
HOUSE BILL 1552

State of Washington

62nd Legislature

2011 Regular Session

By Representative Goodman

Read first time 01/25/11. Referred to Committee on Judiciary.

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

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

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

8 (1) The writ of garnishment shall set forth in the first paragraph
9 the amount that garnishee is required to hold, which shall be an amount
10 determined as follows: (a)(i) If after judgment, the amount of the
11 judgment remaining unsatisfied on the clerk of the court's execution
12 docket, if any, plus interest to the date of garnishment, as provided
13 in RCW 4.56.110, plus estimated interest that may accrue during the
14 garnishment process on a per diem basis under subsection (3) of this
15 section plus taxable costs and (~~attorney's~~) attorneys' fees, or (ii)
16 if before judgment, the amount prayed for in the complaint plus
17 estimated taxable costs of suit and attorneys' fees, together with, (b)
18 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 dollars or ten percent of (a) the amount
10 of the judgment remaining unsatisfied or (b) the amount prayed for in
11 the complaint. The garnishment attorney fee shall not exceed two
12 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. The
18 amount of estimated interest may not exceed thirty days' interest for
19 a writ of garnishment or one hundred fifty days' interest for a writ
20 for a continuing lien on earnings.

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

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

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
10 Garnishee

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	<u>Per Day Rate of Estimated Interest</u>	<u>\$</u>
22		<u>per day</u>
23	Taxable Costs and Attorneys' Fees	\$
24	Estimated Garnishment Costs:	
25	Filing <u>and Ex Parte</u> Fees	\$
26	Service and Affidavit Fees	\$
27	Postage and Costs of Certified Mail	\$
28	Answer Fee or Fees (((If applicable)))	\$
29	Garnishment Attorney Fee	\$
30	Other	\$

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

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

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

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

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

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

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

1 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
2 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
3 IN YOUR POSSESSION OR CONTROL.

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

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

8 [Seal]

9

10	.....	.....
11	Attorney for	Clerk of
12	Plaintiff (or	the Court
13	Plaintiff, if no	
14	attorney)	
15	.....	.....
16	Address	By
17		.....
18		Address"

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

23 "This writ 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 a writ
26 issued by the clerk of the court.

27	Dated this .....day of.....,20.....	
28		
29	.....
30	Attorney for Plaintiff	
31	.....	.....
32	Address((^u))	Address of the Clerk of the
33		Court"

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

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

10 "IN THE COURT
11 OF THE STATE OF WASHINGTON IN AND FOR
12 THE COUNTY OF

13,
14 Plaintiff, No.
15 vs.
16, WRIT OF
17 Defendant GARNISHMENT FOR
18 CONTINUING LIEN ON
19, EARNINGS
20 Garnishee

21 THE STATE OF WASHINGTON TO:
22 Garnishee

23 AND TO:
24 Defendant

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

Balance on Judgment or Amount of Claim	\$
Interest under Judgment from to	\$
Per Day Rate of Estimated Interest	\$
	per day
Taxable Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
Filing and Ex Parte Fees	\$

1	Service and Affidavit Fees	\$....
2	Postage and Costs of Certified Mail	\$....
3	Answer Fee or Fees	\$....
4	Garnishment Attorney Fee	\$....
5	Other	\$....

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

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

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

35 If, at the time this writ was served, you owed the defendant any
36 earnings (that is, wages, salary, commission, bonus, tips, or other

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

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

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

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

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

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

32 [Seal]

33

1	Attorney for	Clerk of
2	Plaintiff (or	the Court
3	Plaintiff, if no	
4	attorney)	
5	.....	.....
6	Address	By
7		.....
8		Address"

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

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

17 Dated thisday of....., 20.....
18
19
20 Attorney for Plaintiff
21
22 Address Address of the Clerk of the
23 Court"

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

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

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

31 ~~"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL~~
32 ~~HOLD the nonexempt portion of the defendant's earnings due at~~
33 ~~the time of service of this writ and shall also hold the~~

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

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

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

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

26

27 If you are NOT withholding the defendant's earnings under a
28 previously served writ for a continuing lien, answer this
29 entire form and mail or deliver the forms as directed in the
30 writ. A second set of answer forms will be forwarded to you
31 later for subsequently withheld earnings.") If the writ is
32 directed to an employer for the purpose of garnishing the

