

OFM POLICY
ON
GARNISHMENTS
AND
WAGE ASSIGNMENTS

CHAPTER 25.60

UPDATED (2007) VERSION



25.60 Garnishments and Wage Assignments

25.60.10
January 1, 2004

Garnishments and levies

The term garnishment or levy is often used to describe a number of different documents. A garnishment or levy is used to capture all or a portion of earnings or personal property owed by a state agency to an employee, vendor, or third party. Personal property can include, but is not limited to, wages, leave buyout, vendor payments, commissions, bonuses, or prize money. The documents used to capture such amounts include, but are not limited to, writs of garnishment, mandatory wage assignments, mandatory payroll deductions, court orders, tax levies, and other administrative orders. Before proceeding, determine the type of legal document served upon the agency. The legal document will determine the procedure to follow.

25.60.10.a

Writs of garnishment – overview

The law provides for two types of writs. The first is titled a “writ of garnishment (continuing lien on earnings).” The second is titled a “writ of garnishment (non-continuing lien)” or a “writ of garnishment (debt other than earnings—after judgment).” A continuing lien writ captures a percentage of the employee’s wages for a 60 calendar day period. The non-continuing lien writ captures any non-exempt personal property owed to the employee/vendor (defendant) on the date the writ is served on the Office of the Attorney General. The non-continuing writ is most commonly used to capture contractual payments owed to a business.

25.60.10.b

Writ of garnishment - continuing lien on earnings

A writ of garnishment (continuing lien on earnings) is served to capture an employee’s earnings. Earnings include wages, salary, and other compensation. If the writ does not have the caption “continuing lien on earnings,” it captures only the assets being held by the agency on the day the writ was received by the Office of the Attorney General.

Service of a writ on the Office of the Attorney General is required pursuant to RCW 6.27.040 and RCW 4.92.020. If an agency receives a writ directly, without prior service on the Attorney General, return the writ to the creditor (plaintiff) noting that it was improperly served.

Superior court writs of garnishment are issued by the clerk of the superior court, a court commissioner, or judge. A creditor's attorney may, however, issue *district court* writs of garnishment. Although an attorney may issue the initial district court writ of garnishment, any request or demand to turn over earnings or assets held by an agency must be by service on the agency of a court document titled "Judgment and Order to Pay." Either a court commissioner or a judge must sign this document.

Proper service of the writ (continuing lien on earnings) creates a lien on the employee's earnings for 60 calendar days. It captures all non-exempt earnings payable to the employee from the date of service on the Office of the Attorney General to the last payroll period ending on or before 60 calendar days after service of the writ.

Once the writ is served on the Attorney General, by law, an agency is prohibited from paying any non-exempt earnings to the employee. If the writ is served on the Office of the Attorney General on or near the date the employee is to be paid, an agency must take reasonable steps to stop a payment to the employee and withhold the non-exempt earnings.

The amount withheld each pay period will generally be 25 percent of the employee's disposable earnings or a lesser amount as stated in the writ. The remaining 75 percent is exempt from garnishment. The agency must pay the employee only the amount exempt from garnishment.

20.60.10.c

First Answer

Accompanying the writ should be an "Answer to Writ of Garnishment" form. This form is often called the "First Answer." The agency must complete the First Answer form and return it to the applicable court with a copy to the creditor (plaintiff) or the creditor's attorney, as well as a copy to the employee (defendant). The creditor must provide the agency with self-addressed stamped envelopes for this purpose. The First Answer must be mailed to the court, the creditor, and the employee within 20 calendar days after receipt of the writ by the Office of the Attorney General. Failure to answer the writ timely can result in a judgment being taken against the agency for the entire amount of the writ as well as costs and attorney fees.

To complete the First Answer, the agency must answer the questions in Section I of the writ. Next, if the defendant is an employee of the agency, the agency must complete Section II related to gross earnings, deductions, disposable earnings, and exempt earnings. Use the garnishment worksheets to perform the applicable calculations. These also provide backup documentation for the actual garnishment amount.

The first worksheet deals with the "First Answer" and the second worksheet deals with the "Second Answer" to the writ. The agency may attach a work sheet showing its calculations. Refer to Subsection 25.60.50 for garnishment worksheets.

25.60.10.d

Calculation of exempt earnings

To calculate exempt earnings, subtract federal withholding taxes (including any additional withholding), social security (OASI), Medicare, L&I (medical aid), and retirement, and any other amounts required by law to be withheld from gross earnings. Any amounts the employee may deduct by law, such as health insurance, are not deducted from gross earnings. After deduction of the "amounts required by law to be withheld," the result is disposable earnings.

Seventy-five (75) percent of disposable earnings or thirty times the federal minimum hourly wage, whichever is larger, is the exempt amount. This 75 percent (or thirty times) must be paid to the employee. The remaining 25 percent is subject to the writ of garnishment (continuing lien).

If the writ of garnishment (continuing lien) is for child support, the exempt amount is 50 percent, when the employee supports a spouse or dependent child. If the employee does not support a spouse or dependent child, the exempt amount is 40 percent.

To calculate the 60-calendar day effective period and the payroll periods subject to the writ, the agency counts the day the writ was served on the AGO as well as counting another 60 calendar days, beginning the day after service of the writ. The day that the writ was served on the Attorney General to the end of the 60 calendar days is the "effective period."

The writ captures earnings due during the effective period. The agency must first determine the pay periods affected by the writ and then calculate the percentage of non-exempt funds available to the creditor.

Note that in determining affected pay periods, the agency cannot withhold money from a pay period that ends AFTER the end of the 60 calendar day effective period. The 60-calendar day effective period must encompass the WHOLE pay period affected (i.e., effective period ends March 14, the agency CANNOT hold money from the March 1-15 payroll period). Refer to the Administrative and Accounting Resources for illustrative examples.

