

Table of Contents

CHAPTER 1. RESTRICTIONS ON COLLECTION PROCEDURES

A. FAIR DEBT COLLECTION PRACTICES ACT

- § 1.1 Overview
- § 1.2 Debt collectors—FDCPA coverage defined
- § 1.3 Debt collectors—Exclusions
- § 1.4 Debt collectors—Attorneys included
- § 1.5 Complying with the most pervasive provisions
- § 1.6 “Communication” defined
- § 1.8 Initial communication with consumer—Debt validation notice required
- § 1.9.5 Form—Debt validation notice including demand for payment
[New]
- § 1.9.6 Form—Statement of amount in debt validation notice *[New]*
- § 1.10 Verifying disputed debts; identifying original creditors
- § 1.11 Multiple debts—Application of payments
- § 1.12 “Consumer” defined for purposes of limitations on communications
- § 1.13 Communications with the consumer—In general
- § 1.14 Communications with the consumer—Ceasing communication on the consumer’s notice
- § 1.15 Communications with third persons—In general
- § 1.18 Prohibited acts—Harassment or abuse
- § 1.19 Prohibited acts—False or misleading representations
- § 1.20 Prohibited acts—Unfair practices
- § 1.21 Venue of legal actions by debt collectors
- § 1.22 Liability for furnishing deceptive forms
- § 1.23 Liability for noncompliance—In general
- § 1.24 Liability for noncompliance—Class actions
- § 1.25 Liability for noncompliance—Courts’ standards
- § 1.26 Liability for noncompliance—Damages
- § 1.27 Liability for noncompliance—Attorney fees and costs
- § 1.28 Liability for noncompliance—Defenses
- § 1.30 Administrative enforcement
- § 1.31 Relation to state laws

B. WASHINGTON COLLECTION AGENCY ACT

- § 1.41 Overview
- § 1.42 Interaction of Federal FDCPA and state CAA
- § 1.43 “Collection Agency” defined
- § 1.44 Suits by collection agencies

- § 1.44A Dishonored checks *[New]*
- § 1.45 Communications with debtors
- § 1.46 Communications with third parties
- § 1.47 Prohibited collection methods
- § 1.48 Private remedies for CAA violations
- § 1.49 Private CAA actions under the Consumer Protection Act (CPA)
- § 1.50 Governmental actions for CAA violations

C. POTENTIAL TORT LIABILITIES

- § 1.62 Invasion of privacy
- § 1.63 Liability for causing emotional distress

D. RULES OF PROFESSIONAL CONDUCT AND RELATED LAW

- § 1.72 Fees and fee agreements
- § 1.73 Handling client's funds
- § 1.75 Demand letters
- § 1.78 Special considerations in working with collection agencies and paralegals

CHAPTER 2. COLLECTIONS BASED ON AGREEMENT

A. VOLUNTARY ARRANGEMENTS FOR CONSUMER AND OTHER SMALL DEBTS

- § 2.1 Wage assignments—Effectiveness and advantages
- § 2.3 Form—Assignment of wages—Simple form
- § 2.4 Form—Assignment of wages—Comprehensive form
- § 2.7 Debt adjusting

B. VOLUNTARY ARRANGEMENTS FOR COMMERCIAL AND OTHER LARGER DEBTS

- § 2.22 Composition and extension agreements
- § 2.23 Form—Debtor's attorney's letter proposal for simple composition
- § 2.24 Form—Notice form of proposal for composition
- § 2.25 Form—Simple composition agreement
- § 2.26 Form—Composition agreements—Additional provisions
- § 2.27 Form—Simple extension agreement with several creditors
- § 2.28 Assignments for the benefit of creditors
- § 2.29 Form—Assignment for the benefit of creditors
- § 2.30 Compromise and settlement
- § 2.31 Form—Settlement agreement
- § 2.32 Deeds in lieu of foreclosure
- § 2.33 Form—Deed in lieu of foreclosure

