic payment. As more fully explained in the answer, the~~
18 ~~basic exempt amount is the greater of seventy five percent of~~
19 ~~disposable earnings or a minimum amount determined by reference to the~~
20 ~~employee's pay period, to be calculated as provided in the answer.~~
21 ~~However, if this writ carries a statement in the heading that "This~~
22 ~~garnishment is based on a judgment or court order for child support,"~~
23 ~~the basic exempt amount is forty percent of disposable earnings.~~

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

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

33 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
34 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
35 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
36 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
37 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT

1 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
2 IN YOUR POSSESSION OR CONTROL.

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

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

7 [Seal]

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11 Attorney for Clerk of
12 Plaintiff (or the Court
13 Plaintiff, if no
14 attorney)

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16 Address By
17
18 Name of Defendant Address"
19 Address of Defendant

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

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

28 Dated thisday of.....,20.....

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32 Attorney for Plaintiff
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34 Address((") Address of the Clerk of the
Court"

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Name of Defendant
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Address of Defendant

NEW SECTION. **Sec. 3.** A new section is added to chapter 6.27 RCW to read as follows:

(1) A writ that is issued for a continuing lien on earnings shall be substantially in the following form, but if the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support;" and if the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

.....,
Plaintiff, No.
vs.
....., WRIT OF
Defendant GARNISHMENT FOR
CONTINUING LIEN ON
....., EARNINGS
Garnishee

THE STATE OF WASHINGTON TO:
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 \$

1	Interest under Judgment from to	\$....
2	Per Day Rate of Estimated Interest	\$....
3		per day
4	Taxable Costs and Attorneys' Fees	\$....
5	Estimated Garnishment Costs:	
6	Filing and Ex Parte Fees	\$....
7	Service and Affidavit Fees	\$....
8	Postage and Costs of Certified Mail	\$....
9	Answer Fee or Fees	\$....
10	Garnishment Attorney Fee	\$....
11	Other	\$....

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

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

34 YOU ARE FURTHER COMMANDED to answer this writ according to the
35 instructions in this writ and in the answer forms and, within twenty
36 days after the service of the writ upon you, to mail or deliver the

1 original of such answer to the court, one copy to the plaintiff or the
2 plaintiff's attorney, and one copy to the defendant, at the addresses
3 listed at the bottom of this writ.

4 If, at the time this writ was served, you owed the defendant any
5 earnings (that is, wages, salary, commission, bonus, tips, or other
6 compensation for personal services or any periodic payments pursuant to
7 a nongovernmental pension or retirement program), the defendant is
8 entitled to receive amounts that are exempt from garnishment under
9 federal and state law. You must pay the exempt amounts to the
10 defendant on the day you would customarily pay the compensation or
11 other periodic payment. As more fully explained in the answer, the
12 basic exempt amount is the greater of seventy-five percent of
13 disposable earnings or a minimum amount determined by reference to the
14 employee's pay period, to be calculated as provided in the answer.
15 However, if this writ carries a statement in the heading that "This
16 garnishment is based on a judgment or order for child support," the
17 basic exempt amount is fifty percent of disposable earnings.

18 YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE
19 EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING
20 FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS
21 AT THE TIME YOU SUBMIT THE SECOND ANSWER.

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

26 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
27 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
28 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
29 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
30 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
31 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
32 IN YOUR POSSESSION OR CONTROL.

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

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

37 [Seal]

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2 Attorney for Clerk of
3 Plaintiff (or the Court
4 Plaintiff, if no
5 attorney)
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7 Address By
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9 Name of Defendant Address"
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11 Address of Defendant

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

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

20 Dated thisday of.....,20.....
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22
23 Attorney for Plaintiff
24
25 Address Address of the Clerk of the
26 Court"
27
28 Name of Defendant
29
30 Address of Defendant

31 **Sec. 4.** RCW 6.27.340 and 2003 c 222 s 13 are each amended to read
32 as follows:

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

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

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

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

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

29 ~~ANSWER: I am presently holding the defendant's nonexempt~~
30 ~~earnings under a previous writ served on that will~~
31 ~~terminate not later than, 20~~

