

Sample #1

## NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

*(Effective July 28, 2019)*

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 is calculated.

- If the garnishment is for child support, the exempt amount paid to you will be a percent of your disposable earnings, which is 50 percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld.
- If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is 85 percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or 50 times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable.
- If the garnishment is for consumer debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is 80 percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or 35 times the state minimum hourly wage.

**BANK ACCOUNTS.** If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security, Veteran's Benefits, Unemployment Compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt

even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

**OTHER EXEMPTIONS.** If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts property of your choice (including up to \$2,500 in a bank account if this garnishment is for private student loan debts; up to \$2,000.00 in a bank account if this garnishment is for consumer debts; or up to \$500 in a bank account for all other debts) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

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

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