

How to Answer a Lawsuit for Debt Collection

Introduction

This publication is a summary of law contained in Codes, Statutes and Court Cases. For those who want to do further research we have included some citations-that is the place were the information summarized can be found.

This packet should help you if you have been served with a lawsuit in a debt collection case, and if you want to prevent garnishment of your income and assets or a lien against your property.

THIS PACKET IS NOT A SUBSTITUE FOR ACTUAL REPRESENTATION BY A LAWYER. YOU SHOULD ALWAYS TRY TO CONSULT OR HIRE A LAWYER BEFORE ANSWERING PAPERS. This packet should be used with the [Debtors' Rights in a Lawsuit](#) publication, available at www.washingtonlawhelp.org or from Northwest Justice Project by calling 1-888-201-1014 or 1-888-201-9737 (TTY).

Basic Questions & Answers

Should I answer the Complaint?

Yes, if you believe that you do not owe part or all of the amounts claimed.

Do I have to answer the Complaint?

No, if you agree that you owe the amount claimed or do not wish to dispute the claim.

What happens if I do not answer the Complaint?

The plaintiff will win automatically. The plaintiff will get a judgment for the amount of money the plaintiff asks for in the complaint. Even if the plaintiff wins, there are limits on what the plaintiff can do to collect. See our publication [Debtors' Rights in a Lawsuit](#) for details.

Can I be sued for an unpaid bill even if I have offered to make small payments on my bill or even if I have told the plaintiff I would make full payments as soon as I could?

Yes. However, most creditors would rather not have to spend money on lawsuits and will enter into agreements for you to pay installments. If you can't make a payment, you should contact the creditor right away and explain what happened. If they don't hear from you, they may assume you don't intend to pay and will file a lawsuit. If they win, the costs of that suit will be added to the amount you owe. The creditor does not have to accept anything less than what you owe.

Can I be sued for money even if I cannot afford to pay the debt?

Yes. It is not a defense that you cannot afford to pay the debt.

Why should I file a declaration declaring my exempt assets and income?

This exemptions declaration lets your creditors know that you have income and/or assets that are protected from being garnished or taken. It also lets them know that if they attempt to garnish or lien these things, you can sue them under the Fair Debt Collection Practices Act (FDCPA). Be sure to include a copy of your bank statement and any other statements showing your sources of income, but black-out or cover-up your account number and your social security number on that those statements first. Also, if your spouse has income from a non-exempt resource, like wages, your spouse should open her or his own account and deposit the non-exempt funds there. That account will be at risk of garnishment if your spouse is named in the complaint.

What are a Summons and Complaint?

When any lawsuit is started, the person starting it must prepare a statement, telling the judge what the problem is and what he or she wants. That statement is called the Complaint, and the person starting the lawsuit is called the plaintiff. If the lawsuit is against you, you are the defendant. A copy of the Complaint must be delivered to you so that you will know about the lawsuit. You will also receive a Summons, which tells you that you have a right to disagree with the Complaint **in writing**. It also tells you the amount of time you have to answer the Complaint, and where to deliver your Answer.

If you do not tell the court in writing that you disagree with the statements in the Complaint, the judge will assume that you agree with it and will usually give the plaintiff what he or she asks for. In other words, the plaintiff wins by default, since you have not answered. If a Default Judgment is entered in the court records against you, you will not necessarily be notified if you have not answered. Once a judgment is entered against you, the plaintiff may be able to use that judgment to take money from your bank account or paycheck, or to take some of your property to pay the judgment. Therefore, it is very important that you file a **written response** within the time limit given by your Summons (usually twenty days; read your Summons carefully for the deadline).

You may respond by delivering either a Notice of Appearance or an Answer to the person who signed the Summons and Complaint. A Notice of Appearance merely states that you have appeared in the lawsuit. By delivering a Notice of Appearance, you will prevent the court from entering a default judgment against you without a court hearing. **A Notice of Appearance does not explain your position in the lawsuit. This will be done when you file your Answer.** You should use the form Notice of Appearance which is attached. You should try to do both the Notice of Appearance and the Answer at the same time. If you can't, it is very important that you at least do the Notice of Appearance because if it is delivered and filed before the plaintiff goes to court, he or she must inform you of all further court hearings. A sample Notice of Appearance and a Notice of Appearance form are attached. **You should plan on delivering and filing your Answer before you go to court.** You can use the attached Answer form to fill in the necessary information. To fill it out, follow the directions below.