1 defendant's wages, the first answer shall be substantially in
2 the following form:

3 IN THE COURT
4 OF THE STATE OF WASHINGTON IN AND FOR
5 THE COUNTY OF

6 , NO.
7 Plaintiff,
8 vs. FIRST ANSWER
9 , TO WRIT OF
10 Defendant, GARNISHMENT
11 FOR CONTINUING LIEN
12 Garnishee Defendant ON EARNINGS

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

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

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

28 On the date the writ of garnishment was issued as indicated by
29 the date appearing on the last page of the writ:

30 (A) The defendant: (check one) [] was, [] was not employed
31 by garnishee. If not employed and you have no possession or
32 control of any funds of defendant, indicate the last day of

1 employment:; and complete section III of this
2 answer and mail or deliver the forms as directed in the writ;
3 (B) The defendant: (check one) [] did, [] did not maintain
4 a financial account with garnishee; and
5 (C) The garnishee: (check one) [] did, [] did not have
6 possession of or control over any funds, personal property, or
7 effects of the defendant. (List all of defendant's personal
8 property or effects in your possession or control on the last
9 page of this answer form or attach a schedule if necessary.)

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

13 This writ attaches a maximum of percent of the
14 defendant's disposable earnings (that is, compensation payable
15 for personal services, whether called wages, salary,
16 commission, bonus, or otherwise, and including periodic
17 payments pursuant to a nongovernmental pension or retirement
18 program).

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

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

32 *These are minimum exempt amounts that the
33 defendant must be paid. If your answer
34 covers more than one pay period, multiply

1 the preceding amount by the number of pay
 2 periods and/or fraction thereof your answer
 3 covers. If you use a pay period not shown,
 4 prorate the monthly exempt amount.
 5 Subtract the larger of lines 4 and 5 from
 6 line 3: \$(6)
 7 Enter amount (if any) withheld for ongoing
 8 government liens such as child support: . . \$(7)
 9 Subtract line 7 from line 6. This amount
 10 must be held out for the plaintiff: \$(8)

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

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

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

21	.....	.....
22	<u>Signature of</u>	<u>Date</u>
23	<u>Garnishee Defendant</u>	
24	.....	.....
25	<u>Signature of Person</u>	<u>Connection with</u>
26	<u>Answering for</u>	<u>Garnishee</u>
27	<u>Garnishee</u>	
28	.....	.....
29	<u>Print Name of Person</u>	.....
30	<u>Signing</u>	<u>Address of Garnishee</u>

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

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

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

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

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

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

1 **Sec. 6.** RCW 6.27.140 and 2010 1st sp.s. c 26 s 2 are each amended
2 to read as follows:

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

7 NOTICE OF GARNISHMENT
8 AND OF YOUR RIGHTS

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

15 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

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

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

1 community bank account that can be identified as the earnings
2 of a stepparent are exempt from a garnishment on the child
3 support obligation of the parent.

4 OTHER EXEMPTIONS. If the garnishee holds other property of
5 yours, some or all of it may be exempt under RCW 6.15.010, a
6 Washington statute that exempts certain property of your choice
7 (including specified cash or money in a bank account) and
8 certain other property such as household furnishings, tools of
9 trade, and a motor vehicle (all limited by differing dollar
10 values).

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

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

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

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

31

32 Name of Court

33

No.....

34 Plaintiff,

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2
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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 (b) If the writ is directed to an employer to garnish earnings, the
 23 claim form required by RCW 6.27.130(1) to be mailed to or served on an
 24 individual judgment debtor shall be in the following form, subject to
 25 (c) of this subsection, printed or typed in no smaller than size twelve
 26 point font type:

27 [Caption to be filled in by judgment creditor
 28 or plaintiff before mailing.]
 29
 30 Name of Court
 31 No.....
 32 Plaintiff,
 33 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 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.
- I am supporting another child or other children.
- I am supporting a husband, wife, or state registered domestic partner.