Generally, a writ received between the 1st and 9th of the month as well as the 16th and 24th of the month will capture five pay periods. This rule only applies if the agency's pay period coincides with the state's general pay periods of the 1st to the 15th and the 16th to the end of the month.

25.60.10.e

Deduction codes

Non-exempt earnings deducted on behalf of the creditor must be held in a payroll revolving or equivalent account in General Ledger code 5189 "Garnishments Payable" until a Judgment on the Answer is served on the agency. This accounting approach only requires one deduction code to deduct the non-exempt earnings and credit them to the General Ledger code 5189.

25.60.10.f

Processing fees

The agency may deduct a fee of up to \$20 on the First Answer and \$10 for the Second Answer for a continuing writ on earnings. The fee may be deducted from the employee's non-exempt earnings only. If the creditor's garnishment amount takes all non-exempt earnings (the entire 25 percent), no fee may be deducted. The processing fee may not be taken from an employee's exempt earnings.

For example, if the employee's disposable earnings for a 60 calendar day period are \$5,000, a creditor may garnish up to 25 percent or \$1,250. If the creditor garnishes \$1,220, the agency should deduct the processing fee of \$20/\$10. If the amount garnished is \$1,230, the agency may deduct only a \$20 fee. If the amount garnished is \$1,250 or more, no fee may be deducted.

Deposit processing fees in the operating account that supports the administrative workload used to process garnishments. Code fee receipts to General Ledger code 3210 "Cash Revenues," Revenue Source code 0499 "Other Revenue."

25.60.10.g

Second Answer

Near the end of the 60 calendar day period, the creditor will send the agency a document titled Second Answer. The Second Answer tells the creditor what non-exempt earnings were captured during the 60 calendar days following the date of service of the writ on the Office of the Attorney General.

The agency must complete the Second Answer and mail it to the court, creditor, and employee within 20 calendar days of its receipt by the Office of the Attorney General in the envelopes provided by the creditor. Hold all non-exempt funds captured by the writ pending receipt of a document titled Judgment on Answer and Order to Pay (also called a Judgment on Answer).

25.60.10.h

Judgment on Answer and Order to Pay

A Judgment on Answer and Order to Pay is a court order that requires the agency to pay the withheld earnings over to a specified party. It further binds the employee to pay the creditor's costs. No earnings withheld from an employee should be paid to the court or a creditor absent receipt of a Judgment on Answer and Order to Pay.

A Judgment on Answer and Order to Pay must be signed by a court commissioner or a judge. Follow the directions in the Judgment when determining where to send the withheld earnings. Under a writ issued by a district court, the earnings may be sent directly to the creditor, the creditor's attorney, or the court. A superior court writ requires that the earnings be sent to the court clerk unless otherwise stated in the writ.

Carefully note the judgment amount that the agency must remit. The judgment amount must be equal or less than the amount stated in the Second Answer. If the amount in the judgment is more than the amount stated in the Second Answer, it must be returned to the creditor for re-issuance in the correct amount. If the amount in the judgment is less than the amount stated in the Second Answer, issue the warrant/check in that amount and refund the remaining earnings withheld to the employee. The agency must issue this warrant/check against the account where previously deposited in General Ledger code 5189.

If the writ is paid through other sources or the writ is dismissed, the court or the attorney will send a notice of the satisfaction, release, or dismissal of the garnishment to the agency. Rescind the accrued miscellaneous deduction "payable to the court" and return the earnings withheld to the employee. **In no event is an agency to issue the warrant/check for the earnings withheld to the employee until the agency receives a release of the writ signed by the appropriate court officer or attorney.**

25.60.10.i **Stacking writs**

If the agency is withholding under one writ and the agency receives a second writ under a different court cause number, the second writ becomes effective upon expiration of the first writ. If the same creditor using the same court cause number as the first writ serves a second writ before the 60 calendar day period expires, refer the writ to the Attorney General. A creditor may not “stack” writs under the same court cause number. Refer to the Administrative and Accounting Resources for illustrative examples.

25.60.10.j **Lien priority**

Lien priority is based on a number of factors. The time the document was served, the type of document, and the document’s subject matter. As a general rule, non-child support garnishments and administrative orders (educational levy, notice to withhold and deliver, IRS tax levy) compete on a first-in-time, first-in-right basis.

A child support garnishment or administrative order takes precedence over all other types of garnishments, wage assignments and administrative orders except a IRS levy served on the employer prior to receipt of the child support order. Garnishments of any nature take precedence over a non-child support voluntary wage assignment. If the agency has questions regarding the priority of competing legal documents, contact the Assistant Attorney General assigned to garnishments. Refer to the Administrative and Accounting Resources for illustrative examples.

25.60.10.k **Writ of garnishment (non-continuing lien)**

A writ of garnishment with the caption “non-continuing lien” captures payments, monies, or other assets (collectively referred to as payments) in the possession of the agency on the date the writ was received by the Office of the Attorney General. If the agency possesses any payment due on that date to the defendant, the agency is prohibited from transferring the payment. The agency must answer the writ within 20 days of service, identifying the payment amount in the agency’s possession on the date of service.

If the payment is exempt from garnishment by state or federal law, the agency should answer the writ and cite the exemption statute. If no payments are owed to the defendant at the time the writ is received by the Office of the Attorney General, indicate in the writ that no monies were owed to the defendant on the date of service. If the agency fails to answer the writ, it can be held liable for the amount stated in the writ.

If payment is owed to the defendant, the agency must hold the payment until it receives a Judgment and Order to Pay. The agency should follow the directions in the Judgment when determining where to send the payments held.

Payments that become payable to the defendant after the date the original writ was served are not subject to the writ. A second writ must be served to capture additional payments.

Refer to the Administrative and Accounting Resources for illustrative examples.

