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Spokane County District Court

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LCRLJ 69

EXECUTION, SUPPLEMENTAL PROCEEDINGS AND GARNISHMENTS

(a) Scope. Execution, supplemental proceedings and garnishments are governed by Statute (see Title 6 and 7 of the Revised Code of Washington).

(1) Supplemental Proceedings. 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. (Amended effective Sept. 1, 1998.)

(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 \$500.00 unless the total judgment, including costs and fees, is less than \$500.00, 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 the Civil counter within 24 hours of release to make a court date. The Clerk shall set a new date and time for the Supplemental Proceeding and notify both parties. (Amended Effective Sept. 1, 2005).

If the judgment debtor is not released on bail or bond, he or 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 on Supplemental Proceedings, and notify both parties.

Upon completion of the examination of the judgment debtor, and the bail shall be exonerated unless the Court orders otherwise.

(3) (Deleted)

(b) Judgment Against Garnishee Defendant. (Adopted effective Sept. 1, 1999.)

(1) In the event a garnishee defendant answers a writ of garnishment, judgment against the garnishee may be entered only after:

(A) Twenty days have elapsed from the date of filing of the answer or the second answer in the event of a continuing lien;

(B) Proof of service of the writ, and other documents required by the statute to be served is filed with the Court.

(2) A judgment upon an answer of a garnishee defendant may be entered on an ex parte basis.

(3) In the event a garnishee defendant fails to answer the writ of garnishment, a default judgment

against the garnishee defendant may be entered only after:

(A) Twenty days have elapsed from the filing and service of the writ;

(B) Notice of intent to present the default judgment shall be personally served or sent by certified mail giving at least 10 calendar days notice before the default judgment is taken. Proof of mailing must be filed before the default judgment is taken.

(c) Exemption Claims to Writ of Garnishment

(1) Exemption Claims and Hearings  
Non-Responsive Exemption Claim. An Exemption Claim in the form prescribed in RCW 6.27.140, submitted by a party shall be deemed Non-Responsive if:

(A) The form is submitted in blank and/or does not assert a claim of exemption;

(B) Exemption(s) specific to bank accounts are claimed and the Writ is not directed to a bank;

(C) Exemption(s) specific to Child Support Garnishments are claimed and the Writ is not issued for enforcement of a child support judgment;

(D) Exemption(s) specific to pension or retirement benefits are claimed and the Writ is not directed to the garnished party's employer or other pension or retirement benefit provider; or

(E) Exemption(s) specific to other personal property are claimed and the Writ is directed to a bank, employer or other holder of monetary amounts belonging to the garnished party.

(2) Denial of Non-Responsive Exemption Claim:

(A) Claim as defined in this rule shall be denied without a Court hearing if the garnishing party files and serves a Notice of Non-Responsive Exemption Claim, substantially in the form prescribed in subsection (3) of this rule, within seven (7) days of receipt of the Exemption Claim. If filing and/or service is had by mail, compliance with this rule shall be deemed complete if the described Notice is posted in the U.S. Mail on or before the seventh day after the garnishing party receives the Exemption Claim.

(B) Notice of Non-Responsive Exemption Claim Form. The Notice of Non-Responsive Exemption Claim shall be substantially in the form approved by the Court.  
(Adopted effective Sept. 1, 1995.)

(d) Federal Government as Garnishee Defendant

(1) Whenever the federal government is named as a garnishee defendant, the Clerk of 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.

(2) Funds received by the Clerk from a garnishee defendant may be deposited into the registry of the Court, or in 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 fund over to the party entitled to the 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.

(3) The party requesting the Writ of Garnishment shall supply a copy of the notice to the garnishee defendant with a pre-addressed envelope to the Court which has the cause number displayed thereon and to the garnished party in the same manner as is permitted for the service of the Writ of Garnishment.

(4) The notice to the federal government employer shall be in substantially the form approved by the Court. (Adopted effective Sept. 1, 1995)

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