.....
<u>Print: Your name</u>	<u>If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner</u>
.....
<u>Your signature</u>	<u>Signature of husband, wife, or state registered domestic partner</u>
.....
<u>Address</u>	<u>Address (if different from yours)</u>
.....
<u>Telephone number</u>	<u>Telephone number (if different from yours)</u>

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

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

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

1 **Sec. 7.** RCW 6.27.150 and 1991 c 365 s 26 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (2) of this section, if the
4 garnishee is an employer owing the defendant earnings, then for each
5 week of such earnings, an amount shall be exempt from garnishment which
6 is the greatest of the following:

7 (a) Thirty times the (~~federal~~) state minimum hourly wage
8 (~~(prescribed by section 206(a)(1) of Title 29 of the United States~~
9 ~~Code)~~) in effect at the time the (~~earnings are payable~~) writ is
10 issued; or

11 (b) Seventy-five percent of the disposable earnings of the
12 defendant.

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

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

27 (4) Unless directed otherwise by the court, the garnishee shall
28 determine and deduct exempt amounts under this section as directed in
29 the writ of garnishment and answer, and shall pay these amounts to the
30 defendant.

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

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

36 (1) The answer of the garnishee shall be signed by the garnishee or
37 attorney or if the garnishee is a corporation, by an officer, attorney

1 or duly authorized agent of the garnishee, under penalty of perjury,
2 and the original and copies delivered, either personally or by mail,
3 (~~to the clerk of the court, one copy to the plaintiff or the~~
4 ~~plaintiff's attorney, and one copy to the defendant~~) as instructed in
5 the writ. The answer shall be made on a form substantially as appears
6 in this section, served on the garnishee with the writ. (~~Prior to~~
7 ~~serving the answer forms for a writ for continuing lien on earnings,~~
8 ~~the plaintiff shall fill in the minimum exemption amounts for the~~
9 ~~different pay periods, and the maximum percentages of disposable~~
10 ~~earnings subject to lien and exempt from lien.~~)

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

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

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

20	NO.
21 Plaintiff	
22 vs.	ANSWER
23	TO WRIT OF
24 Defendant	GARNISHMENT
25	
26 Garnishee Defendant	

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

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

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

36 (C) The garnishee: (check one) did, did not have
37 possession of or control over any funds, personal property, or effects

1 of the defendant. (List all of defendant's personal property or
2 effects in your possession or control on the last page of this answer
3 form or attach a schedule if necessary.)

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

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

13 ~~Gross Earnings~~ _____ \$ (1)

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

19 ~~Disposable Earnings (subtract line 2 from~~
20 ~~line 1):~~ _____ \$ (3)

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

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

23	If paid:	Weekly	\$.....	Semi-monthly	\$.....
24		Bi-weekly	\$.....	Monthly	\$.....

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

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

34 Enter amount (if any) withheld for ongoing

1 ~~government liens such as child support: _____ \$ (7)~~

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

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

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

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

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

14	.....	.....
15	Signature of	Date
16	Garnishee Defendant	
17	.....	.....
18	Signature of person	Connection with
19	answering for	garnishee
20	garnishee	
21	.....	.....
22	Print name of person	.....
23	signing	Address of garnishee

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

26 If the garnishee fails to answer the writ within the time
27 prescribed in the writ, after the time to answer the writ has expired
28 and after required returns or affidavits have been filed, showing
29 service on the garnishee and service on or mailing to the defendant, it
30 shall be lawful for the court to render judgment by default against
31 such garnishee, after providing a notice to the garnishee by personal
32 service or first-class mail deposited in the mail at least ten calendar
33 days prior to entry of the judgment, for the full amount claimed by the
34 plaintiff against the defendant, or in case the plaintiff has a
35 judgment against the defendant, for the full amount of the plaintiff's

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

21 **Sec. 10.** RCW 6.27.250 and 2003 c 222 s 10 are each amended to read
22 as follows:

23 (1)(a) If it appears from the answer of the garnishee or if it is
24 otherwise made to appear that the garnishee was indebted to the
25 defendant in any amount, not exempt, when the writ of garnishment was
26 served, and if the required return or affidavit showing service on or
27 mailing to the defendant is on file, the court shall render judgment
28 for the plaintiff against such garnishee for the amount so admitted or
29 found to be due to the defendant from the garnishee, unless such amount
30 exceeds the amount of the plaintiff's claim or judgment against the
31 defendant with accruing interest and costs and attorney's fees as
32 prescribed in RCW 6.27.090, in which case it shall be for the amount of
33 such claim or judgment, with said interest, costs, and fees. The
34 plaintiff may apply for the judgment and order to pay ex parte. In the
35 case of a superior court garnishment, the court shall order the
36 garnishee to pay to the plaintiff or to the plaintiff's attorney
37 through the registry of the court the amount of the judgment against

1 the garnishee, the clerk of the court shall note receipt of any such
2 payment, and the clerk of the court shall disburse the payment to the
3 plaintiff. In the case of a district court garnishment, the court
4 shall order the garnishee to pay the judgment amount directly to the
5 plaintiff or to the plaintiff's attorney. In either case, the court
6 shall inform the garnishee that failure to pay the amount may result in
7 execution of the judgment, including garnishment.

