

IN THE DISTRICT COURT OF THE FIFTH CIRCUIT STATE OF HAWAI‘I	Civil No.
Plaintiff(s)	Defendant(s)

Garnishee(s) (Name and Address) Check here if Federal Agency

GARNISHEE SUMMONS

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

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

TO: GARNISHEE

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 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.

You, as Garnishee(s), are **ORDERED** to hold and secure from time of service of the 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 the summons, personal delivery during those hours.

Date:	Clerk of the above-entitled Court
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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 to 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 inter pleader order and the judge shall thereupon make all orders as appear to be just and reasonable.

COURT DATE AND ADDRESS

Kaua'i Judiciary Complex
Courtroom #2
3970 Kā'ana Street

Līhu'e, Hawai'i at 9:00 a.m. on _____ and should said Monday be a legal holiday then upon the next secular Monday.

Mailing address for the above Court: 3970 Kā'ana Street, Suite 207, Līhu'e, Hawai'i 96766



In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 482-2347, FAX 482-2509, OR TTY 482-2533 at least (10) working days in advance of your hearing or appointment date.