What is an Answer?

The Answer is your written response to the statements in the Complaint. You are called the defendant.

In your Answer, you do not have to tell the entire story or make legal arguments. You do need to state whether you agree or disagree with each statement in the complaint. Your answer should be typed, but if you cannot have it typed, you can neatly hand write it, using print (not cursive writing).

Your Answer **does** need to be clear and readable, and it must say whether you agree or disagree with some or all of the statements in the Complaint, or whether you do not know if the statements in the Complaint are true or not. Your answer also must be on 8 1/2 by 11 inch paper (the size of this page).

By filing an Answer in time, you keep your right to argue about this matter in court and to be notified of further proceedings.

Many people who have been served with lawsuits feel embarrassed or guilty about being in debt or being in an accident. Sometimes they just want it all to be over with, or they feel they should be punished and want the judge to punish them. **Even if you feel you are at fault, there is nothing wrong with filing an answer, and it does not mean that you are trying to avoid your legitimate debts.** You may disagree with the amount of money the plaintiff asked for in the Complaint. You may also want to answer to preserve your right to be notified of further hearings. If you do not file an Answer, you may lose your chance to say how much you think you should pay. However, you should know that filing an Answer may increase the court costs and attorney fees that you may owe if you lose the case.

You will need a total of one original and two copies of your Answer. The original will be filed with the court, one copy will go to the plaintiff and you will keep a copy. See the section below called "What To Do With The Answer" for the details on how this is done.

What is a Declaration of Exempt Income and Assets?

It is a sworn statement that lets creditors know they can't garnish certain kinds of your income and assets.¹

How do I fill out the Answer?

A. The Caption

¹ There is no need to bring income and assets that are over the exemption limit to your creditor's attention. However, once your creditors find out about your assets and income that can be garnished or liened, they may do so anyway. Also, if you have you income that exceeds the exempt amount, the excess can be garnished. Likewise, no matter what your property is worth, even if the creditor is not able to repossess it, they can still put a lien on it for the amount you owe.

Look at your Summons and Complaint. You will notice that they have a heading that gives information about the case. This heading is called the "caption." All court papers, including the Summons, the Complaint, and your Answer, are called "pleadings." All pleadings use this same kind of caption.

The caption looks something like this:

IN THE _____ COURT OF THE STATE OF WASHINGTON	
IN AND FOR THE COUNTY OF _____	
(YOUR OPPONENT'S NAME),	No. _____
Plaintiff,	ANSWER
vs.	
(YOUR NAME),	
Defendant.	

- The top line gives the name of the court, the state, and the county. For instance: "District Court of Washington for Pierce County" or "In the Superior Court of the State of Washington In and for the County of Pierce."
- The left side lists the names of the Plaintiff and Defendant.
- The right side lists the **number** that has been assigned to this case by the court clerk (so that they can keep it filed correctly) and the **title** of that particular pleading.

NOTE: If the papers you received do not have a file number, that may mean that the plaintiff decided to deliver (or serve) the papers to you before filing them with the court. The law allows this, and you are still bound by the time limit listed in your Summons. However, if this is the case, you may not need to file your Answer with the court yet. You will still have to deliver a copy to the plaintiff's lawyer (or the plaintiff if s/he has no lawyer). Read your Summons carefully. It should tell you what to do.

When you write or type your Answer (this packet has a blank form for you to use), fill in the caption at the top of the page. You may copy the necessary information from your Summons and Complaint. Copy the names of the plaintiff and defendant **just as they are on the Summons and Complaint**, even if they spelled your name wrong or called you or your spouse "John Doe."

When you finish the heading for your Answer, it should look like the example above, but with the blanks properly filled in.