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

19 (2) If it shall appear from the answer of the garnishee and the
20 same is not controverted, or if it shall appear from the hearing or
21 trial on controversion or by stipulation of the parties that the
22 garnishee is indebted to the principal defendant in any sum, but that
23 such indebtedness is not matured and is not due and payable, and if the
24 required return or affidavit showing service on or mailing to the
25 defendant is on file, the court shall make an order requiring the
26 garnishee to pay such sum into court when the same becomes due, the
27 date when such payment is to be made to be specified in the order, and
28 in default thereof that judgment shall be entered against the garnishee
29 for the amount of such indebtedness so admitted or found due. In case
30 the garnishee pays the sum at the time specified in the order, the
31 payment shall operate as a discharge, otherwise judgment shall be
32 entered against the garnishee for the amount of such indebtedness,
33 which judgment shall have the same force and effect, and be enforced in
34 the same manner as other judgments entered against garnishees as
35 provided in this chapter: PROVIDED, That if judgment is rendered in
36 favor of the principal defendant, or if any judgment rendered against
37 the principal defendant is satisfied prior to the date of payment

1 specified in an order of payment entered under this subsection, the
2 garnishee shall not be required to make the payment, nor shall any
3 judgment in such case be entered against the garnishee.

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

17 **Sec. 11.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to
18 read as follows:

19 A judgment creditor may obtain a continuing lien on earnings by a
20 garnishment pursuant to ((RCW ~~6.27.340, 6.27.350, 6.27.360, and~~
21 ~~7.33.390~~)) this chapter.

22 **Sec. 12.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read
23 as follows:

24 (1) Where the garnishee's answer to a garnishment for a continuing
25 lien reflects that the defendant is employed by the garnishee, the
26 judgment or balance due thereon as reflected on the writ of garnishment
27 shall become a lien on earnings due at the time of the effective date
28 of the writ, as defined in this subsection, to the extent that they are
29 not exempt from garnishment, and such lien shall continue as to
30 subsequent nonexempt earnings until the total subject to the lien
31 equals the amount stated on the writ of garnishment or until the
32 expiration of the employer's payroll period ending on or before
33 ((~~sixty~~)) one hundred twenty days after the effective date of the writ,
34 whichever occurs first, except that such lien on subsequent earnings
35 shall terminate sooner if the employment relationship is terminated or
36 if the underlying judgment is vacated, modified, or satisfied in full

1 or if the writ is dismissed. The "effective date" of a writ is the
2 date of service of the writ if there is no previously served writ;
3 otherwise, it is the date of termination of a previously served writ or
4 writs.

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

15	Amount due and owing stated in first answer	\$...
16	Amount accrued since first answer	\$...
17	TOTAL AMOUNT WITHHELD	\$....

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

22 **Sec. 13.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read
23 as follows:

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

30 (2) A lien obtained under RCW 6.27.350 shall have priority over any
31 prior wage assignment, except an assignment for child support as
32 provided in subsection (3) of this section and an assignment for legal
33 financial obligations as provided under RCW 9.94A.760, 9.94A.7702, and
34 72.09.111.

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

8 **Sec. 14.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read
9 as follows:

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

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

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

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

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

34 IN THECOURT OF THE STATE OF
35 WASHINGTON
36 IN AND FORCOUNTY

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....., 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.

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

DATED this day of, ((19)) 20...

.....
Clerk of the Court

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

4 This notice is issued by the undersigned attorney of record for
5 plaintiff under the authority of RCW 6.27.370, and must be
6 complied with in the same manner as a notice issued by the
7 court.

8 Dated thisday of, 20.....

9
10

11 Attorney for Plaintiff

--- END ---