32 ~~.....~~

33 ~~If you are NOT withholding the defendant's earnings under a~~

1 ~~previously served writ for a continuing lien, answer this~~
2 ~~entire form and mail or deliver the forms as directed in the~~
3 ~~writ. A second set of answer forms will be forwarded to you~~
4 ~~later for subsequently withheld earnings."~~) If the writ is
5 directed to an employer for the purpose of garnishing the
6 defendant's wages, the first answer shall accurately state, as
7 of the date the writ of garnishment was issued as indicated by
8 the date appearing on the last page of the writ, whether the
9 defendant was employed by the garnishee defendant (and if not
10 the date employment terminated), whether the defendant's
11 earnings were subject to a preexisting writ of garnishment for
12 continuing liens on earnings (and if so the date such writ will
13 terminate and the current writ will be enforced), whether the
14 defendant maintained a financial account with garnishee, and
15 whether the garnishee defendant had possession of or control
16 over any funds, personal property, or effects of the defendant
17 (and if so the garnishee defendant shall list all of
18 defendant's personal property or effects in its possession or
19 control). The first answer shall further accurately state, as
20 of the time of service of the writ of garnishment on the
21 garnishee defendant, the amount due and owing from the
22 garnishee defendant to the defendant, and the defendant's total
23 earnings, allowable deductions, disposable earnings, exempt
24 earnings, deductions for superior liens such as child support,
25 and net earnings withheld under the writ. The first answer may
26 be substantially in the following form:

27 IN THE COURT
28 OF THE STATE OF WASHINGTON IN AND FOR
29 THE COUNTY OF
30, NO.
31 Plaintiff,
32 vs. FIRST ANSWER
33, TO WRIT OF
34 Defendant, GARNISHMENT
35 FOR CONTINUING LIEN

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SECTION I. 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.

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.

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

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 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.)

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

This writ attaches a maximum of percent of the

1 defendant's disposable earnings (that is, compensation payable
2 for personal services, whether called wages, salary,
3 commission, bonus, or otherwise, and including periodic
4 payments pursuant to a nongovernmental pension or retirement
5 program).

6 Calculate the 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	<u>If paid:</u>	<u>Weekly</u>	<u>\$.....</u>	<u>Semi-monthly</u>	<u>\$.....</u>
18		<u>Bi-weekly</u>	<u>\$.....</u>	<u>Monthly</u>	<u>\$.....</u>

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
33 period over the required sixty day garnishment period. Deduct

1 any allowable processing fee you may charge from the amount
2 that is to be paid to the defendant.

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

5 SECTION III. An attorney may answer for the garnishee.
6 Under penalty of perjury, I affirm that I have examined this
7 answer, including accompanying schedules, and to the best of my
8 knowledge and belief it is true, correct, and complete.

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10 Signature of Date
11 Garnishee Defendant
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13 Signature of Person Connection with
14 Answering for Garnishee
15 Garnishee
16
17 Print Name of Person
18 Signing Address of Garnishee

19 (3) Prior to serving the answer forms for a writ for continuing
20 lien on earnings, the plaintiff shall fill in the minimum exemption
21 amounts for the different pay periods, and the maximum percentages of
22 disposable earnings subject to lien and exempt from lien.

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

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

28 (1) Service of the writ of garnishment, including a writ for
29 continuing lien on earnings, on the garnishee is invalid unless the
30 writ is served together with: (a) ~~((Four))~~ An answer form~~((s))~~ as
31 prescribed in RCW 6.27.190; and (b) ~~((three stamped envelopes addressed~~
32 ~~respectively to the clerk of the court issuing the writ, the attorney~~
33 ~~for the plaintiff (or to the plaintiff if the plaintiff has no~~
34 ~~attorney), and the defendant; and (c))~~ a check or money order made

1 payable to the garnishee in the amount of twenty dollars for the answer
2 fee if the writ of garnishment is not a writ for a continuing lien on
3 earnings.

4 (2) Except as provided in RCW 6.27.080 for service on a bank,
5 savings and loan association, or credit union, the writ of garnishment
6 shall be mailed to the garnishee by certified mail, return receipt
7 requested, addressed in the same manner as a summons in a civil action,
8 and will be binding upon the garnishee on the day set forth on the
9 return receipt. In the alternative, the writ shall be served by the
10 sheriff of the county in which the garnishee lives or has its place of
11 business or by any person qualified to serve process in the same manner
12 as a summons in a civil action is served.

13 (3) If a writ of garnishment is served by a sheriff, the sheriff
14 shall file with the clerk of the court that issued the writ a signed
15 return showing the time, place, and manner of service and that the writ
16 was accompanied by an answer form(~~(s, addressed envelopes)~~), and check
17 or money order if required by this section, and noting thereon fees for
18 making the service. If service is made by any person other than a
19 sheriff, such person shall file an affidavit including the same
20 information and showing qualifications to make such service. If a writ
21 of garnishment is served by mail, the person making the mailing shall
22 file an affidavit showing the time, place, and manner of mailing and
23 that the writ was accompanied by an answer form(~~(s and addressed~~
24 ~~envelopes)~~), and check or money order if required by this section, and
25 shall attach the return receipt or electronic return receipt delivery
26 confirmation to the affidavit.

