LCRLJ 69. EXECUTION AND SUPPLEMENTAL PROCEEDINGS AND GARNISHMENTS

(b) Supplemental Proceedings.

(1) In all supplemental proceedings wherein a show cause order is issued pursuant thereto requiring the personal attendance of a party to be examined in open Court, and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE, AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the Court to refuse to issue a bench warrant.

(2) Bench Warrant. In the event the judgment debtor fails to appear for examination in supplemental proceedings, the Court may issue a Bench Warrant for the defendant's arrest upon plaintiff's motion, provided that proof of service on the judgment debtor of the order to appear for examination has been filed. Such Bench Warrant shall provide for bail in the amount of $250.00 unless the total judgment, including costs and fees, is less than $250.00, in which case bail shall be set at such lesser amount. Upon arrest on a Civil Bench Warrant, the defendant shall be released by the jail upon posting the bail amount in cash or surety bond. The jail shall require the defendant to sign a jail release form to appear at 1:15 p.m. the next judicial day before the Court Administrator. The Court Administrator shall set a new date and time for the Supplemental Proceeding and notify both parties. If the judgment debtor is not released on bail or bond, he/she shall be brought before a judge, not later than the next judicial day, who shall set a new date and time for the examination of Supplemental Proceedings, and notify both parties. Upon completion of the examination of the judgment debtor, the bail shall be exonerated unless the Court orders otherwise.

(c) Judgment Against Garnishee. No judgment against a garnishee defendant, or order to pay into Court, or order to the Clerk to pay out any sum pursuant to a Writ of Garnishment, will be signed except after judgment is entered against the defendant and until the party who caused the writ to issue shall have proof of service in the manner provided by statute and twenty (20) days shall have elapsed from the filing of the answer of the garnishee defendant. There shall be attached proof of mailing of Notice of Intent

to present Default Judgment against garnishee defendant by certified mail of not less than seven (7) days. No funds shall be paid into the Registry of the Court without a court order.

(d) Payment of Judgment. All payment of monies on judgments (including awards of costs) shall be made to the party and/or attorney, unless otherwise ordered. The receiving party, or party's attorney, shall within thirty (30) days of receipt file a satisfaction of the judgment in the amount received.

(e) Order to Pay. The pattern form of "Judgment and Order to Pay", set out in RCW 6.27.265 (as amended), is hereby adopted for use in Jefferson County District Court.

(f) Federal Government as Garnishee Defendant.

(i) Whenever the federal government is named as a garnishee defendant the clerk of the court shall, upon submittal of a notice in the appropriate form by the requesting party, issue a notice which directs the garnishee defendant to disburse any non-exempt earnings to the court.

(ii) 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 same. Except for good cause shown, the funds shall not be paid or endorsed to the judgment creditor prior to the expiration of any minimum statutory period allowed to the judgment debtor for filing an exemption claim.

(iii) The party requesting the writ of garnishment shall supply a copy of the notice to the garnishee defendant with a preaddressed envelope to the Court which has the cause number displayed thereon and to the garnished party in the same manner as is permitted for service of the writ of garnishment.

(iv) The notice to the federal government employer shall be in substantially the following form:

JEFFERSON COUNTY DISTRICT COURT
STATE OF WASHINGTON

	)	No.
	)	
Plaintiff,	)	NOTICE OF FEDERAL
	)	GOVERNMENT GARNISHEE
vs.	)	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 hold the non-exempt earnings of the above-named defendant, but does not instruct you to disburse the funds you hold.

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

( ) Jefferson County District Court
PO Box 1220
Port Townsend WA 98368

Cause # _____

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

The following 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

[Amended effective September 1, 2002]