25.60.10.i

Failure to answer or failure to remit funds

If the agency fails to answer the writ or remit funds after a Judgment on Answer and Order to pay is received, the agency can be held liable for the full amount claimed by the creditor as well as interest, costs, and attorney fees. The creditor (plaintiff) must give the agency 10-calendar days notice that it will request the entry of a default judgment against the agency or serve the agency with a motion to show cause. If an agency receives such notice, contact the Assistant Attorney General assigned to garnishments immediately.

25.60.10.m

Release of writ

If the creditor receives payment on its debt while the agency is holding withheld amounts from a garnishment, the creditor must obtain an order dismissing the garnishment signed by a court. The creditor may also provide the agency with a Release of Garnishment or Satisfaction of Judgment signed by the creditor's attorney. The release can be a partial release or full release. The agency should return amounts withheld that are released to the employee.

25.60.10.n

Failure of creditor to release writ or obtain judgment

If the creditor fails to serve the agency with a Release of Garnishment or Judgment and Order to Pay, the agency must hold the amounts withheld for one year after the first answer was filed with the court. After one year, contact the Assistant Attorney General assigned to garnishments to seek release of the amounts withheld.

25.60.10.o

Direct questions to the Attorney General's Office

Direct all questions regarding garnishment procedures in this policy to the Assistant Attorney General assigned to garnishments.

25.60.20

January 1, 2004

Child support**25.60.20.a****Child support debt collection overview**

Child support can be enforced through payroll deduction notices, administrative orders (notice and order to withhold and deliver child support), mandatory wage assignment orders, writs of garnishment for child support, and out-of-state child support orders or notices (collectively referred to as child support levies). Unless issued as a writ of garnishment, a deduction taken pursuant to a child support levy continues beyond the 60-day period of a writ of garnishment. A child support levy has priority over non-child support writs of garnishment, assignments, attachments, or other legal processes except an IRS levy served prior to receipt of the child support order.

25.60.20.b**Payroll deduction notice**

The Department of Social & Health Services (DSHS) may issue a payroll deduction notice to collect child support. The notice is effective immediately upon receipt by the agency. Service of the deduction notice on the Office of the Attorney General is not required.

An agency must answer the notice within 20 calendar days after receipt using the answer form provided. The agency must begin withholding funds immediately. The payroll deduction notice can capture up to 50 percent of the employee's disposable earnings. Any earnings withheld must be remitted to DSHS within 7 working days of the date the earnings are payable.

The agency may deduct a processing fee from the employee's wages. The processing fee is \$10 for the first disbursement and \$1 thereafter. The deduction notice remains in effect until released, until the employee is no longer employed, or until the agency no longer possesses any earnings.

25.60.20.c**Notice and order to withhold and deliver for child support**

A notice and order to withhold and deliver (order) is an administrative order to withhold earnings for child support. Similar to a payroll deduction notice, an order is effective immediately upon receipt by the agency. An agency must answer the notice within 20 calendar days after receipt using the answer form accompanying the order. The agency must begin withholding funds immediately.

The order can capture up to 50 percent of the employee's disposable earnings. Any earnings withheld must be remitted to DSHS within 7 working days of the date the earnings are payable. Upon withholding from the employee's paycheck, the agency may deduct a processing fee. The processing fee is \$10 for the first disbursement and \$1 thereafter.

The order remains in effect until released, until the employee is no longer employed, or until the agency no longer possesses any earnings.

25.60.20.d

Mandatory child support wage assignment order

A court of law may issue a wage assignment to collect child support. Wage assignment orders are effective immediately upon service on the agency. An answer to a child support wage assignment order must be mailed no later than 20 calendar days after the day the order was received by the agency.

Withholding under such an order may not exceed 50 percent of the employee's disposable earnings. An agency must remit any earnings withheld within *five working days* of the date such earnings are payable. A \$10 processing fee may be deducted by the agency for the first disbursement; and a \$1 fee may be deducted for each disbursement thereafter.

A wage assignment order continues until paid, released, or the agency is no longer holding any earnings. An agency must promptly notify the addressee specified in the assignment when the employee is no longer employed. Once employment is terminated, the agency must hold the wage assignment order for one year. The wage assignment order remains in effect for this one-year period. The one year period is calculated from the date of the employee's termination or the date the agency no longer possesses any earnings or other compensation, whichever is longer. The wage assignment order does not expire until one year has passed. If the former employee returns to service within the one-year period, the agency must immediately begin to withhold earnings as provided in the prior wage assignment order.

25.60.20.e

Writ of garnishment for child support

Private parties may garnish wages for child support using a writ of garnishment under RCW 6.27. If the garnishment is a continuing lien on wages, it is only effective for a period of 60 days from the date of service. Withholding under a garnishment cannot exceed 50 percent of disposable wages if the employee is supporting a spouse or dependent child.

Otherwise, the creditor may garnish up to 60 percent of the employee's disposable earnings.

25.60.20.f

Out-of-state child support orders or notices

An agency must withhold earnings when it receives a document from an out-of-state entity requiring the withholding wages for child support. It may be served directly upon the agency and begins the day received. Follow the procedures provided in the notice. Contact DSHS, Division of Child Support, for assistance in processing out-of-state child support orders.

25.60.30

January 1, 2004

Wage assignments

25.60.30.a

Wage assignments overview

There are generally two types of wage assignments – voluntary wage assignments and mandatory wage assignments. A voluntary wage assignment is an employee's written consent to transfer future wages to a third party (assignee). Wage assignments are generally only for a part of the employee's wages. A mandatory wage assignment is a similar transfer of earnings required by law or court order. The amount deducted under the wage assignment can exceed the 25 percent limit of a writ of garnishment.