27 **Sec. 6.** RCW 6.27.140 and 2011 c 162 s 5 are each amended to read
28 as follows:

29 (1) The notice required by RCW 6.27.130(1) to be mailed to or
30 served on an individual judgment debtor shall be in the following form,
31 printed or typed in (~~type~~) no smaller than (~~elite type~~) size twelve
32 point font type:

33 NOTICE OF GARNISHMENT
34 AND OF YOUR RIGHTS

35 A Writ of Garnishment issued in a Washington court has been or
36 will be served on the garnishee named in the attached copy of
37 the writ. After receipt of the writ, the garnishee is required

1 to withhold payment of any money that was due to you and to
2 withhold any other property of yours that the garnishee held or
3 controlled. This notice of your rights is required by law.

4 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

5 WAGES. If the garnishee is your employer who owes wages or
6 other personal earnings to you, your employer is required to
7 pay amounts to you that are exempt under state and federal
8 laws, as explained in the writ of garnishment. You should
9 receive a copy of your employer's answer, which will show how
10 the exempt amount was calculated. If the garnishment is for
11 child support, the exempt amount paid to you will be ~~((forty))~~
12 a percent of ((wages due you, but if you are supporting a
13 spouse, state registered domestic partner, or dependent child,
14 you are entitled to claim an additional ten percent as exempt))
15 your disposable earnings, which is fifty percent of that part
16 of your earnings remaining after your employer deducts those
17 amounts which are required by law to be withheld.

18 BANK ACCOUNTS. If the garnishee is a bank or other institution
19 with which you have an account in which you have deposited
20 benefits such as Temporary Assistance for Needy Families,
21 Supplemental Security Income (SSI), Social Security, veterans'
22 benefits, unemployment compensation, or ~~((a United States~~
23 ~~pension))~~ any federally qualified pension, such as a state or
24 federal pension, individual retirement account (IRA), or 401K
25 plan, you may claim the account as fully exempt if you have
26 deposited only such benefit funds in the account. It may be
27 partially exempt even though you have deposited money from
28 other sources in the same account. An exemption is also
29 available under RCW 26.16.200, providing that funds in a
30 community bank account that can be identified as the earnings
31 of a stepparent are exempt from a garnishment on the child
32 support obligation of the parent.

33 OTHER EXEMPTIONS. If the garnishee holds other property of
34 yours, some or all of it may be exempt under RCW 6.15.010, a
35 Washington statute that exempts certain property of your choice
36 (including money in a bank account up to \$200.00 for debts owed

1 to state agencies, or up to \$500.00 for all other debts) and
2 certain other property such as household furnishings, tools of
3 trade, and a motor vehicle (all limited by differing dollar
4 values).

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

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

18 (2)(a) If the writ is to garnish funds or property held by a
19 financial institution, the claim form required by RCW 6.27.130(1) to be
20 mailed to or served on an individual judgment debtor shall be in the
21 following form, printed or typed in ((type)) no smaller than ((elite
22 type)) size twelve point font type:

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

25
26 Name of Court
27 No.....
28 Plaintiff,
29 vs.
30 EXEMPTION CLAIM
31 Defendant,
32
33 Garnishee Defendant

34 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~~) Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan.
I receive \$ monthly.

Unemployment Compensation. I receive \$ monthly.

Child support. I receive \$ monthly.

Other. Explain
.

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

- 1 No money other than from above payments are in
 2 the account.
 3 Moneys in addition to the above payments have
 4 been deposited in the account. Explain
 5
 6

7 ~~((IF EARNINGS ARE GARNISHED FOR CHILD~~
 8 ~~SUPPORT:~~

- 9 I claim maximum exemption.
 10 I am supporting another child or other children.
 11 I am supporting a husband, wife, or state registered
 12 domestic partner.

13 ~~IF PENSION OR RETIREMENT BENEFITS ARE~~
 14 ~~GARNISHED:~~

- 15 Name and address of employer who is paying the
 16 benefits:
 17 ))

18 OTHER PROPERTY:

- 19 Describe property
 20
 21 (If you claim other personal property as exempt, you
 22 must attach a list of all other personal property that
 23 you own.)