TABLE OF CONTENTS

**CHAPTER 3. REALIZING ON CONSENSUAL
SECURITY**

**A. JUDICIAL FORECLOSURES ON REAL
PROPERTY**

- § 3.1 Applicability and effects of judicial foreclosure
- § 3.2 Necessary parties
- § 3.4 Review of the terms of the documents
- § 3.5 Commencing the lawsuit
- § 3.6 Claim for deficiency and redemption period
- § 3.7 Receivers
- § 3.9 Service
- § 3.10 Proceeding with the action
- § 3.11 Enforcing the judgment
- § 3.13 Disposition of proceeds of sale
- § 3.14 Confirmation of sale
- § 3.17 Deficiency judgment
- § 3.19 Statutory redemption

B. NONJUDICIAL SALE UNDER DEED OF TRUST

- § 3.31 Introduction
- § 3.32 Preliminary review
- § 3.34 Judicial foreclosure
- § 3.35 Nonjudicial foreclosure
- § 3.36 Introduction to the nonjudicial foreclosure process
- § 3.37 Deficiencies in nonjudicial foreclosures
- § 3.39 Acceleration
- § 3.40 The prerequisites to foreclosure
- § 3.41 Comply with the statute
- § 3.42 Become the trustee
- § 3.43 Obtain a title report
- § 3.43.5 Notice to guarantors—Contents—Failure to provide *[New]*
- § 3.44 The notice of default
- § 3.45 The notices of sale and foreclosure
- § 3.46 Notice of trustee's sale—Recording
- § 3.47 The notices of sale and foreclosure—Transmitting
- § 3.48 Notice of trustee's sale—Effect of failure to provide
- § 3.49 Notice of trustee's sale—Posting or serving
- § 3.50 Notice of trustee's sale—Publishing
- § 3.52 Notice of foreclosure; contents
- § 3.53 Time and amount required to reinstate the deed of trust
- § 3.55 Payment after eleven days before the sale
- § 3.56 Payoff or reinstatement by a party other than the debtor
- § 3.59 Effect of reinstatement or payoff
- § 3.60 Continuing the sale
- § 3.61 Contesting the foreclosure
- § 3.62 Restraining the sale
- § 3.64 The place and time of sale
- § 3.65 Multi-county property

- § 3.66 Conduct of the sale
- § 3.67 Bidding
- § 3.68 Trustee's deed
- § 3.69 Disposition of proceeds of sale
- § 3.70 Possession
- § 3.71 Receivership proceedings
- § 3.72 Receivers and nonjudicial foreclosures
- § 3.73 The trustee's fiduciary duties

C. FORFEITURE OF REAL ESTATE CONTRACTS

- § 3.81 Real estate contract forfeitures—Background
- § 3.82 The Real Estate Contract Forfeiture Act
- § 3.83 Pre-forfeiture preparation
- § 3.86 Who must be sent the required notices
- § 3.89 Curing a failure of notice
- § 3.92 The effect of forfeiture
- § 3.93 Cure of default
- § 3.102 Action to set aside forfeiture

D. REALIZING ON UCC ARTICLE 9 SECURITY INTERESTS

- § 3.111 Coverage of this subchapter
- § 3.111.5 Amendments to Article 9 *[New]*
- § 3.111.5A Coverage of Article 9A *[New]*
- § 3.112 Application of Federal Debt Collection Practices Act
- § 3.113 Overview of a secured party's remedies
- § 3.114 Election of remedies
- § 3.115 Overview of debtor's rights and remedies
- § 3.116 Overview of third party rights
- § 3.117 Effect of superior interests on realization decisions
- § 3.119 Giving notice of default and acceleration of debt
- § 3.124 Repossession of collateral
- § 3.125 Redemption of collateral
- § 3.126 Required manner of sending notices
- § 3.127 Nonjudicial sale or other disposition
- § 3.128 Nonjudicial dispositions—What is “commercially reasonable?”
- § 3.129 Retention of collateral (“strict foreclosure”)
- § 3.130 Rules applying to special types of collateral
- § 3.131 Secured party's liability for noncompliance with realization procedures of Article 9
- § 3.132 Use of Forms—Caveat about FDCPA requirements
- § 3.136 Form—Creditor's demand for assembly of collateral
- § 3.138 Form—Claim by attorney for payment or possession/ repossession in form satisfying FDCPA
- § 3.139 Form—Creditor's notice to debtor of public sale of collateral
- § 3.140 Form—Creditor's notice to debtor of public sale of collateral—Another form
- § 3.141 Form—Creditor's notice to another secured party of public sale of collateral

