

CHAPTER 126.

[H. B. 2.]

RELATING TO GARNISHMENTS IN JUSTICE COURTS.

AN ACT relating to garnishments in justice courts in the State of Washington, and amending sections 1, 2, 3, 4, and 12, of chapter 160 of the Session Laws of 1909.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 160 of the laws of 1909, be, and the same is, hereby amended to read as follows: Section 1. The justices of the peace in the various precincts in this state may issue writs of garnishment, returnable to their respective courts, where the plaintiff sues for a debt which is just, due and unpaid; or where the plaintiff has a judgment wholly or partially unsatisfied in the court from which he seeks to have the writ of garnishment issued.

[Amending
§ 1823,
Rem.-Bal.]

SEC. 2. That section 2 of said act be, and the same is, hereby amended to read as follows: Sec. 2. Before the issuance of the writ of garnishment, the plaintiff, or someone in his behalf, shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, and that he has reason to believe and does believe that the garnishee is indebted to the defendant or that he has in his possession or under his control personal property or effects belonging to the defendant, or that the garnishee is a corporation and that the defendant is the owner of shares of the capital stock thereof, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee.

[Amending
§ 1824,
Rem.-Bal.]

Application
by affidavit.

Purpose
not to
injure.

SEC. 3. That section 3 of said act be, and the same is, hereby amended to read as follows: Sec. 3. When the foregoing requisites have been complied with, the justice of the peace shall, without additional fee, docket the case in the name of the plaintiff, as plaintiff, and of the garnishee as defendant, and shall immediately issue a writ of garnishment, directed to the garnishee commanding him to appear before the justice who issues the writ,

[Amending
§ 1825,
Rem.-Bal.]

Time to appear.

at a certain place, day and hour, which shall not be less than six nor more than twenty days from the date of the issuance of the writ, to answer on oath in what amount, if any, he was indebted to the defendant when such writ was served upon him, and what personal property or effects, if any, of the defendant he had in his possession or under his control when such writ was served upon him; and where it appears from the affidavit for the writ that the garnishee is a corporation in which the defendant is the owner of shares, the writ of garnishment shall further require the garnishee to answer what number of shares, if any, the defendant owned in such corporation when such writ was served upon it. The writ of garnishment shall be served at least five days before the time for answer mentioned therein.

Writ, when served.

[Amending § 1826, Rem.-Bal.]

SEC. 4. That section 4 of said act be, and the same is, hereby amended to read as follows: Sec. 4. Said writ shall be substantially in the following form:

Form of writ.

The State of Washington, To Greeting:

Whereas, in the justice court in and for..... precinct, county. State of Washington, before, Justice of the Peace, in a certain cause wherein is plaintiff and is defendant, the plaintiff claiming an indebtedness (or having a judgment, as the case may be) against the said of dollars, besides interest and costs of suit, has applied for a writ of garnishment against you:

Now, therefore, you are hereby commanded to be and appear before the said justice at his office in said county, on the day of, 19...., at o'clock in thenoon of said day, then and there to answer upon oath in what amount, if any, you were indebted to the said when this writ was served upon you, and what personal property or effects, if any, of the said you had in your possession or under your control when this writ was served upon you (and if the garnishee be

a corporation in which the defendant is alleged to be the owner of shares, then the writ shall proceed: And further to answer what number of shares, if any, the said owned in, a corporation, when this writ was served upon you).

Dated this day of, 19.....

.....

Justice of the Peace.

SEC. 5. That section 12 of said act be, and the same is, hereby amended to read as follows: Sec. 12. Should the garnishee fail to answer the writ by the time prescribed therein, the court shall, upon application of the plaintiff therefor, declare and enter the default of the garnishee and shall thereafter render judgment as follows:

[Amending § 1834, Rem.-Bal.]

Enter default.

In case the plaintiff has a judgment against the defendant, judgment shall be rendered against the garnishee for the full amount of such judgment with all accruing interest and costs.

In case judgment has not been rendered in the principal action at the time when the default of the garnishee is declared and entered, final judgment shall not be rendered against the garnishee until the final judgment in the principal action is entered; and if the plaintiff recovers judgment against the defendant, the court shall enter judgment against the garnishee for the full amount of the judgment awarded to the plaintiff against the defendant; but if the plaintiff fails to recover judgment against the defendant, the garnishee shall be discharged without costs.

Court enter judgment.

Passed by the House January 19, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 17, 1911.