B. Admissions/Denials

After you complete the caption, use the middle of the page to give your answers to the statements in the Complaint. Usually, the paragraphs in the Complaint will be numbered. You may list the numbers and say one of three things about each paragraph of the complaint:

1. You **admit** that it is a true statement (for instance, that you live in Pierce County or that you are not a member of the Armed Forces). Admit the statement only if you agree with **every part** of it. Otherwise, deny the statement.
2. You **deny** that it is a true statement (for instance, that you owe a specific amount of money to the person named).
3. You write that you do not know whether the statement is true or not (for instance, the collection agency who is suing you is licensed and bonded. You might assume that they are, but you do not have any evidence; you have never seen their license).

Read your Complaint carefully and make sure you briefly answer all the statements in it.

If you totally disagree with everything in the Complaint, you can simply write a single sentence saying you deny each and every allegation in the Complaint. However, you should not deny things that you know are true.

C. Defenses

You may also have technical or legal defenses to the Complaint, such as an argument that the statute of limitations has run. Actions to collect debts, like all actions, have a time limit called the "statute of limitations," which usually begins once the creditor has a right to sue you (for example, once you miss a payment). Once that time limit has passed, the person can no longer collect the money from you, and the action will be dismissed. For more information on the Statute of Limitations, call us or check the [Revised Code of Washington](#) (RCW). The reference department at your local library should be able to help you find the right section of the RCW using the index. You may also argue as an affirmative defense that you do not owe the money. Even if you did buy the item for which the plaintiff is suing, you might not owe the money if the item was defective and you returned it or attempted to return it.

You could lose some "Affirmative Defenses" if you file an Answer without stating them. Affirmative Defenses are also listed in Rule 8(c) of the Civil Rules For Superior Court, available at your local law library.

D. Counterclaims

In some situations, you may have claims which you want to make against the plaintiff. These claims **must** be stated in your Answer if they arise out of the same transaction or occurrence that the plaintiff is suing about. For example, if you are being sued by the seller for a debt for purchase of an appliance that was defective and injured you, any claim you wish to make against

the seller/plaintiff must be stated in your answer. Or, if the plaintiff violated Fair Debt Collection rules (see the [Debtors' Rights - Collection Agencies](#) publication), you may have a damage claim against the plaintiff. For more information on counterclaims, consult a lawyer or the court rules.

E. Exempt Income

If your income is exempt from garnishment, then you may wish to include a paragraph in your answer making the plaintiff aware of that fact. For example, if your only income is Social Security, which is exempt from garnishment by federal law, then you might write in your answer the following: "My income consists only of Social Security." While this is not a defense to the underlying lawsuit, it does provide the plaintiff with knowledge that your only income is exempt from garnishment. If you lose the lawsuit and the plaintiff subsequently garnishes your bank account containing exempt funds, then you may have a cause of action against the plaintiff.

F. The Signature and Your Address

On the last page, put the date you sign your name. Below that, sign your name with your legal signature (the one you use for checks). Just below your signature, print or type your name so it will be easily readable. Finally, put your address below that. Now your Answer is complete. You need to be able to receive delivery by mail and **by hand** at this address, so do not use a P.O. Box. It is important that you use an address where you know you will definitely receive your mail. Notices of hearings will be mailed to that address, and if you fail to appear because you didn't get the notice, a judgment may be entered against you by default.

How do I fill out the Declaration of Exempt Income and Assets?

- Refer back to the "Parts of the Answer" section of this publication to understand how to fill out the first page of the declaration.
- Section 4 of the declaration simply requires that you check every box that applies to types of income you receive. For example, if you are receiving SSI, you would place a check in the second box under section 4.
- Section 5 of the declaration simply requires you do the same thing for assets/property that you own. For example, if you own a private library worth \$1,000, you would place a check in the fourth box under section 5.
- In the last part of the declaration, you must give your signature and the date. By signing the declaration, you are guaranteeing that all the information you provided in it is true. If you fill out any part of the declaration untruthfully, you may be prosecuted for perjury, which is a class B felony. Furthermore, if you are prosecuted for committing perjury on this declaration, this will be considered a fraud, then it is unlikely that you will be able to discharge the debt underlying this lawsuit in bankruptcy. It is also important to remember that creditors are very good at finding out what assets and income you have, so it is absolutely necessary that you be totally honest in this declaration.
- Finally, remember to attach a copy of your social security statement and your bank statement. Make sure that you have covered-up the social security number itself and the bank account number itself.