24

25 Print: Your name 26 27 28 29 30 31 Your signature 32 33 34 35 	If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner Signature of husband, wife, or state registered domestic partner
---	---

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 PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:
.....

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim maximum exemption.
.....

<u>Print: Your name</u>	<u>If married or in a state registered domestic partnership,</u>
-------------------------	--

1 name of husband/wife/state

2 registered domestic partner

3

4 Your signature Signature of husband,

5 wife, or state registered

6 domestic partner

7

8

9 Address Address

10 (if different from yours)

11

12 Telephone number Telephone number

13 (if different from yours)

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

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

24 (c) If the writ under (b) of this subsection is not a writ for the
25 collection of child support, the exemption language pertaining to child
26 support may be omitted.

27 **Sec. 7.** RCW 6.27.140 and 2011 c 162 s 6 are each amended to read
28 as follows:

29 (1) The notice required by RCW 6.27.130(1) to be mailed to or
30 served on an individual judgment debtor shall be in the following form,
31 printed or typed in ((type)) no smaller than ((~~elite-type~~)) size twelve
32 point font:

33 NOTICE OF GARNISHMENT
34 AND OF YOUR RIGHTS

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

7 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

8 WAGES. If the garnishee is your employer who owes wages or
9 other personal earnings to you, your employer is required to
10 pay amounts to you that are exempt under state and federal
11 laws, as explained in the writ of garnishment. You should
12 receive a copy of your employer's answer, which will show how
13 the exempt amount was calculated. If the garnishment is for
14 child support, the exempt amount paid to you will be ~~((forty))~~
15 a percent of ((wages due you, but if you are supporting a
16 spouse, state registered domestic partner, or dependent child,
17 you are entitled to claim an additional ten percent as exempt))
18 your disposable earnings, which is fifty percent of that part
19 of your earnings remaining after your employer deducts those
20 amounts which are required by law to be withheld.

21 BANK ACCOUNTS. If the garnishee is a bank or other institution
22 with which you have an account in which you have deposited
23 benefits such as Temporary Assistance for Needy Families,
24 Supplemental Security Income (SSI), Social Security, veterans'
25 benefits, unemployment compensation, or ~~((a United States~~
26 pension)) any federally qualified pension, such as a state or
27 federal pension, individual retirement account (IRA), or 401K
28 plan, 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 certain property of your choice
4 (including up to \$500.00 in a bank account) and certain other
5 property such as household furnishings, tools of trade, and a
6 motor vehicle (all limited by differing dollar values).

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

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

20 (2)(a) If the writ is to garnish funds or property held by a
21 financial institution, the claim form required by RCW 6.27.130(1) to be
22 mailed to or served on an individual judgment debtor shall be in the
23 following form, printed or typed in ((~~type~~)) no smaller than ((~~elite~~
24 ~~type~~)) size twelve point font:

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

27
28 Name of Court
29 No.....
30 Plaintiff,
31 vs.
32 EXEMPTION CLAIM
33 Defendant,
34

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~~) Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ monthly.

Unemployment Compensation. I receive \$ monthly.

Child support. I receive \$ monthly.

Other. Explain
.....

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

- 3 No money other than from above payments are in
4 the account.
5 Moneys in addition to the above payments have
6 been deposited in the account. Explain
7
8

9 ~~((IF EARNINGS ARE GARNISHED FOR CHILD~~
10 ~~SUPPORT:~~

- 11 ~~I claim maximum exemption.~~
12 ~~I am supporting another child or other children.~~
13 ~~I am supporting a husband, wife, or state registered~~
14 ~~domestic partner.~~

15 ~~IF PENSION OR RETIREMENT BENEFITS ARE~~
16 ~~GARNISHED:~~

- 17 ~~Name and address of employer who is paying the~~
18 ~~benefits:~~
19 ~~.....))~~

20 OTHER PROPERTY:

- 21 Describe property
22
23 (If you claim other personal property as exempt, you
24 must attach a list of all other personal property that
25 you own.)