TABLE OF CONTENTS

§ 3.142	Form—Creditor’s notice of repossession and intent to make private sale of automobile
§ 3.143	Form—Creditor’s notice to debtor of private sale of collateral
§ 3.144	Form—Creditor’s notice to another secured party of private sale of collateral
§ 3.145	Form—Creditor’s accounting to debtor and demand for payment of deficiency
§ 3.146	Form—Creditor’s accounting to debtor and demand for payment of deficiency—Another form
§ 3.147	Form—Creditor’s accounting to debtor and demand for payment of deficiency—Another form
§ 3.148	Form—Demand by holder of subordinate security interest to share in proceeds of sale of collateral
§ 3.149	Form—Creditor’s notice to debtor of proposal to retain the collateral after default
§ 3.150	Form—Creditor’s notice to other secured creditors of proposal to retain the collateral after default
§ 3.151	Article 9A Form—Notification of disposition of collateral—General <i>[New]</i>
§ 3.152	Article 9A Form—Notification before disposition of collateral—Consumer-goods transaction <i>[New]</i>

CHAPTER 4. STATUTORY AND COMMON LAW LIENS

A. MATTERS RELATING TO ALL LIENS

- § 4.1 Introduction to liens
- § 4.2 Basic priorities and effect of UCC Article 9
- § 4.3 Enforcement methods

C. LIENS FOR ATTORNEY FEES

- § 4.21 Overview of attorney liens
- § 4.22 Retaining lien on client’s papers in attorney’s possession
- § 4.23 Form—Client’s motion for order to return papers or money or to show cause
- § 4.24 Form—Client’s affidavit in support of motion for order to return papers or money or to show cause
- § 4.25 Form—Order to return papers or money or to show cause
- § 4.26 Lien on client’s money in attorney’s possession
- § 4.28 Form—Notice of attorney’s lien claim against money in hands of adverse party
- § 4.29 Charging lien against judgment
- § 4.30 Form—Notice of attorney lien claim against judgment

D. CHATTEL LIENS

- § 4.41 Overview of chattel lien
- § 4.43 Form—Chattel lien notice—Statutory form
- § 4.47 Frivolous or clearly excessive claims of lien *[New]*

E. CONSTRUCTION LIENS

- § 4.51 Background
- § 4.52 Who may claim a construction lien
- § 4.53 Form—Registered contractor's notice to customer—Statutory form
- § 4.54 Duration of lien
- § 4.55 Property subject to lien
- § 4.56 Priority of lien
- § 4.58 Notice of right to claim a lien
- § 4.60 Form—Notice of right to claim a lien—Statutory form
- § 4.61 Nonvisible professional services—Recording and giving notice to owner
- § 4.62 Form—Recorded notice of furnishing professional services—Statutory form
- § 4.63 Recording notice of claim of a construction lien
- § 4.64 Form—Notice of claim of lien for recording—Statutory form
- § 4.65 Remedy if recorded claim of lien deemed frivolous or excessive
- § 4.66 Form—Motion for order to show cause why recorded lien should not be released or reduced
- § 4.67 Form—Affidavit in support of order to show cause why recorded lien should not be released or reduced
- § 4.68 Form—Order to show cause why recorded lien should not be released or reduced
- § 4.69 Release of lien
- § 4.71 Foreclosure—Commencement, joinder and dismissal
- § 4.75 Foreclosure—Judgment—Costs and attorney fees
- § 4.78 Lender's priority for future advances
- § 4.79 Lien claimant's notice of nonpayment (stop notice) to lender
- § 4.80 Form—Potential lien claimant's notice to lender—Statutory form
- § 4.81 Form—Motion for order to show cause why lien claimant's notice to construction lender of sums due should not be declared void or reduced
- § 4.82 Form—Affidavit in support of order to show cause why lien claimant's notice to construction lender of sums due should not be declared void or reduced
- § 4.83 Form—Order to show cause why defendant's notice to construction lender of sums due should not be declared void or reduced
- § 4.87 Public works contracts: liens for labor, materials, and taxes
- § 4.88 Form—Notice to public body of lien claim under public improvement contract—Statutory form