What do I do with the Answer, Notice of Appearance and Declaration of Exempt Income and Assets?

A. Delivery

Make at least two copies of your Answer and Notice of Appearance. Deliver one copy of each of these documents to the lawyer for the plaintiff. The lawyer's name and address should be printed on the lower right-hand side of the Summons and Complaint. If the plaintiff doesn't have a lawyer and is representing himself, deliver a copy of the documents to the plaintiff. If you do not want to deliver them yourself, have a reliable friend do it for you. You must deliver a copy of your Answer or Notice of Appearance on or before the date stated in the Summons. Because it is important for your Answer and Notice of Appearance to be delivered on time, it is best to deliver a copy of each document personally to the plaintiff's lawyer. The papers may be left with a secretary or receptionist. If you are delivering the papers to the lawyer's office, ask the receptionist to stamp the original and copy of each document with a "copy received" stamp showing the date received.

Getting your original and copy of the Answer and Notice of Appearance stamped by the receptionist will prove that these documents were delivered by the deadline stated in the Summons. If you decide to mail these documents to the plaintiff's lawyer, be sure to allow enough time for the mail to be delivered by the deadline (at least three days). It is not enough for the Answer and Notice of Appearance to be postmarked on or before the deadline. It must be received by the deadline stated in the Summons. Also, if you mail the Answer, you should consider sending one Answer by regular mail and one by certified mail, return receipt requested. Hand-delivery is best because you can have the lawyer's office stamp the original and your copy which shows that your Answer was delivered on time.

If you mail the Notice of Appearance and/or the Answer the court needs to know this was done. You do this by completing a Certificate of Service and attaching it to the original of the document that was mailed. A sample Certificate of Service and a Certificate of Service form you may use are attached. Be sure to make extra copies of the form before you use it. Make sure you identify what kind of legal paper the Certificate of Service refers to (i.e. Answer, Notice of Appearance, etc.) and strike out the type of delivery that does not apply (i.e. if you mailed it, strike out the words "hand-delivered").

B. Filing

When the plaintiff pays the filing fee and files the Complaint with the court, the court assigns a case number. That number will usually be stamped or typed on the upper right-hand side of the Summons and Complaint. The court will not have any record of the case and will not be able to give you any information about the case until the case has been filed. If there is a case number on your Summons and Complaint, then you should write in the number on your Answer and Notice of Appearance and file the original(s) with the Court Clerk. File the original Answer and Notice of Appearance after you deliver a copy to the plaintiff's attorney and obtain proof of service (the "copy received" stamp), but before the deadline stated in the Summons. At the time you file the original Answer and Notice of Appearance you should stamp your personal copies with the Clerk's stamp showing the date the originals were filed.

If the Summons and Complaint which you received do not have a case number on them, then the Clerk will not have a record of your case and you will not be able to file the original of your Answer and Notice of Appearance. You must still follow the regular procedure for delivering a copy of your Answer to the plaintiff's lawyer, even if the case has not been filed. However, if there is no case number, keep your original Answer and Notice of Appearance until you are notified that the case has been filed and has been assigned a case number. When you receive the case number, follow the procedure for filing the original documents described above.

REMEMBER to make sure that you file your Answer within the time limit listed in your Summons (usually twenty days). Do not take a chance with that time limit! Once you have timely filed your Answer and served the plaintiff's lawyer, you should be given notice of any hearings. Do not miss these hearings. **IF YOU HAVE ALREADY MISSED YOUR TIME LIMIT, FILE AN ANSWER ANYWAY.** A late Answer may be better than no Answer at all. If you are too late, and a judgment has been entered against you, you should contact a lawyer immediately.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, May 2007.