26
27 Print: Your name If married or in a state
28 registered domestic
29 partnership,
30 name of husband/wife/state
31 registered domestic partner
32
33 Your signature Signature of husband,
34 wife, or state registered
35 domestic partner

1
 2
 3 Address Address
 4 (if different from yours)
 5
 6 Telephone number Telephone number
 7 (if different from yours)

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

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

18 (b) If the writ is directed to an employer to garnish earnings, the
 19 claim form required by RCW 6.27.130(1) to be mailed to or served on an
 20 individual judgment debtor shall be in the following form, subject to
 21 (c) of this subsection, printed or typed in no smaller than size twelve
 22 point font type:

23
 24 [Caption to be filled in by judgment creditor
 25 or plaintiff before mailing.]
 26
 27 Name of Court
 28 No.....
 29 Plaintiff,
 30 vs.
 31 EXEMPTION CLAIM
 32 Defendant,
 33

1 Garnishee Defendant

2 INSTRUCTIONS:

- 3 1. Read this whole form after reading the enclosed
4 notice. Then put an X in the box or boxes that
5 describe your exemption claim or claims and write in
6 the necessary information on the blank lines. If
7 additional space is needed, use the bottom of the last
8 page or attach another sheet.
- 9 2. Make two copies of the completed form. Deliver the
10 original form by first-class mail or in person to the
11 clerk of the court, whose address is shown at the
12 bottom of the writ of garnishment. Deliver one of
13 the copies by first-class mail or in person to the
14 plaintiff or plaintiff's attorney, whose name and
15 address are shown at the bottom of the writ. Keep
16 the other copy. YOU SHOULD DO THIS AS
17 QUICKLY AS POSSIBLE, BUT NO LATER
18 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
19 ON THE WRIT.

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

21
22
23
24
25
26 IF PENSION OR RETIREMENT BENEFITS ARE
27 GARNISHED:

28 Name and address of employer who is paying the
29 benefits:
30

31 IF EARNINGS ARE GARNISHED FOR CHILD
32 SUPPORT:

33 I claim maximum exemption.
34

1	<u>Print: Your name</u>	<u>If married or in a state</u>
2		<u>registered domestic</u>
3		<u>partnership,</u>
4		<u>name of husband/wife/state</u>
5		<u>registered domestic partner</u>
6	.....	.....
7	<u>Your signature</u>	<u>Signature of husband,</u>
8		<u>wife, or state registered</u>
9		<u>domestic partner</u>
10	.....	.....
11	.....	.....
12	<u>Address</u>	<u>Address</u>
13		<u>(if different from yours)</u>
14	.....	.....
15	<u>Telephone number</u>	<u>Telephone number</u>
16		<u>(if different from yours)</u>

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

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

27 (c) If the writ under (b) of this subsection is not a writ for the
28 collection of child support, the exemption language pertaining to child
29 support may be omitted.

30 **Sec. 8.** RCW 6.27.150 and 1991 c 365 s 26 are each amended to read
31 as follows:

32 (1) Except as provided in subsection (2) of this section, if the
33 garnishee is an employer owing the defendant earnings, then for each

1 week of such earnings, an amount shall be exempt from garnishment which
2 is the greatest of the following:

3 (a) Thirty-five times the federal minimum hourly wage (~~(prescribed~~
4 ~~by section 206(a)(1) of Title 29 of the United States Code)~~) in effect
5 at the time the earnings are payable; or

6 (b) Seventy-five percent of the disposable earnings of the
7 defendant.

8 (2) In the case of a garnishment based on a judgment or other
9 (~~court~~) order for child support or court order for spousal
10 maintenance, other than a mandatory wage assignment order pursuant to
11 chapter 26.18 RCW, or a mandatory assignment of retirement benefits
12 pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of
13 the disposable earnings of the defendant (~~(if the individual is~~
14 ~~supporting a spouse or dependent child (other than a spouse or child on~~
15 ~~whose behalf the garnishment is brought), or forty percent of the~~
16 ~~disposable earnings of the defendant if the individual is not~~
17 ~~supporting such a spouse or dependent child)~~).

18 (3) The exemptions stated in this section shall apply whether such
19 earnings are paid, or are to be paid, weekly, monthly, or at other
20 intervals, and whether earnings are due the defendant for one week, a
21 portion thereof, or for a longer period.

22 (4) Unless directed otherwise by the court, the garnishee shall
23 determine and deduct exempt amounts under this section as directed in
24 the writ of garnishment and answer, and shall pay these amounts to the
25 defendant.

26 (5) No money due or earned as earnings as defined in RCW 6.27.010
27 shall be exempt from garnishment under the provisions of RCW 6.15.010,
28 as now or hereafter amended.