F. AGRICULTURAL LIENS

- § 4.91 Overview of agricultural liens
- § 4.92 Crop liens—Scope and basic requirements
- § 4.92A Crop liens—Scope and basic requirements *[New]*
- § 4.93A Crop liens—Priorities among crop liens and security interests in crops *[New]*
- § 4.94 Crop liens—Foreclosure and limitation on action
- § 4.95 Crop liens—Landlords' lien for rent
- § 4.96 Crop liens—Supplier's lien on crop for products and services

TABLE OF CONTENTS

- § 4.97 Crop liens—Supplier’s lien on crop for work or labor on land
- § 4.98 Crop liens—Handler’s lien on orchard crop
- § 4.99 Form—Crop liens—Lien statement for filing (UCC-4)
- § 4.102 Depositors’ liens on agricultural commodities
- § 4.103 Processor and preparer liens—Filing, priority, duration, and foreclosure
- § 4.104 Processor lien—Agricultural products or fish
- § 4.106 Wine producer lien *[New]*

G. LIVESTOCK-RELATED LIENS

- § 4.111 Agister and trainer liens

I. MARITIME AND RELATED LIENS

- § 4.142 Federal maritime liens
- § 4.144 Boat lien statute—Liens under vessel construction contracts

J. TRANSPORTATION AND STORAGE LIENS

- § 4.151 Warehouseman’s lien under UCC Article 7
- § 4.152 Carrier’s lien under UCC Article 7
- § 4.153 Enforcement of a warehouseman’s or carrier’s lien

K. EMPLOYEES’ LIENS ON BUSINESS PROPERTIES AND EARNINGS

- § 4.161 Lien of laborers in certain business operations

L. MISCELLANEOUS STATUTORY LIENS

- § 4.171 Landlord’s lien
- § 4.173 Lien of doctors, nurses, hospitals, ambulances and practitioners
- § 4.175 Subrogation and lien rights of department of health and social services for medical and residential care
- § 4.177 Tow truck operator’s lien on impounded vehicle
- § 4.178 Food locker operator’s lien
- § 4.179 Lien of owner of self-service storage facility
- § 4.181 Form—Notice of sale under self-service storage lien
- § 4.183 Government tax liens
- § 4.184 Child support liens *[New]*

CHAPTER 5. SUITS TO COLLECT DEBTS

A. JURISDICTION

- § 5.1 Subject matter jurisdiction—Choice of court
- § 5.2 Personal jurisdiction generally
- § 5.4 Long-arm statute—Affidavit must be filed
- § 5.6 Long-arm statute—Types of acts covered
- § 5.7 Long-arm statute—Purposeful activity

- § 5.8 Long-arm statute—Whether claim “arises from” Washington activities
- § 5.9 Long-arm statute—Due process and adjudicatory standards
- § 5.11 Acquiring personal jurisdiction over nonresident motorists
- § 5.11.5 Jurisdiction over personal property
- § 5.13 Quasi in rem jurisdiction

B. VENUE

- § 5.22 Venue in district courts
- § 5.25 Venue in superior courts
- § 5.26 “Venue” statutes as jurisdictional; effect on change of venue
- § 5.28 Superior courts—Stipulation for change of venue
- § 5.29 Superior courts—Statutory grounds for change of venue
- § 5.31 Superior courts—Change of judge on affidavit of prejudice

C. COMMON MONETARY CLAIMS

- § 5.42 Form—Basic summons form—State district court—Rule form
- § 5.43 Form—Basic summons form—Superior court—Rule form
- § 5.44 Form—Basic complaint form
- § 5.45 Action on contract, express or implied in fact
- § 5.46 Form—Complaint on written contract
- § 5.48 Form—Complaint on open account
- § 5.49 Action on account stated
- § 5.51 Actions on quasi contract theory (unjust enrichment)
- § 5.53 Action on promissory note

D. COMMON AFFIRMATIVE DEFENSES

- § 5.63 Accord and satisfaction
- § 5.66 Discharge in bankruptcy
- § 5.70 Statute of frauds
- § 5.72 Statute of limitations
- § 5.74 Usury
- § 5.75 Form—Affirmative defense of usury
- § 5.76 Form—Affirmative defense of usury—Another form