25.60.30.b

Voluntary wage assignment

Agencies may accept or decline to honor a voluntary wage assignment. However, honoring a voluntary wage assignment may forestall a garnishment, which results in significantly more work for an agency. An agency accepting a wage assignment should notify the employee and the assignee that the agency's acceptance is conditioned on (1) the agency not being liable for mistakes or omissions in honoring the assignment and (2) that enforced wage collections (e.g., garnishments) will take precedence over the assignment.

Before honoring such an assignment, the agency should obtain a copy of the assignment signed by the employee. If the employee is married, written consent to the assignment by the employee's spouse is also necessary for non-child support debts.

25.60.30.c **Mandatory wage assignments**

A mandatory wage assignment most often requires the transfer of earnings based upon a court order or agency directive. The legislature provided for the mandatory assignment of wages for child support, criminal financial obligations and public assistance overpayments. A mandatory wage assignment should be processed in accordance with the terms of the assignment or court order. Continue to withhold earnings until the debt is paid in full unless the assignment states otherwise.

25.60.30.d **Priority of wage assignments**

A mandatory wage assignment, garnishment, or other legally established involuntary debt collection mechanism ordinarily takes precedence over a voluntary wage assignment. An agency should consult with its assigned Assistant Attorney General to resolve questions that may arise concerning these wage transfers.

25.60.40
July 1, 2008

Other debt collection procedures

25.60.40.a **Bankruptcy**

When notified of a bankruptcy filing by an employee, the agency should request that the employee provide written confirmation of the bankruptcy filing. This could include a letter from the employee's attorney with the bankruptcy court case number, a copy of the first page of the bankruptcy petition, or a copy of a bankruptcy filing receipt with the court's case number.

Once the agency has confirmation of the bankruptcy, the agency must stop deducting earnings under non-child support garnishment, administrative order, and/or wage assignment. However, child support withholding should continue unless instructed otherwise by the court.

If the agency withheld earnings *after* the bankruptcy was filed, return the post-bankruptcy earnings to the employee. As to earnings withheld *before* the bankruptcy was filed, send a letter to the creditor seeking guidance on distribution of any withheld earnings. If the creditor objects to distribution of the funds to the employee, hold the funds for one year. If the agency does not receive a Judgment on the Answer within one year of the Second Answer, contact the Assistant Attorney General assigned to garnishments for advice.

If the employee files a Chapter 13 bankruptcy, the Chapter 13 Trustee will forward a court order requiring the withholding of earnings. The agency must withhold and forward the earnings as indicated in the Order. Withholding under such an order can exceed 25 percent of disposable earnings. The Chapter 13 Trustee Office can answer any general questions regarding the bankruptcy order. Direct legal questions to the Assistant Attorney General assigned to garnishments.

25.60.40.b

Tax collection

The IRS and state taxing agencies use tax levies to capture the earnings of an employee. The IRS uses a "Notice of Tax Levy." The Departments of Revenue, Labor & Industries, and Employment Security use a Notice and Order to Withhold and Deliver (NOWD). Tax levies may be served directly on an agency. Unless provided in the tax levy or NOWD, no processing fee may be collected.

Begin immediately withholding earnings in accordance with the tax levy or NOWD. An IRS tax levy and an NOWD are not subject to the 25 percent limit on withholding provided for writs of garnishment. A tax levy and NOWD are also continuing liens on earnings. Withholding should continue until paid in full, released, or earnings are no longer available to garnish. Check with the revenue agent of the applicable taxing authority if questions arise.

If competing tax levies/NOWD's are served upon the agency and issues of lien priority arise, contact the Assistant Attorney General assigned to garnishments.

25.60.40.c

Educational loans

Federal law allows for the collection of federally guaranteed student loans through an administrative order. An agency must honor the withholding order as if issued by a court of this State.

The administrative order may be served directly on an agency by mail. It captures earnings payable after the date it is received by the agency. The amount withheld, however, is subject to limits set by federal law. An agency may withhold only 15 percent of an employee's disposable wages. An employee may, however, consent to a greater withholding amount by providing written consent to the Department of Justice. The withholding order will instruct the agency on the amount to be withheld. No processing fee may be deducted.

Disposable wages are calculated in the same manner as a writ of garnishment. Deductions from disposable wages continue until the amount is paid in full (including all interest), released in writing, or the agency no longer holds any earnings payable to the individual. Amounts withheld must be forwarded to the student loan agency no less frequently than once a month. Amounts forwarded should identify the employee, the employee's social security number, and any student loan number.

25.60.50
July 24, 2008

Worksheets for answers to writs of garnishment

Following are worksheets for the Calculations for First Answer to Writ of Garnishment, Continuing Lien, and Calculations for Second Answer to Writ of Garnishment, Continuing Lien.

Excel calculation worksheets for determining disposable income subject to garnishment, instructions for using the excel worksheets, and a sample First Answer worksheet are available on OFM's Administrative & Accounting Resources website at:
<http://www.ofm.wa.gov/resources/payroll.asp>.

Calculations for First Answer to Writ of Garnishment, Continuing Lien

Plaintiff: _____
 Defendant: _____
 Garnishee: _____
 Court/Cause No: _____
 Total Amount of Garnishment: \$ _____
 Date Served: _____ Effective Date: _____
 (effective date of writ) (date served, plus 60 calendar days)

	<u>1st Answer</u>		<u>Subject to 2nd Answer</u>		
Payroll Period (dates): (not pay days)	_____	_____	_____	_____	_____
Gross Pay For Period:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Deductions:					
Withholding	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
OASI/Medicare	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Retirement	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Medical Aid	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Union Dues**	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
MEP/VEBA***	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Deductions:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Disposable Earnings:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Exempt Earnings:					
\$851.50 per month or \$425.75 semi-monthly or \$196.50 per week (Federal min. \$6.55/hour) OR					
75% of Disposable Earnings	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Larger of Above:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Note: If garnishment is for child support, the only exemption is either 50% or 40% of disposable earnings. Refer to Subsection 25.60.20.b of this manual for information on this percentage determination.					
	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Amount Subject to Garnishment: (disposable earnings less exempt earnings)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____ *	\$ _____	\$ _____	\$ _____	\$ _____

* Total amount withheld on first answer.
 ** Union dues are NOT garnishable if mandatory by law.
 *** Medical Expense Plan – Sick leave buyout NOT garnishable if being paid to a Voluntary Employees’ Beneficiary Association (VEBA) plan. Amount is garnishable if being paid to the employee.