29 **Sec. 9.** RCW 6.27.190 and 2003 c 222 s 8 are each amended to read
30 as follows:

31 (1) The answer of the garnishee shall be signed by the garnishee or
32 attorney or if the garnishee is a corporation, by an officer, attorney
33 or duly authorized agent of the garnishee, under penalty of perjury,
34 and the original and copies delivered, either personally or by mail,
35 (~~(to the clerk of the court, one copy to the plaintiff or the~~
36 ~~plaintiff's attorney, and one copy to the defendant. The answer shall~~
37 ~~be made on a form substantially as appears in this section, served on~~

1 ~~the garnishee with the writ. Prior to serving the answer forms for a~~
2 ~~writ for continuing lien on earnings, the plaintiff shall fill in the~~
3 ~~minimum exemption amounts for the different pay periods, and the~~
4 ~~maximum percentages of disposable earnings subject to lien and exempt~~
5 ~~from lien)) as instructed in the writ.~~

6 (2) If the writ of garnishment is for a continuing lien, the answer
7 forms shall be as prescribed in RCW 6.27.340 and 6.27.350.

8 (3) If the writ is not directed to an employer for the purpose of
9 garnishing the defendant's wages, the ((~~paragraphs in section II of the~~
10 ~~answer relating to earnings and calculations of withheld amounts may be~~
11 ~~omitted.~~) answer shall be substantially in the following form:

12
13 IN THECOURT
14 OF THE STATE OF WASHINGTON IN AND FOR
15 THE COUNTY OF

16 NO.
17 Plaintiff
18 vs. ANSWER
19 TO WRIT OF
20 Defendant GARNISHMENT
21
22 Garnishee Defendant

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

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

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

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

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

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

10 Gross Earnings _____ \$ (1)

11 Less deductions required by law (social security,
12 federal withholding tax, etc. Do not include
13 deductions for child support orders or government
14 liens here. Deduct child support orders and liens
15 on line 7): _____ \$ (2)

16 Disposable Earnings (subtract line 2 from
17 line 1): _____ \$ (3)

18 Enter percent of line 3: _____ \$ (4)

19 Enter one of the following exempt amounts*: _____ \$ (5)

20	If paid:	Weekly	\$.....	Semi-monthly	\$.....
21		Bi-weekly	\$.....	Monthly	\$.....

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

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

31 Enter amount (if any) withheld for ongoing
32 government liens such as child support: _____ \$ (7)

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

1 ~~This is the formula that you will use for withholding each pay period~~
2 ~~over the required sixty day garnishment period. Deduct any allowable~~
3 ~~processing fee you may charge from the amount that is to be paid to the~~
4 ~~defendant.))~~

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

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

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

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

21 **Sec. 10.** RCW 6.27.200 and 2003 c 222 s 9 are each amended to read
22 as follows:

23 If the garnishee fails to answer the writ within the time
24 prescribed in the writ, after the time to answer the writ has expired
25 and after required returns or affidavits have been filed, showing
26 service on the garnishee and service on or mailing to the defendant, it
27 shall be lawful for the court to render judgment by default against
28 such garnishee, after providing a notice to the garnishee by personal
29 service or first-class mail deposited in the mail at least ten calendar
30 days prior to entry of the judgment, for the full amount claimed by the
31 plaintiff against the defendant, or in case the plaintiff has a
32 judgment against the defendant, for the full amount of the plaintiff's
33 unpaid judgment against the defendant with all accruing interest and
34 costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the
35 garnishee at any time within seven days following service on, or
36 mailing to, the garnishee of a copy of the first writ of execution or

1 writ of garnishment under such judgment, the judgment against the
2 garnishee shall be reduced to the amount of any nonexempt funds or
3 property which was actually in the possession of the garnishee at the
4 time the writ was served, plus the cumulative amount of the nonexempt
5 earnings subject to the lien provided for in RCW 6.27.350, or the sum
6 of one hundred dollars, whichever is more, but in no event to exceed
7 the full amount claimed by the plaintiff or the amount of the unpaid
8 judgment against the principal defendant (~~plus~~) with all accruing
9 interest and costs and attorney's fees as prescribed in RCW 6.27.090,
10 plus the accruing interest and costs and attorneys' fees as prescribed
11 in RCW 6.27.090 for any garnishment on the judgment against the
12 garnishee, and in addition the plaintiff shall be entitled to a
13 reasonable attorney's fee for the plaintiff's response to the
14 garnishee's motion to reduce said judgment against the garnishee under
15 this proviso and the court may allow additional attorney's fees for
16 other actions taken because of the garnishee's failure to answer.

