

**Chapter 6.27 RCW
GARNISHMENT**

Sections

- 6.27.005 Legislative intent.
- 6.27.010 Definitions.
- 6.27.020 Grounds for issuance of writ—Time of issuance of
prejudgment writs.
- 6.27.030 Application of chapter to district courts.
- 6.27.040 State and municipal corporations subject to garnishment—
Service of writ.
- 6.27.050 Garnishment of money held by officer—Of judgment debtor—
Of personal representative.
- 6.27.060 Application for writ—Affidavit—Fee.
- 6.27.070 Issuance of writ—Form—Dating—Attestation.
- 6.27.080 Writ directed to financial institution—Form and service.
- 6.27.090 Amount garnishee required to hold.
- 6.27.095 Garnishee's processing fees.
- 6.27.100 Form of writ of garnishment.
- 6.27.105 Form of writ for continuing lien on earnings.
- 6.27.110 Service of writ generally—Forms—Requirements for person
serving writ—Return.
- 6.27.120 Effect of service of writ.
- 6.27.130 Mailing of writ and judgment or affidavit to judgment
debtor—Mailing of notice and claim form if judgment
debtor is an individual—Service—Return.
- 6.27.140 Form of returns under RCW 6.27.130.
- 6.27.150 Exemption of earnings—Amount.
- 6.27.160 Claiming exemptions—Form—Hearing—Attorney's fees—Costs—
Release of funds or property.
- 6.27.170 Garnished employee not to be discharged—Exception.
- 6.27.180 Bond to discharge writ.
- 6.27.190 Answer of garnishee—Contents—Forms.
- 6.27.200 Default judgment—Reduction upon motion of garnishee—
Attorney's fees.
- 6.27.210 Answer of garnishee may be controverted by plaintiff or
defendant.
- 6.27.220 Controversion—Procedure.
- 6.27.230 Controversion—Costs and attorney's fees.
- 6.27.240 Discharge of garnishee.
- 6.27.250 Judgment against garnishee—Procedure if debt not mature.
- 6.27.260 Execution on judgment against garnishee.
- 6.27.265 Form for judgment against garnishee.
- 6.27.270 Decree directing garnishee to deliver up effects—
Disposition.
- 6.27.280 Procedure upon failure of garnishee to deliver.
- 6.27.290 Similarity of names—Procedure.
- 6.27.300 Garnishee protected against claim of defendant.
- 6.27.310 Dismissal of writ after one year—Notice—Exception.
- 6.27.320 Dismissal of garnishment—Duty of plaintiff—Procedure—
Penalty—Costs.
- 6.27.330 Continuing lien on earnings—Authorized.
- 6.27.340 Continuing lien on earnings—Forms for answer to writ.

- 6.27.350 Continuing lien on earnings—When lien becomes effective—
Termination—Second answer.
- 6.27.360 Continuing lien on earnings—Priorities—Exceptions.
- 6.27.370 Notice to federal government as garnishee defendant—
Deposit, payment, and endorsement of funds received by
the clerk—Fees as recoverable cost.
- 6.27.900 Construction—Chapter applicable to state registered
domestic partnerships—2009 c 521.

Rules of court: CR 64.

RCW 6.27.005 Legislative intent. The legislature recognizes that a garnishee has no responsibility for the situation leading to the garnishment of a debtor's wages, funds, or other property, but that the garnishment process is necessary for the enforcement of obligations debtors otherwise fail to honor, and that garnishment procedures benefit the state and the business community as creditors. The state should take whatever measures that are reasonably necessary to reduce or offset the administrative burden on the garnishee consistent with the goal of effectively enforcing the debtor's unpaid obligations. [2000 c 72 s 1; 1998 c 227 s 1; 1997 c 296 s 1.]

RCW 6.27.010 Definitions. (1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a governmental or nongovernmental pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld. [2012 c 159 s 1; 2003 c 222 s 16; 1987 c 442 s 1001.]

RCW 6.27.020 Grounds for issuance of writ—Time of issuance of prejudgment writs. (1) The clerks of the superior courts and district courts of this state may issue writs of garnishment returnable to their respective courts for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which the garnishment is sought.

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

(3) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.26 RCW. [2003 c 222 s 1; 1987 c 442 s 1002; 1969 ex.s. c 264 s 1. Formerly RCW 7.33.010.]

Rules of court: Cf. CR 64.

RCW 6.27.030 Application of chapter to district courts. All the provisions of this chapter shall apply to proceedings before district courts of this state. [1987 c 442 s 1003; 1969 ex.s. c 264 s 2. Formerly RCW 7.33.020.]

RCW 6.27.040 State and municipal corporations subject to garnishment—Service of writ. (1) The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

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

(3) The writ of garnishment shall be served upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be. [2003 c 222 s 2. Prior: 1987 c 442 s 1004; 1987 c 202 s 134; 1969 ex.s. c 264 s 6. Formerly RCW 7.33.060.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 6.27.050 Garnishment of money held by officer—Of judgment debtor—Of personal representative. A sheriff or other peace officer who holds money of the defendant is subject to garnishment, excepting only for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant is subject to garnishment when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk of the court that entered the judgment and minuted by the clerk as an assignment in the execution docket. An executor or administrator is subject to garnishment for money due from the decedent to the defendant. [1987 c 442 s 1005; 1927 c 101 s 1; 1886 p 43 s 19; RRS s 664. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.180.]

