

In the Matter of
Forms for Use in the District Courts
of the State of Hawaii

K. HANAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 DEC 16 AM 11:12

FILED

AMENDED¹

ORDER AMENDING FORM

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that District Court Form #DC29 is adopted for use in the District Courts of the State of Hawaii, effective January 1, 2009, as attached. The amended form replaces the prior form bearing the same "DC" number;

IT IS FURTHER ORDERED that the district courts are authorized to (a) insert circuit identifiers, addresses, and contact information and (b) publish the form in print or electronic format.

DATED: Honolulu, Hawaii, December 16, 2008.

Pamela E. Duffy, Jr.

¹ The original order was filed on December 5, 2008. This amended order makes corrections to page 1 of DCRCP Form #DC29 in the explanation for Wages in the Motion section, by deleting "and" and replacing it with "any", and deleting the "s" in "commissions", so that it now reads "WAGES (including any salary, stipend, commission, annuity or net income...)".

**MOTION FOR ISSUANCE OF GARNISHEE
SUMMONS AFTER JUDGMENT; DECLARATION;
DECLARATION; ORDER; EXHIBIT(S);
GARNISHEE SUMMONS; GARNISHEE INFORMATION**

IN THE DISTRICT COURT OF THE _____ CIRCUIT
_____ DIVISION
STATE OF HAWAI'I

Plaintiff(s)

Reserved for Court Use
Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable),
Address, Telephone and Fax Numbers

Garnishee(s) (Name and Address)

Copy of Judgment attached as Exhibit A

Current Amount Due: \$ _____
(If this amount is different from the Judgment Amount, please attach
separate sheet showing, calculations as Exhibit B)

MOTION FOR ISSUANCE OF GARNISHEE SUMMONS AFTER JUDGMENT
TO THE JUDGE OF THE ABOVE-ENTITLED COURT: Judgment Creditor(s) moves that a Garnishee Summons issue according to Law directed to the Garnishee(s) named above for:

WAGES (including any salary, stipend, commission, annuity or net income or portion of net income under a trust) payable to and/or earned by Judgment Debtor(s), _____


FUNDS/GOODS/EFFECTS/COMMISSIONS/COMPENSATION as to Judgment Debtor(s), _____

If this is a garnishment for "funds" (other than wages) belonging to a Judgment Debtor(s) who is an individual and a Garnishee who is a financial institution, then the second Declaration on page 2 must be completed.

Date:

Signature of Filing Party/Attorney:

Print/Type Name:

 In accordance with the Americans with Disabilities Act, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. _____, FAX _____, or TTY _____ at least ten (10) working days before your proceeding, hearing, or appointment date.

I certify that this is a full, true, and correct copy of the original on file in this office.

SEE PAGE 2

Clerk, District Court of the above Circuit, State of Hawai'i

DECLARATION

I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT:**

1. I am Judgment Creditor(s) or Judgment Creditor(s)' attorney;
2. The Judgment (a copy of which is attached as Exhibit A) was entered on the date shown on said Judgment for Judgment Creditor(s) and against Judgment Debtor(s) in the sum of the Judgment Amount Due stated;
3. There is still due and owing
 - the amount shown in the copy of the Judgment attached as Exhibit A or
 - the amount shown in the attached Exhibit B;
4. The Judgment has not been appealed (or if appealed, no bond has been filed), reversed, modified, set aside or satisfied except as aforesaid and otherwise remains in full force and effect; and
5. The Judgment Creditor(s) is still the owner and holder of said Judgment.
6. I am informed and believe that Garnishee(s) is indebted to Judgment Debtor(s) or is holding moneys or goods or effects of Judgment Debtor(s) for safekeeping, or is paying to Judgment Debtor(s) salaries, stipends, commissions, wages, annuities or net income or portions of net income under a trust.

	Signature of Declarant:
Date:	Print/Type Name:

DECLARATION

1. Based on the following information, the funds sought to be garnished are not traceable to funds that would be exempt from garnishment under the provisions of Federal and State laws as the judgment debtor does not receive:
 - a. Temporary Assistance for Needy Families (TANF) benefits or funds;
 - b. unemployment benefits (Hawai'i Revised Statutes §383-163);
 - c. social security payments;
 - d. worker's compensation benefits (Hawai'i Revised Statutes §386-57); or
 - e. pension or retirement program payments exempt from garnishment under Hawai'i Revised Statutes §653-3 or 651-124.
2. I know the information in the above paragraph is true and correct based upon;
 - an examination of the Judgment Debtor or Person having knowledge conducted on _____
 - the Judgment Debtor's answer to interrogatories
 - the Judgment Debtor's deposition answers
 - the Judgment Debtor's production of documents, or
 - my personal knowledge of the Judgment Debtor (state the specific basis for your personal knowledge):
(Attach continuation page, if necessary).

I have read this Declaration, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

	Signature of Filing Party/Attorney:
Date:	Print/Type Name:

ORDER

Filing Party is Ordered to provide a blank Garnishee Disclosure to all Garnishees named above. This motion is granted and IT IS ORDERED that Garnishee Summons issue according to law.

Date:	Judge of the above-entitled Court