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

19 (1)(a) If it appears from the answer of the garnishee or if it is
20 otherwise made to appear that the garnishee was indebted to the
21 defendant in any amount, not exempt, when the writ of garnishment was
22 served, and if the required return or affidavit showing service on or
23 mailing to the defendant is on file, the court shall render judgment
24 for the plaintiff against such garnishee for the amount so admitted or
25 found to be due to the defendant from the garnishee, unless such amount
26 exceeds the amount of the plaintiff's claim or judgment against the
27 defendant with accruing interest and costs and attorney's fees as
28 prescribed in RCW 6.27.090, in which case it shall be for the amount of
29 such claim or judgment, with said interest, costs, and fees. If there
30 is no unresolved exemption claim and no controversion, the plaintiff
31 may apply for the judgment and order to pay ex parte. In the case of
32 a superior court garnishment, the court shall order the garnishee to
33 pay to the plaintiff or to the plaintiff's attorney through the
34 registry of the court the amount of the judgment against the garnishee,
35 the clerk of the court shall note receipt of any such payment, and the
36 clerk of the court shall disburse the payment to the plaintiff. In the
37 case of a district court garnishment, the court shall order the

1 garnishee to pay the judgment amount directly to the plaintiff or to
2 the plaintiff's attorney. In either case, the court shall inform the
3 garnishee that failure to pay the amount may result in execution of the
4 judgment, including garnishment.

5 (b) If, prior to judgment, the garnishee tenders to the plaintiff
6 or to the plaintiff's attorney or to the court any amounts due, such
7 tender will support judgment against the garnishee in the amount so
8 tendered, subject to any exemption claimed within the time required in
9 RCW 6.27.160 after the amounts are tendered, and subject to any
10 controversion filed within the time required in RCW 6.27.210 after the
11 amounts are tendered. Any amounts tendered to the court by or on
12 behalf of the garnishee or the defendant prior to judgment shall be
13 disbursed to the party entitled to same upon entry of judgment or
14 order, and any amounts so tendered after entry of judgment or order
15 shall be disbursed upon receipt to the party entitled to same.

16 (2) If it shall appear from the answer of the garnishee and the
17 same is not controverted, or if it shall appear from the hearing or
18 trial on controversion or by stipulation of the parties that the
19 garnishee is indebted to the principal defendant in any sum, but that
20 such indebtedness is not matured and is not due and payable, and if the
21 required return or affidavit showing service on or mailing to the
22 defendant is on file, the court shall make an order requiring the
23 garnishee to pay such sum into court when the same becomes due, the
24 date when such payment is to be made to be specified in the order, and
25 in default thereof that judgment shall be entered against the garnishee
26 for the amount of such indebtedness so admitted or found due. In case
27 the garnishee pays the sum at the time specified in the order, the
28 payment shall operate as a discharge, otherwise judgment shall be
29 entered against the garnishee for the amount of such indebtedness,
30 which judgment shall have the same force and effect, and be enforced in
31 the same manner as other judgments entered against garnishees as
32 provided in this chapter: PROVIDED, That if judgment is rendered in
33 favor of the principal defendant, or if any judgment rendered against
34 the principal defendant is satisfied prior to the date of payment
35 specified in an order of payment entered under this subsection, the
36 garnishee shall not be required to make the payment, nor shall any
37 judgment in such case be entered against the garnishee.

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

14 **Sec. 12.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to
15 read as follows:

16 A judgment creditor may obtain a continuing lien on earnings by a
17 garnishment pursuant to ((~~RCW 6.27.340, 6.27.350, 6.27.360, and~~
18 ~~7.33.390~~)) this chapter.

19 **Sec. 13.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read
20 as follows:

21 (1) Where the garnishee's answer to a garnishment for a continuing
22 lien reflects that the defendant is employed by the garnishee, the
23 judgment or balance due thereon as reflected on the writ of garnishment
24 shall become a lien on earnings due at the time of the effective date
25 of the writ, as defined in this subsection, to the extent that they are
26 not exempt from garnishment, and such lien shall continue as to
27 subsequent nonexempt earnings until the total subject to the lien
28 equals the amount stated on the writ of garnishment or until the
29 expiration of the employer's payroll period ending on or before sixty
30 days after the effective date of the writ, whichever occurs first,
31 except that such lien on subsequent earnings shall terminate sooner if
32 the employment relationship is terminated or if the underlying judgment
33 is vacated, modified, or satisfied in full or if the writ is dismissed.
34 The "effective date" of a writ is the date of service of the writ if
35 there is no previously served writ; otherwise, it is the date of
36 termination of a previously served writ or writs.