RCW 6.27.060 Application for writ—Affidavit—Fee. The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.016(6), or to the clerk of the district court the fee provided by RCW 3.62.060. [2018 c 22 s 4; 2003 c 222 s 17; 1988 c 231 s 22. Prior: 1987 c 442 s 1006; 1987 c 202 s 133; 1981 c 193 s 3; 1977 ex.s. c 55 s 1; 1969 ex.s. c 264 s 4. Formerly RCW 7.33.040.]

Explanatory statement—2018 c 22: See note following RCW 1.20.051.

Severability—1988 c 231: See note following RCW 6.01.050.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 6.27.070 Issuance of writ—Form—Dating—Attestation. (1)

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

(2) The writ of garnishment shall be dated and attested as in the form prescribed in RCW 6.27.100. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ. [2003 c 222 s 3; 1987 c 442 s 1007; 1970 ex.s. c 61 s 1. Prior: 1969 ex.s. c 264 s 5. Formerly RCW 7.33.050.]

RCW 6.27.080 Writ directed to financial institution—Form and service. (1) A writ of garnishment directed to a bank, savings and loan association, or credit union that maintains branch offices shall identify either a particular branch of the financial institution or the financial institution as the garnishee defendant. The head office of a financial institution shall be considered a separate branch for purposes of this section. The statement required by subsection (2) of this section may be incorporated in the writ or served separately.

(2) Service shall be as required by RCW 6.27.110 (1) and (3) and shall be by certified mail, return receipt requested, directed to or by personal service, in the same manner as a summons in a civil action is served, on the manager, cashier, or assistant cashier of the financial institution, except that, if the financial institution, and not a branch, is named as garnishee defendant, service shall be either on the head office or on the place designated by the financial institution for receipt of service of process. There shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's

place of residence and business, occupation, trade, or profession, or (b) the defendant's federal tax identification number, or (c) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant or property of the defendant in the possession of or under the control of the garnishee defendant that it fails to discover.

(3) A writ naming the financial institution as the garnishee defendant shall be effective only to attach deposits of the defendant in the financial institution and compensation payable for personal services due the defendant from the financial institution. A writ naming a branch as garnishee defendant shall be effective only to attach the deposits, accounts, credits, or other personal property of the defendant (excluding compensation payable for personal services) in the possession or control of the particular branch to which the writ is directed and on which service is made.

A writ of garnishment is effective against property in the possession or control of a financial institution only if the writ of garnishment is directed to and names a branch as garnishee defendant. [1988 c 231 s 23; 1987 c 442 s 1008.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.090 Amount garnishee required to hold. (1) The writ of garnishment shall set forth in the first paragraph the amount that garnishee is required to hold, which shall be an amount determined as follows: (a) (i) If after judgment, the amount of the judgment remaining unsatisfied on the clerk of the court's execution docket, if any, plus interest to the date of garnishment, as provided in RCW 4.56.110, plus estimated interest that may accrue during the garnishment process on a per diem basis under subsection (3) of this section plus taxable costs and attorneys' fees, or (ii) if before judgment, the amount prayed for in the complaint plus estimated taxable costs of suit and attorneys' fees, together with, (b) whether before or after judgment, estimated costs of garnishment as provided in subsection (2) of this section. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff.

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

(3) For purposes of subsection (1) of this section, the plaintiff must indicate in the writ a specific dollar amount of estimated interest that may accrue during the garnishment process per day. The amount must be based on an interest rate of twelve percent or the interest rate set forth in the judgment, whichever rate is less. [2012 c 159 s 2; 2000 c 72 s 2; 1988 c 231 s 24; 1987 c 442 s 1009; 1969 ex.s. c 264 s 9. Formerly RCW 7.33.090.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.095 Garnishee's processing fees. (1) The garnishee of a writ for a continuing lien on earnings may deduct a processing fee from the remainder of the obligor's earnings after withholding the required amount under the writ. The processing fee may not exceed twenty dollars for the first answer and ten dollars at the time the garnishee submits the second answer.

(2) If the writ of garnishment is not a writ for a continuing lien on earnings, the garnishee is entitled to check or money order payable to the garnishee in the amount of twenty dollars at the time the writ of garnishment is served on the garnishee as required under RCW 6.27.110(1). [1998 c 227 s 2; 1997 c 296 s 3.]

