

GARNISHEE SUMMONS

Form #3DC32

<p>IN THE DISTRICT COURT OF THE THIRD CIRCUIT _____ DIVISION _____ STATE OF HAWAI‘I</p>	<p>Civil No.</p>
<p>Plaintiff(s)</p>	<p>Defendant(s)</p>

<p>Garnishee(s) (Name and Address)</p>	<p><input type="checkbox"/> Check here if Federal Agency</p>
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GARNISHEE SUMMONS

TO: ANY OFFICER IN HAWAI‘I AUTHORIZED TO MAKE SERVICE

You are **COMMANDED** to leave a true and attested copy of this Summons and Order with each above named Garnishee(s).

TO: GARNISHEE(S)

You, as Garnishee(s), are **SUMMONED** and required to appear personally before the Judge presiding in the above-entitled proceeding at the Court designated by the checked box on the reverse side. If you are a Federal Agency, you have thirty (30) days to respond. (5 U.S.C. §5520a(d))

OR you may instead file a written disclosure in the above-entitled Division, and send a copy of it to Plaintiff(s) or Plaintiff(s)’ attorney.

Your disclosure **must** be made under Oath. It **must** state whether you have, or at the time of service:

a. Had any of the goods or effects of the Defendant(s) in your hands and, if so, their nature, amount and value.
OR

b. Were or are indebted to the Defendant(s) and, if so, the nature and the amount of the debt.
OR

c. Defendant(s) was in receipt from you of 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.

You, as Garnishee (s), are **ORDERED** 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 Hawai‘i Revised Statutes §652 & §653.

***SEE FEDERAL WAGE GARNISHMENT LAW FOR APPLICABLE RESTRICTIONS. (Attached form entitled “Garnishee Information”)**

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge of the above-entitled Court permits, in writing on this summons, personal delivery during those hours.

<p>Date:</p>	<p>Clerk of the above-entitled Court</p>
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GARNSUMM

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Hawai'i Revised Statutes §652-9. GARNISHEE MAY BE HEARD ON NOTICE TO PLAINTIFF.

Whenever any person summoned as a garnishee may be desirous of so doing, the person may apply to the district judge or any judge of the Court from which the summons may have issued, and the judge having caused reasonable notice to be given to the Plaintiff in 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 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 to pay into the Court any moneys held for safekeeping, debts, goods, or effects in the garnishee's hands, less any reasonable costs and attorney's fees allowed by the judge 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 the garnishee's hands of any amount, make application for an interpleader order and the judge shall thereupon make all orders as appear to be just and reasonable.

COURT DATE AND ADDRESSES:

- North and South Hilo Division, 777 Kilauea Ave., 2nd Floor, Hilo, Hawai'i at 8:30 a.m.** on the second **Wednesday** following the date of service, and should said **Wednesday** be a legal holiday then upon the next **Wednesday**.
- Puna Division, 777 Kilauea Ave., 2nd Floor, Hilo, Hawai'i at 8:30 a.m.** on the second **Monday** following the date of service, and should said **Monday** be a legal holiday then upon the next **Monday**.
- North and South Kona Division, 79-1020 Haukapila St., Kealahou, Hawai'i at 8:30 a.m.** on the second **Tuesday** following the date of service, and should said **Tuesday** be a legal holiday then upon the next **Tuesday**.
- Ka'u Division, To be heard at North and South Kona Division, 79-1020 Haukapila St., Kealahou, Hawai'i at 8:30 a.m.** on the second **Tuesday** following the date of service, and should said **Tuesday** be a legal holiday then upon the next **Tuesday**.
- South Kohala Division, 67-5187 Kamamalu St., Kamuela, Hawai'i at 1:00 p.m.** on the second, fourth or fifth **Thursday** of the month following the date of service which is at least 72 hours prior to the court date and should said **Thursday** be a legal holiday then upon the next **Thursday**.
- Hamakua Division, To be heard at South Kohala Division, 67-5187 Kamamalu St., Kamuela, Hawai'i at 8:30 a.m.** on the first **Thursday** of the month depending on when you receive this Order. You must appear on the first **Thursday** of the month if you are served with this Order prior to 72 hours before the first **Thursday** of the month. Otherwise, you must appear on the following month's first **Thursday**. If the first **Thursday** is a legal holiday then upon the next **Thursday**.
- North Kohala Division, To be heard at South Kohala Division at 67-5187 Kamamalu St., Kamuela, Hawai'i at 1:00 p.m.** on the fourth **Wednesday** of the month depending on when you receive this Order. You must appear on the fourth **Wednesday** of the month if you are served with this Order prior to 72 hours before the fourth **Wednesday** of the month. Otherwise, you must appear on the following month's fourth **Wednesday**. If the fourth **Wednesday** is a legal holiday, you must appear on the fourth **Wednesday** of the following month.



In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the ADA Coordinator at PHONE NO. (808) 961-7424, FAX (808) 961-7411, or TTY (808) 961-7422 at least ten (10) working days in advance of your hearing appointment date. **For Civil related matters, please call or visit the District Court Civil Section at Hilo Division, 777 Kilauea Avenue, Hilo, Ph. (808) 961-7515 • Kohala Division, 67-5187 Kamamalu St., Kamuela, Ph. (808) 443-2030 • Kona Division, 79-1020 Haukapila St., Kealahou, Ph. (808) 322-8700.**