

## GARNISHMENT INSTRUCTIONS

**Judicially Assisted Methods of Collection** - If the debtor does not respond to a demand letter, there are three alternate collection methods you can pursue with assistance from the court.

1. **Garnishment** – A writ of garnishment is a court order directing a third party, for example, an employer, to withhold a portion of the debtor’s paycheck and direct those funds to the creditor. [RCW Chapter 6.27](#) governs garnishment.
2. **Execution** – A writ of execution is a court order authorizing the sheriff to seize certain property belonging to the debtor and sell it with the proceeds being paid to the creditor. [RCW Chapter 6.17](#) governs execution.
3. **Judicial Lien** – A lien is a legal right that a creditor has in a debtor’s real property. While a creditor generally does not take possession of the debtor’s property, the lien can remain in place until the debt is satisfied. [RCW §§ 4.56.190 - 210](#) address judgment liens.

**Demand Letters** - Generally, the first step in debt collection is to send a letter to the debtor requesting payment within a specified amount of time. There are federal statutes, [15 USC §§ 1692a - p](#), and state statutes, [RCW §§ 19.16.110 - 240](#), that govern a creditor’s methods of communicating with a debtor.

### IF YOU HAVE A JUDGMENT ALREADY:

1. **Certification of the Judgment:** Before any attempting to collect the debt, the judgment must be certified by the court. This is done by filing a “Notice of Non-payment and Request for Transfer” form with the [district court clerk’s office](#). After you submit the form, the judgment will be entered on the district court’s judgment docket and you may seek to collect the judgment by garnishment, execution or other sanctioned process.
2. Continue with steps 5 onward (below).

### IF YOU DON’T HAVE A JUDGMENT:

1. Serve **Summons and Complaint** on Debtor and file same with court. Include supporting documents, such as proof of debt and affidavits/declarations.
2. File **Motion for Default, Declaration in Support, and Proposed Order**. You do not need to serve the debtor if he has failed to appear.
3. File **Motion for Judgment, declaration in Support, and Proposed Default Judgment** after Judge/Commissioner signs Proposed Order at 2. This step can be combined with the Motion for Default at #2. Be sure to have a “Judgment Summary” heading on the Proposed Default Judgment including:
  - a. the name of the judgment creditor,
  - b. the judgment debtor,
  - c. the principal amount owed,
  - d. the costs to date,

- e. attorney fees,
  - f. interest rate and
  - g. name of filing attorney (if any).
4. Must wait ten days before taking next step and beginning garnishment.
5. Complete **Application for Writ of Garnishment**
6. Complete **Writ of Garnishment**
7. Bring Application plus two copies of Writ to:  
King County Superior Court  
516 Third Avenue  
Room E-609  
Seattle, WA 98104
  - a. Pay \$20 for application, made out to “Cashier.” Cashier will stamp both copies of Writ, which you take back with you.
8. You can mail in application/2 copies of writ/check to Cashier if you include a self-addressed stamped envelope. This is not encouraged.
9. Mail to Garnishee (certified/return receipt)
  - a. Copy of writ
  - b. Four copies of “**First Answer to Writ of Garnishment**” and three pre-stamped envelopes (addressed to the defendant, the Clerk of the Court, and yourself).
  - c. Check or money order payable to garnishee in amount of \$20.
10. Mail to Defendant (certified/return receipt)
  - a. Copy of writ
  - b. Copy of Order
  - c. Notice of garnishment and exemption claim form, only if judgment debtor is an individual.
11. Wait for return receipts to come back. Attach them to **Certificate of Mailing** and deliver to clerk of court.
12. After (and every) 60 days must mail to Garnishee a **Second Answer to Writ of Garnishment**. Continue this until the debt is satisfied.
  - a. Garnishee must return Answer within 20 days.
13. File **Judgment on Answer and Order to Pay** after receipt of Second (and subsequent) Answer.
14. All forms can be obtained on the Washington State Courts Website – Forms
15. Judgment Department Phone Number (206) 296-7858