RCW 6.27.100 Form of writ of garnishment. (Effective until July 1, 2025.) (1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other writs of garnishment shall be substantially in the following form, but:

(a) 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";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt";

(c) If the writ is issued under an order or judgment for consumer debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for consumer debt"; and

(d) 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
..... ,
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 | \$.... |
| Per Day Rate of Estimated Interest | \$.... |
| | per day |
| Taxable Costs and Attorneys' Fees | \$.... |

Estimated Garnishment Costs:

| | |
|-------------------------------------|--------|
| Filing and Ex Parte Fees | \$.... |
| Service and Affidavit Fees | \$.... |
| Postage and Costs of Certified Mail | \$.... |
| Answer Fee or Fees | \$.... |
| Garnishment Attorney Fee | \$.... |
| Other | \$.... |

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

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

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

FOR ALL DEBTS EXCEPT PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d)(iii)(A) applies and the total of the amounts held in all of the defendant's accounts is less than or equal to \$500, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$1,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d)(iii)(A) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$500, release at least \$500, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

FOR PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d)(iii)(B) or (C) applies and the total of the amounts held in all of the

defendant's accounts is less than or equal to \$1,000, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$2,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d)(iii) (B) or (C) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is in excess of \$2,000, release at least \$2,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

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

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

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, (year)

[Seal]

| | |
|----------------------|-----------|
| | |
| Attorney for | Clerk of |
| Plaintiff (or | the Court |
| Plaintiff, if no | |
| attorney) | |
| | |
| Address | By |
| | |
| Name of Defendant | Address" |
| | |
| Address of Defendant | |

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

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

Dated thisday of....., (year)

.....
Attorney for Plaintiff

.....
Address Address of the Clerk of the Court"

.....
Name of Defendant

.....
Address of Defendant

[2023 c 393 s 4; 2021 c 50 s 3; 2019 c 371 s 4; 2018 c 199 s 204; 2012 c 159 s 3; 2003 c 222 s 4; 2000 c 72 s 3; 1998 c 227 s 3; 1997 c 296 s 2; 1988 c 231 s 25; 1987 c 442 s 1010; 1981 c 193 s 4; 1969 ex.s. c 264 s 11. Formerly RCW 7.33.110.]

Expiration date—2023 c 393 ss 1 and 4: See note following RCW 6.15.010.

Findings—Intent—Expiration date—2021 c 50: See notes following RCW 6.15.010.

Findings—Intent—Short title—2018 c 199: See notes following RCW 67.08.100.

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.100 Form of writ of garnishment. (Effective July 1, 2025.) (1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other writs of garnishment shall be substantially in the following form, but:

(a) 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";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt";

(c) If the writ is issued under an order or judgment for consumer debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for consumer debt"; and

(d) 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.

..... ,
Defendant, WRIT OF
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 | \$.... |
| Per Day Rate of Estimated Interest | \$.... |
| | per day |
| Taxable Costs and Attorneys' Fees | \$.... |
| Estimated Garnishment Costs: | |
| Filing and Ex Parte Fees | \$.... |
| Service and Affidavit Fees | \$.... |
| Postage and Costs of Certified Mail | \$.... |
| Answer Fee or Fees | \$.... |
| Garnishment Attorney Fee | \$.... |
| Other | \$.... |

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

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

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

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

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

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, (year)

[Seal]

.....

| | |
|---|--------------------------------|
| Attorney for Plaintiff (or Plaintiff, if no attorney) | Clerk of the Court |
| Address | By |
| Name of Defendant | Address" |
| Address of Defendant | |

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

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

| | |
|---|---------------------------------------|
| Dated thisday of....., (year) | |
| Attorney for Plaintiff | |
| Address | Address of the Clerk of the Court" |
| | |
| Name of Defendant | |
| Address of Defendant | |

[2019 c 371 s 4; 2018 c 199 s 204; 2012 c 159 s 3; 2003 c 222 s 4; 2000 c 72 s 3; 1998 c 227 s 3; 1997 c 296 s 2; 1988 c 231 s 25; 1987 c 442 s 1010; 1981 c 193 s 4; 1969 ex.s. c 264 s 11. Formerly RCW 7.33.110.]

Findings—Intent—Short title—2018 c 199: See notes following RCW 67.08.100.

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.105 Form of writ for continuing lien on earnings. (1)
A writ that is issued for a continuing lien on earnings shall be substantially in the following form, but:

- (a) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt";
- (b) If the writ is issued under an order or judgment for consumer debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for consumer debt"; and
- (c) 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

.....,

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, tips, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading of "This garnishment is based on a judgment or order for private student loan debt," the basic exempt amount is the greater of eighty-five percent of disposable earnings or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable; and if this writ carries a statement in the heading of "This garnishment is based on a judgment or order for consumer debt," the basic exempt amount is the greater of eighty percent of disposable earnings or thirty-five times the state minimum hourly wage.

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

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

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

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

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, (year)

[Seal]

| | |
|---|--------------------------------|
| Attorney for Plaintiff (or Plaintiff, if no attorney) | Clerk of the Court |
| Address | By |
| Name of Defendant | Address" |
| Address of Defendant | |

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

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

Dated thisday of....., (year)

.....
Attorney for Plaintiff

.....
Address

.....
Address of the Clerk of the Court"

.....
Name of Defendant

.....
Address of Defendant

[2021 c 35 s 1; 2019 c 371 s 5; 2018 c 199 s 205; 2012 c 159 s 4.]

Findings—Intent—Short title—2018 c 199: See notes following RCW 67.08.100.

RCW 6.27.110 Service of writ generally—Forms—Requirements for person serving writ—Return. (1) Service of the writ of garnishment, including a writ for continuing lien on earnings, on the garnishee is invalid unless the writ is served together with: (a) An answer form as prescribed in RCW 6.27.190; and (b) a check or money order made payable to the garnishee in the amount of twenty dollars for the answer fee if the writ of garnishment is not a writ for a continuing lien on earnings.