OFM rev. 7/24/08 (changed Federal Minimum Wage from \$5.85 to \$6.55). Per the Attorney General’s Office, this update is effective for all wages paid on or after 07/24/08.

Calculations for Second Answer to Writ of Garnishment, Continuing Lien

Plaintiff: _____
 Defendant: _____
 Garnishee: _____
 Court/Cause No: _____
 Total Amount of Garnishment: \$ _____
 Date Served: _____ Effective Date: _____
 (effective date of writ) (date served, plus 60 calendar days)

	1 st Answer		Subject to 2 nd Answer		
Payroll Period (dates): (not pay days)	_____	_____	_____	_____	_____
Gross Pay For Period:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Deductions:					
Withholding	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
OASI/Medicare	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Retirement	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Medical Aid	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Union Dues**	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
MEP/VEBA***	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Deductions:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Disposable Earnings:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Exempt Earnings:					
\$851.50 per month or					
\$425.75 semi-monthly or					
\$196.50 per week	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Federal min. \$6.55/hour)					
OR					
75% of Disposable Earnings	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Larger of Above:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Note: If garnishment is for child support, the only exemption is either 50% or 40% of disposable earnings. Refer to Subsection 25.60.20.b of this manual for information on this percentage determination.					
	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Amount Subject to Garnishment: (disposable earnings less exempt earnings)	\$ _____ *	\$ _____	\$ _____	\$ _____	\$ _____

* Total amount withheld on first answer.

** Union dues are NOT garnishable if mandatory by law.

*** Medical Expense Plan -- Sick leave buyout NOT garnishable if being paid to a Voluntary Employees' Beneficiary Association (VEBA) plan. Amount is garnishable if being paid to the employee.

OFM rev. 7/24/08 (changed Federal Minimum Wage from \$5.85 to \$6.55). Per the Attorney General's Office, this update is effective for all wages paid on or after 07/24/08.



25.70 Payment Methods

25.70.10

May 1, 1999

Employee payment options

There are two ways to pay employees: by warrant (check), or, by direct deposit into an employee's account. Direct deposit requires written authorization by the employee.

25.70.20

October 1, 2005

Direct deposit of employee's earnings

25.70.20.a

Employee requirements for direct deposit by Electronic Funds Transfer (EFT)

- The employee is paid through a payroll system participating in an approved program.
- The employee is paid on a regularly scheduled payroll.
- An employee signed authorization for direct deposit by EFT is on file at the agency. Refer to Administrative and Accounting Resources at <http://www.ofm.wa.gov/resources/payroll.asp> for a sample EFT authorization form.
- The employee has an account in either a bank or credit union that has the ability to accept transfers of funds via electronic and other technological means.

25.70.20.b

Agency requirements for direct deposit of employee's net pay by EFT

Agencies are to establish procedures that incorporate internal controls to safeguard funds against loss.

An agency's internal controls are to include a positive system of validating the amounts transferred and verifying that the amounts to be transferred to an employee are actually due for work performed or benefits due.

GARNISHMENT STATUTE

REVISED CODE OF
WASHINGTON

CHAPTER 6.27

2007 VERSION

Chapter 6.27 RCW Garnishment

Chapter Listing

RCW 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.
- [6.27.110](#) Service of writ generally -- Forms -- Requirements for financial institution -- 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 -- Captions -- Additions to writ and answer forms.

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.

Notes:

Rules of court: CR 64.

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 § 1; 1998 c 227 § 1; 1997 c 296 § 1.]

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 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.

[2003 c 222 § 16; 1987 c 442 § 1001.]

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 § 1; 1987 c 442 § 1002; 1969 ex.s. c 264 § 1. Formerly RCW 7.33.010.]

Notes:

Rules of court: Cf. CR 64.

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 § 1003; 1969 ex.s. c 264 § 2. Formerly RCW 7.33.020.]

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 § 2. Prior: 1987 c 442 § 1004; 1987 c 202 § 134; 1969 ex.s. c 264 § 6. Formerly RCW 7.33.060.]

Notes:

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

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 § 1005; 1927 c 101 § 1; 1886 p 43 § 19; RRS § 664. Prior: Code 1881 §§ 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.]

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 36.18.020, or to the clerk of the district court the fee provided by RCW 3.62.060.

[2003 c 222 § 17; 1988 c 231 § 22. Prior: 1987 c 442 § 1006; 1987 c 202 § 133; 1981 c 193 § 3; 1977 ex.s. c 55 § 1; 1969 ex.s. c 264 § 4. Formerly RCW 7.33.040.]

Notes:

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

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

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 § 3; 1987 c 442 § 1007; 1970 ex.s. c 61 § 1. Prior: 1969 ex.s. c 264 § 5. Formerly RCW 7.33.050.]

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 § 23; 1987 c 442 § 1008.]

Notes:

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

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 taxable costs and attorney's 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 fee, 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 fifty 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 two hundred fifty dollars.

[2000 c 72 § 2; 1988 c 231 § 24; 1987 c 442 § 1009; 1969 ex.s. c 264 § 9. Formerly RCW 7.33.090.]

Notes:

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

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 § 2; 1997 c 296 § 3.]

this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, 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 that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, 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, 20. . .

[Seal]

.....
Attorney for
Plaintiff (or
Plaintiff, if no
attorney)

.....
Address

.....
Clerk of the
Court

.....
By

.....
Address"

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed 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 this day of, 20.

