

<b>STATE OF HAWAI'I</b> CIRCUIT COURT OF THE THIRD CIRCUIT	<b>GARNISHEE SUMMONS          AND ORDER</b>	CASE NUMBER
PLAINTIFF	DEFENDANT	
GARNISHEE (Name and Address)	PLAINTIFF ATTORNEY (Name and Address)	
	JUDGMENT AMOUNT DUE	
	DATE OF JUDGMENT ORDER	
<p><b>TO: ANY OFFICER IN HAWAI'I AUTHORIZED TO MAKE SERVICE</b>          You are <b>COMMANDED</b> to leave a true and attested copy of this summons and order with each above named garnishee.</p> <p><b>TO: GARNISHEE</b>          You, as garnishee, are hereby <b>SUMMONED</b> and required to appear personally before the Judge presiding in the above-entitled proceeding at _____, at the hour of 8:00 A.M. on the First <b>TUESDAY</b> not a holiday, following the expiration of twenty (20) days after service, <b>OR</b> to file a written disclosure in the above-entitled court, State of Hawaii and serve a copy of it on the plaintiff or his attorney within twenty (20) days after service of this summons upon you, exclusive of the date of service. Your disclosure <b>must</b> be made under Oath. It <b>must</b> state whether you have, or at the time of service:</p> <ol style="list-style-type: none"> <li>a. Had any of the goods or effects of the Defendant in your hands, and if so their nature, amount and value. OR</li> <li>b. Were or are indebted to the Defendant, and if so the nature and amount of the debt. OR</li> <li>c. Defendant was in receipt from you or any salary, wages, commissions, stipend, annuity, net income or a portion of net income under a trust, and if so the amount or rate thereof.</li> </ol> <p>You as garnishee are <b>HEREBY ORDERED</b>, to hold and secure from the time of service of this summons, and until further ordered by the court an amount of money which shall not exceed 120% of the amount of the judgment indicated above, including costs and interest, as provided by HRS Chapters 652 &amp; 653 as amended.</p> <p><b>*SEE FEDERAL WAGE GARNISHMENT LAW FOR APPLICABLE RESTRICTIONS.</b>  <b>(Reverse Side)</b>          (Singular Includes Plural and Masculine Includes Feminine and Neuter)</p>		
DATE ISSUED	CLERK	



In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office at PHONE NO. 961-7440, FAX 961-7416, or TTY 961-7525 at least ten (10) working days prior to your hearing or appointment date.

Sec. 652-1 HRS provides that the garnishee shall withhold from the time of the service of process so much of the salary, stipend, commissions, wages, annuity or net income or portion of net income under a trust (included under term "wages" as provided by law) as follows, to-wit, 5% of the first \$100.00 per month, 10% of the next \$100.00 per month and 20% of all sums in excess of \$200.00 per month, or an equivalent portion of the above amount per week, then or thereafter to become due, owing or belonging to said defendant herein and pay such amount or amounts so withheld upon the foregoing judgment together with legal interest thereon until fully paid or until further order of the above-entitled court.

**HRS, Section 652-9**

Garnishee may be heard on notice to plaintiff. Whenever any person summoned as a garnishee may be desirous of so doing, he may apply to the magistrate or any judge of the court from which the summons may have issued, and the magistrate or judge having caused reasonable notice to be given to the plaintiff in the action, shall proceed to take the deposition of the person thus summoned, and make such order as may be proper in the premises, at any time previous to the date appointed for hearing the cause, and the person so summoned as garnishee, shall be taken to have obeyed the summons. If it appears that there are conflicting claims to any moneys held for safekeeping, debt, goods or effects in the garnishee's hands, any time after the summons is served the garnishee may be permitted upon order of the judge or magistrate to pay into the goods or effects in his hands, less any reasonable costs and attorney's fees allowed by the judge or magistrate and the garnishee will thereupon be discharged. With or without payment into court, any garnishee may, where there are conflicting claims to any moneys held for safekeeping, debt, goods or effects in his hands of any amount, make application for an interpleader order in the manner provided by HRS, Sec. 634-41, for defendants and the magistrate or judge shall thereupon make all orders as appear to be just and reasonable.

**NOTE:** (1) "Wages" includes salary, stipend, commissions, wages, annuity or net income or portion of net income under a trust. (Act 65, S. L. 1959).

**NOTE:** (2) No pension to which any person is entitled from the State of Hawaii, or any municipal subdivision thereof, shall be subject to taxes nor to garnishment, attachment of execution upon or in any suit, action or proceeding at law instituted by any person or by the State of Hawaii or by any municipal subdivision thereof. (HRS, Section 653-3).

**\*SEE FEDERAL WAGE GARNISHMENT LAW FOR APPLICABLE RESTRICTIONS.**

**IMPORTANT NOTICE  
FEDERAL WAGE GARNISHMENT LAW**

The garnishment restrictions of Title III of the Consumer Credit Protection Act (15 U.S.C. 1673) provide that no court of the United States or of any State may make, execute, or enforce any order or process which provides for the garnishment of the aggregate disposable earnings of any individual for any pay period in an amount which is in excess of the following:

**EFFECTIVE SEPTEMBER 1, 1997**

<b>WEEKLY</b>	<b>BIWEEKLY</b>	<b>SEMIMONTHLY</b>	<b>MONTHLY</b>
<b>\$154.50 or less: None</b>	<b>\$309.00 or less: None</b>	<b>\$334.75 or less: None</b>	<b>\$669.50 or less: None</b>
<b>More than \$154.50 but less than \$206.00: Amount Above \$154.50</b>	<b>More than \$309.00 but less than \$412.00: Amount Above \$309.00</b>	<b>More than \$334.75 but less than \$446.33: Amount Above \$334.75</b>	<b>More than \$669.50 but less than \$892.67: Amount Above \$669.50</b>
<b>\$206.00 or more: Maximum 25%</b>	<b>\$412.00 or more: Maximum 25%</b>	<b>\$446.33 or more: Maximum 25%</b>	<b>\$892.67 or more: Maximum 25%</b>

**NOTE:** The amount of disposable earnings subject to garnishment is determined by the restrictions which are in effect at the time such earnings are paid or payable.

These restrictions do not apply in the case of (1) Court orders for the support of any person, (2) Court orders under Chapter XIII of the Bankruptcy Act, and (3) Any debt due for any State or Federal Tax. The amount of disposable earnings exempt from garnishment must be paid to the employee or garnishee on the regular pay day for the pay period in which the wages were earned.

"Disposable earnings" is compensation paid or payable for personal services less any amounts required to be withheld by law.

The law also prohibits an employer from discharging any employee because his earnings have been subjected to garnishment for any one indebtedness. The term "one indebtedness" refers to a single debt, regardless of the number of levies made or creditors seeking satisfaction. Whoever willfully violates the discharge provisions of this law may be prosecuted criminally and fined up to \$1,000, or imprisoned for not more than one year, or both.

A section or provision of the State law that requires a larger amount to be garnished than the Federal Law permits is considered preempted by the Federal law. On the other hand, the State law provision is to be applied if it results in a smaller garnishment amount.

Further information regarding the Federal Wage Garnishment Law may be obtained from any office of the Wage and Hour Division, U.S. Department of Labor.