E. MANDATORY ARBITRATION OF CIVIL ACTIONS

- § 5.81 Introduction
- § 5.82 Actions subject to mandatory arbitration
- § 5.82A Mediation—uniform mediation act *[New]*
- § 5.83 Application of superior court jurisdiction and rules
- § 5.86 Communications with arbitrator restricted
- § 5.87 Arbitrators' qualifications, selection and compensation
- § 5.92 Hearing
- § 5.94 Filing of award
- § 5.95 Judgment on the award
- § 5.96 Request for trial de novo
- § 5.97 Form—Request for trial de novo
- § 5.98 Trial de novo—Procedure

TABLE OF CONTENTS

- § 5.99 Trial de novo—Costs and attorney fees
- § 5.100 Appeals from decision in trial de novo—Costs and attorney fees

F. JUDGMENTS

- § 5.112 Form and entry of judgments generally
- § 5.124 Setting aside a default or default judgment
- § 5.124.1 Confession of judgment [*New*]
- § 5.125 Offer of judgment
- § 5.130 Interest on judgments
- § 5.131 Costs and attorney fees

G. RECOVERY OF FRAUDULENT TRANSFERS

- § 5.141 Background
- § 5.142 Types of fraudulent transfers
- § 5.144 When a transfer is made or an obligation is incurred
- § 5.145 Creditors' remedies
- § 5.146 Transfers made or obligations incurred with actual fraudulent intent
- § 5.147 Constructive fraud—Reasonably equivalent value (REV) not received in exchange
- § 5.148 Constructive fraud—Transfer to insider on antecedent debt

Table of Contents

CHAPTER 6. ACQUIRING PREJUDGMENT RIGHTS IN DEBTORS' PROPERTY

A. ATTACHMENT AND PREJUDGMENT GARNISHMENT

- § 6.1 Introduction to prejudgment remedies
- § 6.3 Creditors' potential liability for wrongful seizure
- § 6.4 Same procedures apply in state and federal courts
- § 6.5 Time when prejudgment writs may be issued
- § 6.8 Debts and other property subject to garnishment
- § 6.10 Grounds for issuing prejudgment writs of garnishment
- § 6.11 Procedural steps necessary to obtain either writ
- § 6.12 Issuance of writ after notice to defendant and hearing
- § 6.13 Issuance of writ without notice to defendant
- § 6.14 Constitutional validity of attachment of real property without prior notice under Washington Statute
- § 6.15 Affidavit for writ
- § 6.16 Plaintiff's bond
- § 6.18 Notice to defendant—In general
- § 6.19 Notice to defendant—Manner of serving notices
- § 6.20 Notice to defendant—Prescribed notices
- § 6.22 Notice to defendant—What must be served for garnishment
- § 6.25 Form—Affidavit in support of issuance of writ of attachment with or without prior notice to defendant
- § 6.26 Form—Affidavit in support of issuance of prejudgment writ of garnishment with or without prior notice to defendant
- § 6.27 Form—Motion for order to show cause (prior notice to defendant)
- § 6.28 Form—Order to show cause why writ of attachment or of prejudgment garnishment should not be issued (prior notice to defendant)
- § 6.29 Form—Order directing issuance of writ of attachment or prejudgment garnishment (after prior notice to defendant and opportunity for hearing)
- § 6.30 Form—Writ of attachment
- § 6.32 Form—Attachment without prior notice—Notice of right to hearing
- § 6.33 Form—Attachment without prior notice—Published notice—Statutory form
- § 6.34 Form—Attachment of individual's real property without prior notice—Homestead exemption statutes to be served on defendant with post-seizure notice

- § 6.35 Form—Attachment of individual's personal property without prior notice—Exemption statutes to be served on defendant with post-seizure notice
- § 6.37 Form—Prejudgment garnishment without prior notice—Notice to individuals of garnishment and rights—Statutory form
- § 6.38 Form—Prejudgment Garnishment Without Prior Notice—Exemption Claim Form for Individual—Garnishment of Funds or Property Held by Financial Institution *[Retitled]*
- § 6.38A Form—Prejudgment Garnishment Without Prior Notice—Exemption Claim Form for Individual—Garnishment of Earnings *[New]*
- § 6.39 Form—Prejudgment garnishment without prior notice—Published notice—Statutory form
- § 6.41.5 Effect of levy of attachment *[New]*
- § 6.46 Manner of serving writ of garnishment on garnishee
- § 6.49 Judgment on garnishee's answer or default
- § 6.51 Liability for wrongful seizure—In general