.....
Attorney for Plaintiff

.....
Address"

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

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

Notes:

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

6.27.110

Service of writ generally — Forms — Requirements for financial institution — Return.

(1) Service of the writ of garnishment on the garnishee is invalid unless the writ is served together with: (a) Four answer forms as prescribed in RCW 6.27.190; (b) three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if the plaintiff has no attorney), and the defendant; and (c) 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 answer forms, addressed envelopes, 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 answer forms and addressed envelopes, and check or money order if required by this section, and shall attach the return receipt to the affidavit.

[1998 c 227 § 4; 1997 c 296 § 4; 1988 c 231 § 26; 1987 c 442 § 1011; 1981 c 193 § 5; 1971 ex.s. c 292 § 8; 1970 ex.s. c 61 § 11; 1969 ex.s. c 264 § 13. Formerly RCW 7.33.130.]

Notes:

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.

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 § 1012; 1969 ex.s. c 264 § 14. Formerly RCW 7.33.140.]

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 § 5; 1988 c 231 § 27; 1987 c 442 § 1013; 1969 ex.s. c 264 § 32. Formerly RCW 7.33.320.]

Notes:

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

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 type no smaller than elite type:

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. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

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 a United States pension, 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 up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain 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) 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 type no smaller than elite 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 BANK ACCOUNT IS GARNISHED:

The account contains payments from:

- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.
- Social Security. I receive \$ monthly.
- Veterans' Benefits. I receive \$ monthly.
- U.S. Government Pension. I receive \$ monthly.
- Unemployment Compensation. I receive \$ monthly.
- Child support. I receive \$ monthly.
- Other. Explain

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

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- I claim maximum exemption.
- I am supporting another child or other children.
- I am supporting a husband or a wife.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

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

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 If married,
name
name of husband/wife

Your Signature of husband
signature
or wife

Address Address
(if different from yours)

Telephone Telephone number
number
(if different from yours)

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.

[2003 c 222 § 6; 1997 c 59 § 2; 1987 c 442 § 1014.]

6.27.150

Exemption of earnings — Amount.

(1) Except as provided in subsection (2) 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 times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code 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 judgment or other court order for child support or 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 if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) 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.

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

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

[1991 c 365 § 26; 1987 c 442 § 1015; 1981 c 193 § 6; 1971 c 6 § 1; 1970 ex.s. c 61 § 3; 1969 ex.s. c 264 § 28. Formerly RCW 7.33.280.]

Notes:

Severability -- 1991 c 365: See note following RCW 41.50.500.

6.27.160

Claiming exemptions — Form — Hearing — Attorney's fees — Costs — Release of funds or property.

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

[NAME OF COURT]

No.

.....
Plaintiff

.....
Defendant

.....
Garnishee

CLAIM OF EXEMPTION

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

.....
.....
.....

I/We believe the property is exempt because:

.....
.....
.....

Print name

Print name of spouse,
if married

Signature

Signature

Address

Address

Telephone number

Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together 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 § 7; 2002 c 265 § 3; 1988 c 231 § 28; 1987 c 442 § 1016.]

Notes:
Severability -- 1988 c 231: See note following RCW 6.01.050.

**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 § 1017; 1969 ex.s. c 264 § 16. Formerly RCW 7.33.160.]

**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 § 29; 1987 c 442 § 1018; 1969 ex.s. c 264 § 17. Formerly RCW 7.33.170.]

Notes:
Severability -- 1988 c 231: See note following RCW 6.01.050.

**6.27.190
Answer of garnishee — Contents — Forms.**

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 delivered, either personally or by mail, to the clerk of the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ. 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. If the garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350. If the writ is not directed to an employer for the purpose of garnishing the defendant's wages, the paragraphs in section II of the answer relating to earnings and calculations of withheld amounts may be omitted.

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 \$

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	Connection with garnishee

garnishee

.....

Print name of person signing

Address of garnishee

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

Notes:

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

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

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 plus all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, 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.

[2003 c 222 § 9; 1997 c 296 § 6; 1988 c 231 § 31; 1987 c 442 § 1020; 1970 ex.s. c 61 § 10; 1969 ex.s. c 264 § 19. Formerly RCW 7.33.190.]

Notes:

Rules of court: CR 55, JCR 55.

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

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 § 1021; 1969 ex.s. c 264 § 24. Formerly RCW 7.33.240.]

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 § 1022; 1969 ex.s. c 264 § 26. Formerly RCW 7.33.260.]

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 § 1023; 1969 ex.s. c 264 § 29. Formerly RCW 7.33.290.]

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 § 1024; 1969 ex.s. c 264 § 18. Formerly RCW 7.33.180.]

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. 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.

[2003 c 222 § 10; 2000 c 72 § 5; 1988 c 231 § 32; 1987 c 442 § 1025; 1969 ex.s. c 264 § 20. Formerly RCW 7.33.200.]

Notes:

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

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

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 § 1026; 1969 ex.s. c 264 § 21. Formerly RCW 7.33.210.]

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 § 11; 2000 c 72 § 6.]

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 § 33; 1987 c 442 § 1027; 1969 ex.s. c 264 § 22. Formerly RCW 7.33.220.]

Notes:

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

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 § 1028; 1969 ex.s. c 264 § 23. Formerly RCW 7.33.230.]

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 § 1029; 1969 ex.s. c 264 § 33. Formerly RCW 7.33.330.]

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 § 1030; 1969 ex.s. c 264 § 30. Formerly RCW 7.33.300.]

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 § 1031; 1969 ex.s. c 264 § 27. Formerly RCW 7.33.270.]

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 § 12; 2000 c 72 § 7; 1969 ex.s. c 264 § 31. Formerly RCW 7.33.310.]

6.27.330

Continuing lien on earnings — Authorized.