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

(3) If a writ of garnishment is served by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the writ was accompanied by an answer form, and check or money order if required by this section, and noting thereon fees for making the service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If a writ of garnishment is served by mail, the person making the mailing shall file an affidavit showing the time, place, and manner of mailing and that the writ was accompanied by an answer form, and check or money order if required by this section, and shall attach the return receipt or electronic return receipt delivery confirmation to the affidavit.

[2012 c 159 s 6; 1998 c 227 s 4; 1997 c 296 s 4; 1988 c 231 s 26; 1987

c 442 s 1011; 1981 c 193 s 5; 1971 ex.s. c 292 s 8; 1970 ex.s. c 61 s 11; 1969 ex.s. c 264 s 13. Formerly RCW 7.33.130.]

Rules of court: Cf. *SPR 91.04W(a), (b), and (e)*.

Severability—1988 c 231: See note following RCW 6.01.050.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 6.27.120 Effect of service of writ. (1) From and after the service of a writ of garnishment, it shall not be lawful, except as provided in this chapter or as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under the garnishee's control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects as may be necessary to satisfy the plaintiff's demand.

(2) This section shall have no effect as to any portion of a debt that is exempt from garnishment.

(3) The garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment if the garnishee continues to hold an amount equal to the amount stated in the writ of garnishment. [1987 c 442 s 1012; 1969 ex.s. c 264 s 14. Formerly RCW 7.33.140.]

RCW 6.27.130 Mailing of writ and judgment or affidavit to judgment debtor—Mailing of notice and claim form if judgment debtor is an individual—Service—Return. (1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office address of the judgment debtor, (a) a copy of the writ and a copy of the judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in RCW 6.27.140. In the alternative, on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action.

(2) The requirements of this section shall not be jurisdictional, but (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return or affidavit of service or mailing required by subsection (3) of this section, and (b) if the copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, on motion of the judgment debtor promptly made and supported by affidavit showing that the judgment debtor has suffered substantial injury from the plaintiff's failure to mail or otherwise to serve such copies, may set aside the garnishment and award to the

judgment debtor an amount equal to the damages suffered because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file an affidavit including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable. [2003 c 222 s 5; 1988 c 231 s 27; 1987 c 442 s 1013; 1969 ex.s. c 264 s 32. Formerly RCW 7.33.320.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.140 Form of returns under RCW 6.27.130. (1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

NOTICE OF GARNISHMENT
AND OF YOUR RIGHTS

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

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. A garnishment against wages or other earnings for child support may not be issued under chapter 6.27 RCW. If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty-five percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable. If the garnishment is for consumer debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty percent of the part of your earnings remaining after your employer deducts those

amounts which are required by law to be withheld, or thirty-five times the state minimum hourly wage.

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

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including, if the judgment is for private student loan debt, up to \$2,500.00 in a bank account, or for a marital community or domestic partnership up to \$5,000.00 in a bank account; if the judgment is for other consumer debt, up to \$2,000.00 in a bank account, or for a marital community or domestic partnership up to \$4,000.00 in a bank account; or, if the judgment is for any other debts, up to \$500.00 in a bank account, or for a marital community or domestic partnership up to \$1,000.00 in a bank account) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

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

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

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

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

Name of Court

.....

No

Plaintiff,

vs.

.....

EXEMPTION CLAIM

Defendant,

Garnishee Defendant

INSTRUCTIONS:

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

I/We claim the following exemptions:

- Exemption for private student loan debts:
 - \$2,500 for an individual; or
 - \$5,000 for a marital community or domestic partnership.
- Exemption for consumer debts:
 - \$2,000 for an individual; or
 - \$4,000 for a marital community or domestic partnership.
- Exemption for all other debts:
 - \$500 for an individual; or
 - \$1,000 for a marital community or domestic partnership.
- I declare under penalty of perjury under the laws of the State of Washington that I am a married person and that I wish to use the marital exemptions.

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

- No money other than from above payments are in the account.

[] Moneys in addition to the above payments have been deposited in the account. Explain

OTHER PROPERTY:

[] Describe property (If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

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

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.

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

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

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

INSTRUCTIONS:

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

I claim maximum exemption.

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

I claim maximum exemption.

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

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 private student loan debt, the exemption language pertaining to private student loan debt may be omitted.

(d) If the writ under (b) of this subsection is not a writ for the collection of consumer debt, the exemption language pertaining to consumer debt may be omitted. [2023 c 393 s 5; 2021 c 35 s 2; 2019 c 371 s 6; 2018 c 199 s 206; 2012 c 159 s 8; (2012 c 159 s 7 expired January 1, 2018); 2011 c 162 s 6; 2011 c 162 s 5; 2010 1st sp.s. c 26 s 2; 2009 c 521 s 15; 2003 c 222 s 6; 1997 c 59 s 2; 1987 c 442 s 1014.]

Findings—Intent—Short title—2018 c 199: See notes following RCW 67.08.100.

Effective date—2012 c 159 s 8: "Section 8 of this act takes effect January 1, 2018." [2012 c 159 s 30.]