B. REPLEVIN

- § 6.63 Relief available under show cause procedure
- § 6.65 Local practices differ in superior and district courts
- § 6.72 Motion for order to show cause; contents of order; time for hearing
- § 6.75 Plaintiff's bond on order awarding possession
- § 6.76 Form—Motion for order to show cause why plaintiff should not be put in immediate possession of personal property and supporting declaration
- § 6.77 Form—Order to show cause why plaintiff should not be put in immediate possession of certain personal property
- § 6.78 Form—Order awarding possession of personal property to plaintiff (plaintiff having established right to possession at hearing)
- § 6.79 Form—Order awarding possession of personal property to plaintiff (defendant having failed to appear at hearing)
- § 6.80 Enforcement of order awarding possession: plaintiff's and sheriff's duties
- § 6.84 Final judgment and enforcement

CHAPTER 7. JUDGMENTS, EXEMPTIONS AND EXECUTIONS

A. JUDGMENT LIFE AND LIEN

- § 7.2 Time of entry of judgment for enforcement purposes
- § 7.3 Foreign judgments and foreign-money judgments
- § 7.4 Judgment liens on real property—In general
- § 7.5 Judgment liens on real property—Property to which lien attaches
- § 7.6 Judgment liens on real property—Commencement
- § 7.7 Judgment liens on real property—Effects and benefits
- § 7.8 Lifetime of judgments and judgment liens—In general

TABLE OF CONTENTS

- § 7.9 Lifetime of judgments and judgment liens—Extension of judgments
- § 7.10 Form—Application for extension of life of judgment
- § 7.11 Form—Order for extension of life of judgment
- § 7.13 Stays of execution

B. EXEMPT PROPERTY

- § 7.21 Homestead exemption—Amount and extent
- § 7.22 Homestead exemption—Exceptions
- § 7.23 Homestead exemption—Property that may be subject of homestead exemption
- § 7.25 Form—Declaration of homestead (improved or unimproved land not yet occupied as residence)
- § 7.26 Form—Declaration of abandonment of homestead
- § 7.27 Form—Declaration of homestead in mobile home not yet occupied, located on land not owned by debtor
- § 7.28 Homestead exemption—Homestead presumed abandoned on six months absence of owner
- § 7.29 Form—Declaration of nonabandonment of homestead
- § 7.30 Homestead exemption—Sale of homestead property having excess value
- § 7.31 Form—Petition for appointment of appraisers of homestead for excess value
- § 7.32 Homestead exemption—Sale of homestead property if spouse incapacitated
- § 7.33 Personal property exemptions—Kinds of exemptions
- § 7.34 Personal property exemptions—Limitations
- § 7.35 Personal property exemptions—Manner of claiming
- § 7.36 Personal property exemptions—Manner of objecting to claims

C. EXECUTION, SALE, AND REDEMPTION

- § 7.43 Special rules for foreclosure sales
- § 7.45 Time for issuance and return of writ of execution
- § 7.46 Property subject to execution
- § 7.51 Issuance of writ of execution
- § 7.54 Levying creditor's responsibilities after writ of execution issued
- § 7.55 Sheriff's duties in executing writ
- § 7.56 Manner of effecting levy on property
- § 7.59 Sales of personal property on execution
- § 7.60 Sales of real property on execution
- § 7.61 Sales of real property on execution—Effect on third party interests
- § 7.62 Sales of real property on execution—Confirmation of sale
- § 7.65 Redemption of real property from sale—Who may redeem
- § 7.66 Redemption of real property from sale—Special redemption notice for homestead property
- § 7.68 Redemption of real property from sale—Time for redemption
- § 7.69 Redemption of real property from sale—Amounts to be paid
- § 7.73 Rights of purchasers at execution sales