A judgment creditor may obtain a continuing lien on earnings by a garnishment pursuant to RCW 6.27.340, 6.27.350, 6.27.360, and *7.33.390.

[1987 c 442 § 1032; 1970 ex.s. c 61 § 5. Formerly RCW 7.33.350.]

Notes:

*Reviser's note: RCW 7.33.390 was repealed by 1987 c 442. Language substantially similar to RCW 7.33.390 was added to RCW 6.27.350.

6.27.340

Continuing lien on earnings — Captions — Additions to writ and answer forms.

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

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

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

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

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

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

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

.....

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

(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.

[2003 c 222 § 13; 1988 c 231 § 34; 1987 c 442 § 1033; 1970 ex.s. c 61 § 6. Formerly RCW 7.33.360.]

Notes:

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

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 lien 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 three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies of the answer form prescribed in RCW 6.27.190. 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."

Amount due and owing stated in first answer	\$. . .
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, in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment.

[2003 c 222 § 14; 1997 c 296 § 7; 1988 c 231 § 35; 1987 c 442 § 1034; 1970 ex.s. c 61 § 7. Formerly RCW 7.33.370.]

Notes:

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

6.27.360

Continuing lien on earnings — Priorities — Exceptions.

(1) Except as provided in subsection (2) 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 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.

[1997 c 296 § 8; 1989 c 360 § 20; 1987 c 442 § 1035; 1970 ex.s. c 61 § 8. Formerly RCW 7.33.380.]

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 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 by the clerk and an envelope addressed to the court, 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

....., NO.

Plaintiff, NOTICE TO FEDERAL
vs. GOVERNMENT GARNISHEE
DEFENDANT

.....
Defendant,

.....
Garnishee Defendant.

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

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

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

..... County Court Clerk
Cause No.

.....
.....
(Address)

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

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

DATED this day of, 19...

.....
Clerk of the Court

[1997 c 296 § 9.]

**Garnishment
&
Other Withholding Documents:
Processing Procedures**

Terms/Definitions

GARNISHMENT TERMS/DEFINITIONS

Alimony	Money that one divorced spouse must pay to the other for support during or after the divorce pursuant to a court order or an agreement between the parties. Also called spousal support or maintenance.
Amount Subject to Garnishment	Disposable earnings less exempt earnings.
Answer - 1 st	Document that tells the plaintiff how much money you are or will withhold for the plaintiff.
Answer - 2 nd	Document that tells the plaintiff the total amount of money you withheld for the plaintiff.
Assignee	The party that agrees to the deduction of earnings for the benefit of another party. The assignee is usually the employee.
Assignor	The party who receives the benefit of a payroll deduction. The assignor is usually a creditor.
Automatic Stay	A legal result that prevents the collection of a debt by a creditor. The automatic stay goes into effect on the date the debtor files a petition with a bankruptcy court.
Bankruptcy - Chapter 11	A bankruptcy usually filed by a business in which it attempts to reorganize or liquidate its business.
Bankruptcy - Chapter 13	A bankruptcy filed by an individual in which the debtor attempts to repay all or a portion of its debts through payments to a Chapter 13 Trustee.
Bankruptcy - Chapter 7	A bankruptcy in which the debtor seeks to eliminate all or many of the debts owed to creditors.
Bankruptcy Petition	The legal forms filed with the U.S. Bankruptcy Court.
Child Support	Money paid to an ex-spouse either directly or through Washington State

	<p>Support Registry for children of the prior marriage.</p>
<p>Continuing Lien</p>	<p>A lien created by virtue of law that continues to capture earnings from month to month. The term is most often used in context of a writ of garnishment in which the lien continues to capture earnings during the 60 calendar effective period. The term can also be used to describe other liens that continue until the debt is paid in full, released or no earnings are available to satisfy the debt.</p>
<p>Controversion of the Answer</p>	<p>A legal document in which the plaintiff contests the First Answer of the agency (garnishee).</p>
<p>Creditor</p>	<p>The plaintiff or person to whom the employee owes a debt.</p>
<p>Date Served</p>	<p>Date the Office of Attorney General receives and date stamps the writ.</p>
<p>Debtor</p>	<p>The person owing money to a creditor.</p>
<p>Defendant</p>	<p>The person or employee named as owing a debt to the plaintiff.</p>
<p>Disposable Earnings</p>	<p>Gross salary, less amounts required by law to be withheld.</p>
<p>Effective Period</p>	<p>Period of time that a writ of garnishment (continuing lien) captures an employee's earnings. Calculate the effective period by starting with the date the writ was received by the Office of the Attorney General. Begin with the following day and count forward 60 calendar days. The effective period encompasses the date the writ was received to the 60th calendar day.</p>
<p>Exempt Earnings</p>	<p>The amount of earnings that must be paid to the employee. Exempt earnings for a non-child support writ of garnishment is 75% of disposable earnings or the statutory amount of 30 times the federal (not state) minimum wage. Child support exempt earnings are 40% if the employee is not supporting a spouse or dependent child</p>

	or 50% if the employee is supporting a spouse or dependent child.
Consumer Credit Protection Act	The federal law that establishes laws related to garnishment.
First Answer	Document that tells the plaintiff how much money you are or will withhold for the plaintiff.
First-in-Time	First writ, administrative order or wage assignment received or served as provided by law.
Freedom of Information Act (FOIA)	Federal law that provides open records of governmental activities.
Garnishable Wages	Also referred to as disposable wages. Those wages left after amounts required by law are withheld from gross earnings.
Garnishee	Agency or employer. (Garnishee is usually called the "garnishee defendant.")
Gross Earnings	Actual amount paid to employee before any deductions.
Improper Service	Failure of creditor to comply with the legal requirements of the law. Most often refers to the creditor's failure to properly serve the writ of garnishment on the Office of the Attorney General.
Judgment	Amount of money court declares that defendant owes to the plaintiff. Judgments are registered in the "judgment docket" of the applicable court.
Judgment on Answer and Order to Pay	Also known as Order to Pay, Judgment on Answer or Judgment. Court order signed by a judge, requiring the agency to remit the amount stated to the creditor, attorney or court. The Judgment on Answer also includes a declaration that the defendant owes the plaintiff costs, interest and attorney fees associated with the writ of garnishment.
Levy	A term usually referring to an order issued by a state or federal agency to