Expiration date—2012 c 159 s 7: "Section 7 of this act expires January 1, 2018." [2012 c 159 s 29.]

Effective date—2011 c 162 s 6: "Section 6 of this act takes effect January 1, 2018." [2011 c 162 s 7.]

RCW 6.27.150 Exemption of earnings—Amount. (1) Except as provided in subsections (2) and (3) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty-five times the federal minimum hourly wage in effect at the time the earnings are payable; or

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

(2) In the case of a garnishment based on a court order for spousal maintenance, other than a mandatory wage assignment order pursuant to chapter 26.18 RCW, or a mandatory assignment of retirement benefits pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of the disposable earnings of the defendant.

(3) In the case of a garnishment based on a judgment or other order for the collection of private student loan debt, for each week of such earnings, an amount shall be exempt from garnishment which is the greater of the following:

(a) Fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable; or

(b) Eighty-five percent of the disposable earnings of the defendant.

(4) In the case of a garnishment based on a judgment or other order for the collection of consumer debt, for each week of such earnings, an amount shall be exempt from garnishment which is the greater of the following:

(a) Thirty-five times the state minimum hourly wage; or

(b) Eighty percent of the disposable earnings of the defendant.

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

(6) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first-class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith. The defendant bears the burden of proving any claimed exemption, including the obligation to provide sufficient documentation to identify the source and amount of any claimed exempt funds.

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

[NAME OF COURT]

....., No.

Plaintiff,

vs.

RELEASE OF WRIT OF
GARNISHMENT

.....,
Defendant

.....,
Garnishee.

TO THE ABOVE-NAMED GARNISHEE

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

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

Date:.....
Attorney for Plaintiff

[2003 c 222 s 7; 2002 c 265 s 3; 1988 c 231 s 28; 1987 c 442 s 1016.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.170 Garnished employee not to be discharged—Exception.

No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of garnishment directed to the employer: PROVIDED, HOWEVER, That this provision shall not apply if garnishments on three or more separate indebtednesses are served upon the employer within any period of twelve consecutive months. [1987 c 442 s 1017; 1969 ex.s. c 264 s 16. Formerly RCW 7.33.160.]

RCW 6.27.180 Bond to discharge writ.

If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment or by the clerk of the court out of which the writ was issued, conditioned that the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings under the writ shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which the garnishee would otherwise be entitled under this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties. [1988 c 231 s 29; 1987 c 442 s 1018; 1969 ex.s. c 264 s 17. Formerly RCW 7.33.170.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.190 Answer of garnishee—Contents—Forms.

(1) The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original and copies delivered, either personally or by mail, as instructed in the writ.

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

(3) If the writ is not directed to an employer for the purpose of garnishing the defendant's wages, the answer shall be substantially in the following form:

| | |
|---------------------|---------------------------------------|
| | IN THE COURT |
| | OF THE STATE OF WASHINGTON IN AND FOR |
| | THE COUNTY OF |
| | NO. |
| Plaintiff | |
| vs. | ANSWER |
| | TO WRIT OF |
| Defendant | GARNISHMENT |
| | |
| Garnishee Defendant | |

SECTION I. On the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ:
(A) The defendant: (check one) was, was not employed by garnishee. If not employed and you have no possession or control of any funds 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 \$

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

SECTION III. An attorney may answer for the garnishee.

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

| | |
|---|------------------------------|
| | |
| Signature of Garnishee Defendant | Date |
| | |
| Signature of person answering for garnishee | Connection with garnishee |
| | |
| Print name of person signing | Address of garnishee |

[2012 c 159 s 10; 2003 c 222 s 8; 2000 c 72 s 4; 1997 c 296 s 5; 1988 c 231 s 30; 1987 c 442 s 1019; 1969 ex.s. c 264 s 15. Formerly RCW 7.33.150.]

Rules of court: Cf. *SPR 91.04W(c)*.

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.200 Default judgment—Reduction upon motion of garnishee—Attorney's fees. If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, after providing a notice to the garnishee by personal service or first-class mail deposited in the mail at least ten calendar days prior to entry of the judgment, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the garnishee at any time within seven days following service on, or mailing to, the garnishee of a copy of the first writ of execution or writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars,

whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant with all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, plus the accruing interest and costs and attorneys' fees as prescribed in RCW 6.27.090 for any garnishment on the judgment against the garnishee, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer. [2012 c 159 s 11; 2003 c 222 s 9; 1997 c 296 s 6; 1988 c 231 s 31; 1987 c 442 s 1020; 1970 ex.s. c 61 s 10; 1969 ex.s. c 264 s 19. Formerly RCW 7.33.190.]

Rules of court: CR 55, JCR 55.

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.210 Answer of garnishee may be controverted by plaintiff or defendant. If the garnishee files an answer, either the plaintiff or the defendant, if not satisfied with the answer of the garnishee, may controvert within twenty days after the filing of the answer, by filing an affidavit in writing signed by the controverting party or attorney or agent, stating that the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars the affiant believes the same is incorrect. Copies of the affidavit shall be served on or mailed by first-class mail to the garnishee at the address indicated on the answer or, if no address is indicated, at the address to or at which the writ was mailed or served, and to the other party, at the address shown on the writ if the defendant controverts, or at the address to or at which the copy of the writ of garnishment was mailed or served on the defendant if the plaintiff controverts, unless otherwise directed in writing by the defendant or defendant's attorney. [1987 c 442 s 1021; 1969 ex.s. c 264 s 24. Formerly RCW 7.33.240.]

