

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

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| IN THE DISTRICT COURT OF THE FIRST CIRCUIT _____ DIVISION STATE OF HAWAI‘I | |
| Plaintiff(s) | Reserved for Court Use Civil No. |
| Defendant(s) | Filing Party(ies)/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile 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/EFFECT/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 Non Conclusory Declaration on page 2 must be completed.

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|-------|---|
| Date: | Signature of Filing Party(ies)/Filing Party(ies)' 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. 538-5121, FAX 538-5233, or TTY 539-4853 at least (10) working days before your hearing or appointment date.

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

Clerk, District Court of the Above Circuit, State of Hawai‘i

DECLARATION

I have read the 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.

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| Date: | Signature of Declarant: |
| | Print/Type Name: |

NON CONCLUSORY 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 payment exempt from garnishment under Hawai'i Revised Statutes §653-3 or 651-1244.
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.**

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| Date: | Signature of Filing Party(ies)/Filing Party(ies)' Attorney: |
| | 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.

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| Date: | Judge of the above-entitled Court |
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