1 (2) At the time of the expected termination of the lien, the
2 plaintiff shall mail to the garnishee (~~three additional stamped~~
3 ~~envelopes addressed as provided in RCW 6.27.110, and four additional~~
4 ~~copies~~) one copy of the answer form prescribed in RCW (~~6.27.190~~)
5 6.27.340. The plaintiff shall replace the text of section I of the
6 answer form with a statement in substantially the following form:
7 "ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF
8 EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY,
9 STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE
10 THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

11 Nonexempt amount due and owing stated in first \$...
12 answer
13 Nonexempt amount accrued since first answer \$...
14 TOTAL AMOUNT WITHHELD \$....

15 (3) Within twenty days of receipt of the second answer form the
16 garnishee shall file a second answer, either in the form as provided in
17 subsection (2) of this section, stating the total amount held subject
18 to the garnishment, or otherwise containing the information required in
19 subsection (2) of this section and a calculation indicating the total
20 amount due and owing from the garnishee defendant to the defendant, the
21 defendant's total earnings, allowable deductions, disposable earnings,
22 exempt earnings, deductions for superior liens such as child support,
23 and net earnings withheld under the writ.

24 **Sec. 14.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read
25 as follows:

26 (1) Except as provided in subsection (~~(+2)~~) (3) of this section,
27 a lien obtained under RCW 6.27.350 shall have priority over any
28 subsequent garnishment lien or wage assignment except that service of
29 a writ shall not be effective to create a continuing lien with such
30 priority if a writ in the same case is pending at the time of the
31 service of the new writ.

32 (2) A lien obtained under RCW 6.27.350 shall have priority over any
33 prior wage assignment, except an assignment for child support as
34 provided in subsection (3) of this section and an assignment for legal

1 financial obligations as provided under RCW 9.94A.760, 9.94A.7702, and
2 72.09.111.

3 (3) A lien obtained under RCW 6.27.350 shall not have priority over
4 a notice of payroll deduction issued under RCW 26.23.060 or a wage
5 assignment or other garnishment for child support issued under chapters
6 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of
7 all amounts owing under a notice of payroll deduction, wage assignment,
8 or garnishment for child support, the garnishee shall withhold the
9 remaining nonexempt wages under the lien obtained under RCW 6.27.350.

10 **Sec. 15.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read
11 as follows:

12 (1) Whenever the federal government is named as a garnishee
13 defendant, the attorney for the plaintiff, or the clerk of the court
14 shall, upon submitting a notice in the appropriate form by the
15 plaintiff, issue a notice which directs the garnishee defendant to
16 disburse any nonexempt earnings to the court in accordance with the
17 garnishee defendant's normal pay and disbursement cycle.

18 (2) Funds received by the clerk from a garnishee defendant may be
19 deposited into the registry of the court or, in the case of negotiable
20 instruments, may be retained in the court file. Upon presentation of
21 an order directing the clerk to disburse the funds received, the clerk
22 shall pay or endorse the funds over to the party entitled to receive
23 the funds. Except for good cause shown, the funds shall not be paid or
24 endorsed to the plaintiff prior to the expiration of any minimum
25 statutory period allowed to the defendant for filing an exemption
26 claim.

27 (3) The plaintiff shall, in the same manner permitted for service
28 of the writ of garnishment, provide to the garnishee defendant a copy
29 of the notice issued (~~by the clerk and an envelope addressed to the~~
30 ~~court~~) under subsection (1) of this section, and shall supply to the
31 garnished party a copy of the notice.

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

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

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IN THE COURT OF THE STATE OF
WASHINGTON

IN AND FOR COUNTY

....., NO
Plaintiff, NOTICE TO FEDERAL
vs. GOVERNMENT GARNISHEE
DEFENDANT

.....,
Defendant,

.....,
Garnishee Defendant.

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

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

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

..... County Court Clerk
Cause No
.....
(Address)

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

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

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

5
6 Clerk of the Court

7 (6) If the writ of garnishment is issued by the attorney of record
8 for the judgment creditor, the following paragraph shall replace the
9 clerk's signature and date:

10 This notice is issued by the undersigned attorney of record for
11 plaintiff under the authority of RCW 6.27.370, and must be
12 complied with in the same manner as a notice issued by the
13 court.

14 Dated thisday of....., 20.....

15
16
17 Attorney for Plaintiff

18 NEW SECTION. Sec. 16. Section 6 of this act expires January 1,
19 2018.

20 NEW SECTION. Sec. 17. Section 7 of this act takes effect January
21 1, 2018.

--- END ---