CHAPTER 8. GARNISHMENT

- § 8.1 Introduction

- § 8.3 Terminology of garnishment proceedings
- § 8.4 Nature of garnishment proceedings and procedure
- § 8.5 Same procedures apply in all state and federal courts
- § 8.6 Property subject to garnishment—General principles
- § 8.7 Property subject to garnishment—Debts
- § 8.8 Property subject to garnishment—Unmatured debts
- § 8.9 Property subject to garnishment—Earnings
- § 8.10 Property subject to garnishment—Property in possession or control of garnishee
- § 8.11 Property subject to garnishment—Third party rights
- § 8.12 Exemptions from garnishment
- § 8.13 Who may be a garnishee
- § 8.14 Form—Notice to federal government garnishee defendant—Statutory form
- § 8.15 Prejudgment garnishment
- § 8.16 Under what judgments and when postjudgment garnishment writs will be issued
- § 8.17 Procedural steps for postjudgment garnishment
- § 8.18 Affidavit or declaration for postjudgment writ
- § 8.20 Application for and issuance of postjudgment writ
- § 8.21 Writ and answer forms
- § 8.22 Form—Basic writ of garnishment form—Non-earnings—Statutory form
- § 8.23 Form—Basic answer form—Non-earnings—Statutory form
- § 8.24 Earnings garnishments—In general
- § 8.25 Earnings garnishments—Exemptions
- § 8.26 Earnings garnishments—Regular garnishments
- § 8.27 Form—Writ of garnishment of earnings—Regular—Statutory form
- § 8.28 Form—Answer to earnings garnishment—Regular—Statutory form
- § 8.29 Earnings garnishments—Continuing lien garnishments
- § 8.30 Form—Writ of garnishment of earnings—Continuing lien—Statutory form
- § 8.31 Form—First answer to continuing lien garnishment of earnings—Statutory form
- § 8.32 Form—Second answer to continuing lien garnishment of earnings—Statutory form
- § 8.34 Garnishments directed to financial institutions
- § 8.36 Manner of serving writ on garnishee
- § 8.37 Effect of serving writ on garnishee
- § 8.38 Notice to judgment debtor
- § 8.39 Form—Required notice to individual judgment debtor—Statutory form
- § 8.40 Summary of defendant's rights and options
- § 8.41 Attorney fees on defendant's motion to vacate principal judgment
- § 8.43 Exemption claims—Claiming non-automatic exemptions
- § 8.44 Form—Exemption claim form to be provided to judgment debtor—Statutory form
- § 8.44A Form—Exemption claim form to be Provided to Judgment Debtor—Garnishment of Earnings *[New]*
- § 8.46 Exemption claims—Plaintiff's response

TABLE OF CONTENTS

- § 8.47A Form—Attorney’s authorization to garnishee to items claimed exempt *[New]*
- § 8.49 Garnishee’s answer, answer fees, and processing fees
- § 8.50 Controversion of answer by plaintiff or defendant
- § 8.51 Judgment on garnishee’s answer or failure to answer
- § 8.52 Form—Judgment against garnishee on answer showing debt due
- § 8.54 Form—Basic writ of garnishment—Debts other than earnings—After judgment—Statutory form *[New]*
- § 8.55 Form—Notice to defendant of non-responsive exemption claim—Statutory form *[New]*

CHAPTER 9. BANKRUPTCY

- § 9.1 Bankruptcy overview
- § 9.2 The interplay of federal and state law
- § 9.3 U.S. trustee
- § 9.4 Bankruptcy Rules
- § 9.6 Definitions—Generally
- § 9.8 Definitions—After notice and a hearing
- § 9.11 The bankruptcy court—Generally
- § 9.12 The bankruptcy court—Jurisdiction
- § 9.13 The bankruptcy court—Jurisdiction—Sovereign immunity
- § 9.14 The bankruptcy court—Venue
- § 9.15 The bankruptcy court—Appeals
- § 9.16 The bankruptcy court—Appeals procedure
- § 9.17 The bankruptcy court—appeals—Particular issues
- § 9.19 Jury trials
- § 9.20 Notices
- § 9.21 Adversary proceedings or contested matters
- § 9.22 Washington bankruptcy court structure
- § 9.24 Voluntary petitions
- § 9.25 Involuntary petitions—Generally
- § 9.28 Involuntary petitions—Number and claims of petitioning creditors
- § 9.31 Conversion
- § 9.32 Joint cases
- § 9.33 Debtor benefits
- § 9.34 Debtor’s duties
- § 9.35 Exemptions
- § 9.38 The bankruptcy discharge
- § 9.40 Nondischargeable debts
- § 9.41 Procedure
- § 9.42 Granting discharge—Effect
- § 9.42.5 Dismissing, closing, and reopening cases *[New]*
- § 9.43 Discharge hearing and reaffirmation
- § 9.44 The trustee and his professionals
- § 9.45 Employment of professionals by nontrustees
- § 9.46 Compensation of professionals
- § 9.48 The automatic stay—Bankruptcy Code § 362
- § 9.49 The automatic stay—Duration of the stay
- § 9.50 The automatic stay—Violation of the stay

