

EX PARTE MOTION FOR ISSUANCE OF GARNISHEE SUMMONS AFTER JUDGMENT; DECLARATION; NON-CONCLUSORY DECLARATION; ORDER; EXHIBIT(S); GARNISHEE SUMMONS; GARNISHEE INFORMATION;

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

Plaintiff(s)

Reserved for Court Use

Paid By:

Rec # _____ \$ _____

Civil No.

Defendant(s)

Filing Party(ies)/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)

EX PARTE 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, commissions, 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 Non-Conclusory Declaration on the reverse side must be completed.

Date:

Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

Print/Type Name:

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the ADA Coordinator at PHONE NO. 934-5792, FAX 935-1959, or TTY 961-7525 at least ten (10) working days in advance of 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 this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I 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 sum of as shown in the copy of the Judgment attached as Exhibit A or the Current Amount Due as evidenced by 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.

| | |
|-------|---|
| Date: | Signature of Declarant: Print/Type Name: |
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NON-CONCLUSORY DECLARATION

1. Based on the following information, the funds sought to be garnished are not traceable to Aid to Families with Dependent Children (AFDC) grants nor are the funds 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. AFDC 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 UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE ABOVE IS TRUE AND CORRECT.**

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| Date: | Signature of Filing Party(ies)/Filing Party(ies)' Attorney: Print/Type Name: |
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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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