RCW 6.27.220 Controversion—Procedure. If the answer of the garnishee is controverted, as provided in RCW 6.27.210, the garnishee may respond by affidavit of the garnishee, the garnishee's attorney or agent, within twenty days of the filing of the controverting affidavit, with copies served on or mailed by first-class mail to the plaintiff at the address shown on the writ and to the defendant as provided in RCW 6.27.210. Upon the expiration of the time for garnishee's response, the matter may be noted by any party for hearing before a commissioner or presiding judge for a determination whether an issue is presented that requires a trial. If a trial is required, it shall be noted as in other cases, but no pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court. [1987 c 442 s 1022; 1969 ex.s. c 264 s 26. Formerly RCW 7.33.260.]

RCW 6.27.230 Controversion—Costs and attorney's fees. Where the answer is controverted, the costs of the proceeding, including a reasonable compensation for attorney's fees, shall be awarded to the prevailing party: PROVIDED, That no costs or attorney's fees in such contest shall be taxable to the defendant in the event of a controversion by the plaintiff. [1987 c 442 s 1023; 1969 ex.s. c 264 s 29. Formerly RCW 7.33.290.]

RCW 6.27.240 Discharge of garnishee. If it appears from the answer of the garnishee that the garnishee was not indebted to the defendant when the writ of garnishment was served, and that the garnishee did not have possession or control of any personal property or effects of the defendant, and if an affidavit controverting the answer of the garnishee is not filed within twenty days of the filing of the answer, as provided in this chapter, the garnishee shall stand discharged without further action by the court or the garnishee and shall have no further liability. [1987 c 442 s 1024; 1969 ex.s. c 264 s 18. Formerly RCW 7.33.180.]

RCW 6.27.250 Judgment against garnishee—Procedure if debt not mature. (1) (a) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees. If there is no unresolved exemption claim and no controversion, the plaintiff may apply for the judgment and order to pay ex parte. In the case of a superior court garnishment, the court shall order the garnishee to pay to the plaintiff or to the plaintiff's attorney through the registry of the court the amount of the judgment against the garnishee, the clerk of the court shall note receipt of any such payment, and the clerk of the court shall disburse the payment to the plaintiff. In the case of a district court garnishment, the court shall order the garnishee to pay the judgment amount directly to the plaintiff or to the plaintiff's attorney. In either case, the court shall inform the garnishee that failure to pay the amount may result in execution of the judgment, including garnishment.

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

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

(3) The court shall, upon request of the plaintiff at the time judgment is rendered against the garnishee or within one year thereafter, or within one year after service of the writ on the garnishee if no judgment is taken against the garnishee, render judgment against the defendant for recoverable garnishment costs and attorney fees. However, if it appears from the answer of garnishee or otherwise that, at the time the writ was issued, the garnishee held no funds, personal property, or effects of the defendant and, in the case of a garnishment on earnings, the defendant was not employed by the garnishee, or, in the case of a writ directed to a financial institution, the defendant maintained no account therein, then the plaintiff may not be awarded judgment against the defendant for such costs or attorney fees. [2012 c 159 s 12; 2003 c 222 s 10; 2000 c 72 s 5; 1988 c 231 s 32; 1987 c 442 s 1025; 1969 ex.s. c 264 s 20. Formerly RCW 7.33.200.]

Rules of court: Cf. SPR 91.04W(d).

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.260 Execution on judgment against garnishee. Execution may be issued on the judgment against the garnishee in the same manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing it to the clerk of the court from which the execution was issued; and, in cases where judgment has been rendered against the defendant, the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on the execution shall be paid to the clerk of the court from which the execution issued, who shall retain the same until judgment is rendered in the action between the plaintiff and defendant. In case judgment is rendered in favor of the

plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any, shall be paid to the defendant. In case judgment is rendered in favor of the defendant, the amount made on the execution against the garnishee shall be paid to the defendant. [1987 c 442 s 1026; 1969 ex.s. c 264 s 21. Formerly RCW 7.33.210.]

RCW 6.27.265 Form for judgment against garnishee. The judgment on garnishee's answer or tendered funds, and for costs against defendant, and the order to pay funds shall be substantially in the following form:

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

..... No.
Plaintiff
vs. JUDGMENT AND ORDER
TO PAY
(Clerk's Action Required)
.....
Defendant
.....
Garnishee

Judgment Summary

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

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

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

DONE IN OPEN COURT this day of , 20. .

.....
Judge/Court Commissioner

Presented by:

.....
Attorney for Plaintiff

[2003 c 222 s 11; 2000 c 72 s 6.]