CREDITORS' REMEDIES—DEBTORS' RELIEF

- § 9.51 The automatic stay—Limitations on the stay
- § 9.52 The automatic stay—Relief from stay
- § 9.53 The automatic stay—Procedure
- § 9.56 The automatic stay—Stipulation to relief
- § 9.63 Annulling the stay
- § 9.64 Tolling time periods
- § 9.66 Property of the estate
- § 9.67 Property of the estate—Exceptions
- § 9.70 Secured creditors—Determination of secured status
- § 9.71 Secured creditors—Particular problems
- § 9.72 Use, sale or lease of property
- § 9.73 Sales free and clear
- § 9.74 Use of cash collateral
- § 9.75 Abandonment
- § 9.76 Postpetition effect of security interest
- § 9.77 Obtaining credit to continue debtor's business
- § 9.78 Executory contracts and unexpired leases
- § 9.81 Executory contracts—Intellectual property
- § 9.82 Trustee's avoiding powers—Generally
- § 9.83 Trustee's avoiding powers—Status of the trustee
- § 9.84 Trustee's avoiding powers—Avoiding statutory liens
- § 9.85 Trustee's avoiding power—Limitations on avoiding powers
- § 9.86 Fraudulent transfers
- § 9.87 Preferences
- § 9.88 Preferential transfers—Exceptions
- § 9.89 Postpetition transfers
- § 9.90 Recovery of property—Avoided transfers
- § 9.91 Setoff
- § 9.92 Distribution of the estate—Filing and allowance of claims
- § 9.93 Distribution of the estate—Priority claims—Administrative expenses
- § 9.95 Distribution of the estate—Subordination
- § 9.96 Distribution of the estate—Particular problems
- § 9.97 Chapter 11—An overview
- § 9.98 Chapter 11 debtors
- § 9.99 Chapter 11 trustees
- § 9.101 Chapter 11 committees
- § 9.103 Operating and financing the Chapter 11 debtor
- § 9.106 Chapter 11 plans—Who may file
- § 9.108 Chapter 11 plans—The unimpaired creditor, the impaired creditor
- § 9.109 Chapter 11 plans—Contents
- § 9.111 Chapter 11 plans—Disclosure statements
- § 9.113 Chapter 11 plans—Confirmation
- § 9.114 Chapter 11 plans—"Cramdown"
- § 9.115 Special problems of nonrecourse lenders
- § 9.116 Modification of Chapter 11 plans
- § 9.117 Post-confirmation matters in Chapter 11—Effects of confirmation
- § 9.117.10 Subchapter V of Chapter 11—Small Business Reorganization Act *[New]*
- § 9.118 Chapter 12—An overview

TABLE OF CONTENTS

§ 9.119	Eligibility for Chapter 12
§ 9.120	Trustee and debtor in Chapter 12
§ 9.122	Chapter 12 plans—Contents
§ 9.127	Chapter 12 plans—Modification
§ 9.128	Chapter 13—Introduction
§ 9.129	Chapter 13—Discharge
§ 9.131	Eligibility for Chapter 13
§ 9.132	Automatic stays (creditor effect)
§ 9.133	Trustee and debtor in Chapter 13
§ 9.134	Chapter 13 plans—Filing
§ 9.135	Chapter 13 plans—Contents
§ 9.136	Chapter 13 plans—Creditors' rights
§ 9.137	Chapter 13 plans—Payments and payment periods
§ 9.138	Chapter 13 plans—Filing of claims
§ 9.139	Chapter 13 plans—Confirmation
§ 9.140	Chapter 13 plans—Modification

Table of Laws and Rules

Table of Cases

Index