	withhold earnings from an employee for a debt.
Mandatory Deductions	Federal Withholding, OASI/Medicare, Medical Aid, Mandatory Retirement and any other non-optional deduction required by state or federal law.
Non-Continuing Lien	A lien that captures funds in the possession of an agency on the date the writ of garnishment (non-continuing) is received by the Office of the Attorney General.
Non-Dischargeable Debt	Debts owed to a creditor that cannot be eliminated as a result of a bankruptcy.
Non-Exempt Earnings	Earnings owed to a creditor after deduction of any amounts exempt by law from disposable earnings.
Notices to Withhold and Deliver	An administrative order issued by a state agency, including but not limited to the Department of Labor & Industries (L&I); Employment Security Department (ESD); Department of Revenue; (DOR) and Department of Social & Health Services (DSHS).
Order Quashing Writ	Court order that terminates the writ of garnishment as indicated.
Order to Pay	Order signed by court directing the agency to pay withheld funds to plaintiff, attorney or court.
Plaintiff	Creditor, person or business seeking money from a defendant employee.
Rule of Reasonableness	A rule of thumb to determine if a properly served writ, administrative order or wage assignment captures earnings on or near the date the earnings are to be paid. If the agency can take "reasonable" steps to prevent the payment of the earnings to the employee, the agency must act accordingly.
Stacked Writs	Stacking occurs when one writ is in received followed by another writ. The first writ remains in effect and the next writ takes effect on the first writ terminates.

	<p>A plaintiff using the same court cause number cannot serve a second writ during the 60 calendar day effective period.</p>
<p>Statutory Exempt Amount</p>	<p>30 times the federal (not state) minimum wage.</p>
<p>Stay</p>	<p>A legal result that prevents the collection of a debt by a creditor.</p>
<p>Total Amount of Garnishment</p>	<p>The dollar amount the plaintiff is seeking to collect. Includes the original debt amount plus all the allowable costs: attorney fees, postage fees, court fees, garnishment fees, and 12% annual interest.</p>
<p>Voluntary Deductions</p>	<p>Optional deductions that an employee may or may not have deducted from earnings.</p>
<p>Voluntary Wage Assignment</p>	<p>An agreement between a creditor, employee, and employer to deduct a specific amount from disposable earnings to be sent to the creditor.</p>
<p>Wage Assignment</p>	<p>An agreement between a creditor and employee to deduct a specific amount from the employee's wages for the benefit of the creditor. Wage assignments can be voluntary or mandatory.</p>
<p>Writ of Garnishment</p>	<p>A court order (based on a civil judgment against an employee for money owed to a creditor) directing an agency to withhold non-exempt earnings for a plaintiff, creditor.</p>

**SAMPLE
FORM LETTERS**

SAMPLE FORM LETTERS

TABLE OF CONTENTS

Form Letter - Writ Not Served on AGO

Bankruptcy Form Letter - Agency Holding Pre-Petition Funds

Form Letter - Second Answer Not Served Near End of 60 Day Period

**FORM LETTER
WRIT NOT SERVED ON AGO**

October 7, 2003

[CREDITOR' ATTORNEY]

Re: [Creditor v. Employee] [County Superior Court Cause No.]

Dear [Attorney]

Enclosed please find the writ of garnishment served on our agency. It appears that this writ was not served upon the Office of the Attorney General prior to my receipt of this document. RCW 6.27.040 requires that a writ of garnishment be served in the same manner as the service of a summons in a civil action. A summons in a civil action must be served upon the Office of the Attorney General. RCW 4.92.020.

Please direct all future writs to the following address:

Office of the Attorney General
General Services Division
P.O. Box 40100
Olympia, WA 98504-0100

Sincerely,

[Payroll Officer]

**BANKRUPTCY FORM LETTER
AGENCY HOLDING PRE-PETITION FUNDS**

DATE

NAME OF CREDITOR
ADDRESS
CITY, STATE ZIP CODE

RE: *TITLE OF ACTION and CAUSE NUMBER*
i.e. Allied Credit v. John Smith, King County Superior Court No. 01-2-0000-2

Dear [NAME]:

You served a writ of garnishment on this agency with regard to the defendant named above. This employee informs us that s/he filed a bankruptcy petition under cause number _____ in the [Western/Eastern] District of Washington. Under the U.S. Bankruptcy Code, I am required to return any funds I am holding to the employee. Unless I hear from you in writing within twenty days of the date of this letter, I will return the funds the funds to the employee.

I look forward to your prompt attention to this matter.

Sincerely,

PAYROLL OFFICER

Cc: Employee
Superior Court/District Court

**FORM LETTER
SECOND ANSWER NOT SERVED
NEAR END OF 60 DAY PERIOD**

October 7, 2003

Dear Creditor's Attorney:

Attached is the Second Answer to Writ of Garnishment that you served on our Agency. RCW 6.27.350(2) requires that we file the Second Answer with the Court within twenty days of its receipt. Because the withholding required by the Writ of Garnishment is still on-going, any information in the Second Answer may be inaccurate or incomplete if it is filed with the Court at this time. RCW 6.27.350(2) provides that the Second Answer be served "at the time of the expected termination of the lien." Please resubmit your Second Answer to us upon the termination of the 60-day lien and we will process it accordingly.

Thank you for your assistance in this matter

Sincerely,

MCL:dbm