RCW 6.27.270 Decree directing garnishee to deliver up effects—

Disposition. If it appears from the garnishee's answer or otherwise that the garnishee had possession or control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. If a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in the same manner as any other property is sold upon an execution issued on said judgment. If judgment has not been rendered in the principal action, the sheriff shall retain possession of the personal property or effects until the rendition of judgment therein, and, if judgment is thereafter rendered in favor of the plaintiff, said personal property or effects, or sufficient of them to satisfy such judgment, may be sold in the same manner as other property is sold on execution, by virtue of an execution issued on the judgment in the principal action. If judgment is rendered in the action against the plaintiff and in favor of the defendant, such effects and personal property shall be returned to the defendant by the sheriff: PROVIDED, HOWEVER, That if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the court that issued the writ, and the same disposition shall be made of the proceeds at the termination of the action as would have been made of the personal property or effects under the provisions of this section in case the sale had not been made. [1988 c 231 s 33; 1987 c 442 s 1027; 1969 ex.s. c 264 s 22. Formerly RCW 7.33.220.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.280 Procedure upon failure of garnishee to deliver.

If the garnishee, adjudged to have effects or personal property of the defendant in possession or under control as provided in RCW 6.27.270, fails or refuses to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he or she should not be found in contempt of court for

such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he or she shall be fined for such contempt and imprisoned until he or she shall deliver such personal property or effects. [1987 c 442 s 1028; 1969 ex.s. c 264 s 23. Formerly RCW 7.33.230.]

RCW 6.27.290 Similarity of names—Procedure. (1) If the garnishee in the answer states that the garnishee at the time of the service of the writ was indebted to or had possession or control of personal property or effects belonging to a person with a name the same as or similar to the name of the defendant, and stating the place of business or residence of said person, and that the garnishee does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person is the same person as the defendant, the court, before rendering judgment against the garnishee defendant as hereinbefore provided, shall conduct a hearing to take proof as to the identity of said persons.

(2) Before the hearing on the question of identity, the plaintiff shall cause the court to issue a citation directed to the person identified in the garnishee's answer, commanding that person to appear before the court from which the citation is issued within ten days after the service of the same, and to answer on oath whether or not he or she is the same person as the defendant in said action. The citation shall be dated and attested in the same manner as a writ of garnishment and be delivered to the plaintiff or the plaintiff's attorney and shall be served in the same manner as a summons in a civil action is served.

(3) If the court finds after hearing that the persons are not the same, the garnishee shall be discharged and shall recover costs against the plaintiff. If the court finds that the persons are the same, it shall make the same kind of judgment as in other cases in which the garnishee is held upon the garnishee's answer, including provision for garnishee's costs.

(4) If the court finds after the hearing that the defendant or judgment debtor is the same person as the person identified in the garnishee's answer, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of the garnishee or on the possession or control by the garnishee of any personal property or effects for the garnishee to show that the indebtedness was paid or the personal property or effects were delivered under the judgment of the court in accordance with the provisions in this chapter. [1987 c 442 s 1029; 1969 ex.s. c 264 s 33. Formerly RCW 7.33.330.]

RCW 6.27.300 Garnishee protected against claim of defendant. It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of the garnishee or on the possession or control by the garnishee of any personal property or effects, for the garnishee to show that such indebtedness was paid or such personal property or effects were delivered under the judgment of the court in accordance with this chapter. [1987 c 442 s 1030; 1969 ex.s. c 264 s 30. Formerly RCW 7.33.300.]

RCW 6.27.310 Dismissal of writ after one year—Notice—Exception.

In all cases where it shall appear from the answer of the garnishee that the garnishee was indebted to the defendant when the writ of garnishment was served, no controversy is pending, there has been no discharge or judgment against the garnishee entered, and one year has passed since the filing of the answer of the garnishee, the court, after ten days' notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee: PROVIDED, That this provision shall have no effect if the cause of action between plaintiff and defendant is pending on the trial calendar, or if any party files an affidavit that the action is still pending. [1987 c 442 s 1031; 1969 ex.s. c 264 s 27. Formerly RCW 7.33.270.]

RCW 6.27.320 Dismissal of garnishment—Duty of plaintiff—

Procedure—Penalty—Costs. In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of the judgment and payment of recoverable garnishment costs and attorney fees from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after the demand or the satisfaction of judgment and payment of costs and fees, whichever shall be later. The attorney of record for the plaintiff may, as an alternative to obtaining a court order dismissing the garnishment, deliver to the garnishee and file with the court an authorization to dismiss the garnishment in whole or part, signed by the attorney, in substantially the form indicated in RCW 6.27.160(3). In the event of the failure of plaintiff to obtain and serve such an order or release, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff. [2003 c 222 s 12; 2000 c 72 s 7; 1969 ex.s. c 264 s 31. Formerly RCW 7.33.310.]

RCW 6.27.330 Continuing lien on earnings—Authorized.

(1) A judgment creditor may obtain a continuing lien on earnings by a garnishment pursuant to this chapter, except as provided in subsection (2) of this section.

(2) A continuing lien on earnings may not be issued pursuant to this chapter if the garnishment is based on a judgment or other order for child support. A judgment creditor may seek to withhold from earnings based on a judgment or other order for child support under chapter 26.18 RCW. [2021 c 35 s 4; 2012 c 159 s 13; 1987 c 442 s 1032; 1970 ex.s. c 61 s 5. Formerly RCW 7.33.350.]

RCW 6.27.340 Continuing lien on earnings—Forms for answer to writ. (1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) If the writ is directed to an employer for the purpose of garnishing the defendant's wages, the first answer shall accurately

state, as of the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ, whether the defendant was employed by the garnishee defendant (and if not the date employment terminated), whether the defendant's earnings were subject to a preexisting writ of garnishment for continuing liens on earnings (and if so the date such writ will terminate and the current writ will be enforced), whether the defendant maintained a financial account with garnishee, and whether the garnishee defendant had possession of or control over any funds, personal property, or effects of the defendant (and if so the garnishee defendant shall list all of defendant's personal property or effects in its possession or control). The first answer shall further accurately state, as of the time of service of the writ of garnishment on the garnishee defendant, the amount due and owing from the garnishee defendant to the defendant, and the defendant's total earnings, allowable deductions, disposable earnings, exempt earnings, deductions for superior liens such as child support, and net earnings withheld under the writ. The first answer may be substantially in the following form:

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

| | |
|---|---|
| Plaintiff, vs. Defendant, Garnishee Defendant | NO. FIRST ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS |
|---|---|

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

Calculate the attachable amount as follows:

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

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

*These are minimum exempt amounts that the defendant must be paid. If your answer covers more than one pay period, multiply the preceding amount by the number of pay periods and/or fraction thereof your answer covers. If you use a pay period not shown, prorate the monthly exempt amount. Subtract the larger of lines 4 and 5 from line 3:. \$ (6)
 Enter amount (if any) withheld for ongoing government liens such as child support: \$ (7)
 Subtract line 7 from line 6. This amount must be held out for the plaintiff:. . . \$ (8)

This is the formula that you will use for withholding each pay period over the required sixty day garnishment period.

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

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

SECTION III. An attorney may answer for the garnishee.

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

| | |
|---|------------------------------|
| | |
| Signature of Garnishee Defendant | Date |
| | |
| Signature of Person Answering for Garnishee | Connection with Garnishee |
| | |
| Print Name of Person Signing | Address of Garnishee |

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

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien. [2012 c 159 s 5; 2003 c 222 s 13; 1988 c 231 s 34; 1987 c 442 s 1033; 1970 ex.s. c 61 s 6. Formerly RCW 7.33.360.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.350 Continuing lien on earnings—When lien becomes effective—Termination—Second answer. (1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such liens shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee one copy of the answer form prescribed in RCW 6.27.340. The plaintiff shall replace the text of section I of the answer form with a statement in substantially the following form: "ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING

THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

| | |
|---|-------|
| Nonexempt amount due and owing stated in first answer | \$... |
| Nonexempt amount accrued since first answer | \$... |
| TOTAL AMOUNT WITHHELD | \$... |

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, either in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment, or otherwise containing the information required in subsection (2) of this section and a calculation indicating the total amount due and owing from the garnishee defendant to the defendant, the defendant's total earnings, allowable deductions, disposable earnings, exempt earnings, deductions for superior liens such as child support, and net earnings withheld under the writ. [2012 c 159 s 14; 2003 c 222 s 14; 1997 c 296 s 7; 1988 c 231 s 35; 1987 c 442 s 1034; 1970 ex.s. c 61 s 7. Formerly RCW 7.33.370.]

Severability—1988 c 231: See note following RCW 6.01.050.

RCW 6.27.360 Continuing lien on earnings—Priorities—Exceptions.

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

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

(3) A lien obtained under RCW 6.27.350 shall not have priority over a notice of payroll deduction issued under *RCW 26.23.060 or a wage assignment or other garnishment for child support issued under chapters 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of all amounts owing under a notice of payroll deduction, wage assignment, or garnishment for child support, the garnishee shall withhold the remaining nonexempt wages under the lien obtained under RCW 6.27.350. [2012 c 159 s 15; 1997 c 296 s 8; 1989 c 360 s 20; 1987 c 442 s 1035; 1970 ex.s. c 61 s 8. Formerly RCW 7.33.380.]

***Reviser's note:** RCW 26.23.060 was amended by 2021 c 35 s 15, changing "notice of payroll deduction" to "income withholding order."

RCW 6.27.370 Notice to federal government as garnishee defendant—Deposit, payment, and endorsement of funds received by the clerk—Fees as recoverable cost.

(1) Whenever the federal government is named as a garnishee defendant, the attorney for the plaintiff, or the clerk of the court shall, upon submitting a notice in the appropriate form by the plaintiff, issue a notice which directs the garnishee defendant to disburse any nonexempt earnings to the court in

accordance with the garnishee defendant's normal pay and disbursement cycle.

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

(3) The plaintiff shall, in the same manner permitted for service of the writ of garnishment, provide to the garnishee defendant a copy of the notice issued under subsection (1) of this section, and shall supply to the garnished party a copy of the notice.

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

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

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

..... ,
 Plaintiff,
 vs. NO
 NOTICE TO FEDERAL
 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, 20...

.....
Clerk of the Court

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

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

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

.....
Attorney for Plaintiff

[2012 c 159 s 16; 1997 c 296 s 9.]

RCW 6.27.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 14.]