© 2007 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737

(Permission for copying and distribution granted the Alliance for Equal Justice and to individuals for non-commercial purposes only.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DISTRICT COURT OF WASHINGTON
COUNTY OF CLARK

123ABC COLLECTIONS,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 07-0000-01

ANSWER, AFFIRMATIVE
DEFENSES, COUNTERCLAIMS

I. ANSWER

Defendant(s) answer the complaint as follows:

1. Admit the statements contained in paragraph numbers 1 and 2 except for the following statements:

2. Deny the statements contained in paragraph numbers 3 and 4, except for the following statements:

3. Lack knowledge about the truth and therefore deny the statements contained in paragraphs numbers 5, 6 and 7.

II. AFFIRMATIVE DEFENSES

Defendant(s) other defenses are: Plaintiff's claim is barred by the statute of limitations.

1 **III. COUNTERCLAIMS**

2 Plaintiff owes defendant \$_____ because: not applicable.

3
4 Defendant(s) request that this lawsuit be dismissed and that a judgment be entered against the plaintiff(s) for any counter-claims, costs, or attorney fees.

5 DATED this 21 day of February, 2007.

6 *John Doe* _____
7 John Doe, Defendant

8 Name: John Doe
9 Address: 111 Cherry Lane
Long, WA 98600
10 Phone No.: (206) 555-1212

SAMPLE FORM - DO NOT FILE

**DISTRICT COURT OF WASHINGTON
COUNTY OF CLARK**

123ABC COLLECTIONS,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 07-0000-01

NOTICE OF APPEARANCE

TO: Larry Lawyer, Attorney for Plaintiff AND TO: Clerk of the Court

YOU AND EACH OF YOU PLEASE TAKE NOTICE that Defendant(s) hereby appears in the above-entitled cause and requests that all further papers and pleadings herein, except original process, be served upon the Defendant at the address below stated, pursuant to Civil Rule 5.

Dated this 31st day of February, 2007.

John Doe (Defendant's Signature)

John Doe (Print Name)

111 Cherry Lane (Address)

Long, WA 98000

(206) 111-2222

SAMPLE FORM - DO NOT FILE

**DISTRICT COURT OF WASHINGTON
COUNTY OF CLARK**

123ABC COLLECTIONS,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 07-0000-01

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that, on the date stated below, I did the following:

On the 31st day of February, 2007, I [*strike out what doesn't Apply*] mailed by regular U.S. Mail, postage prepaid / ~~hand delivered~~ a true copy of the ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS [*name of paper served*] filed in this matter to Larry Lawyer [*Name of Plaintiff or Plaintiff's Attorney*] at the following address: 123 Legal Lane, Long, WA 98600.

Dated this 31st day of February, 2007, in Long, Washington.

John Doe
(Signature)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

COURT OF WASHINGTON
COUNTY OF _____

No. _____

_____,

**ANSWER, AFFIRMATIVE DEFENSES
AND COUNTERCLAIMS**

Plaintiff(s),

v.

_____,

Defendant(s).

I. ANSWER

Defendant(s) answer the complaint as follows:

1. Admit the statements contained in paragraph numbers _____

except for the following statements: _____

2. Deny the statements contained in paragraph numbers _____

except for the following statements: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

3. Lack knowledge about the truth and therefore deny the statements contained in paragraph number(s) _____.

II. AFFIRMATIVE DEFENSES

Defendant(s) other defenses are: _____

_____.

III. COUNTERCLAIMS

Plaintiff owes defendant \$ _____ because: _____

_____.

Defendant(s) request that this lawsuit be dismissed and that a judgment be entered against the plaintiff(s) for any counter-claims, costs, or attorney fees.

DATED this _____ day of _____, 20_.

(signature)
Name: _____
Address: _____
Telephone: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

COURT OF WASHINGTON
COUNTY OF _____

No. _____

NOTICE OF APPEARANCE

_____,

Plaintiff(s),

v.

_____,

Defendant(s).

TO: _____, Attorney for Plaintiff
AND TO: Clerk of the Court

YOU AND EACH OF YOU PLEASE TAKE NOTICE that Defendant(s) hereby appears in the above-entitled cause and requests that all further papers and pleadings herein, except original process, be served upon the Defendant at the address below stated, pursuant to Civil Rule 5.

Dated this _____ day of _____, 20____.

(Defendant's Signature)

(Print Name)

(Address)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

_____ COURT OF WASHINGTON
COUNTY OF _____

No. _____

CERTIFICATE OF SERVICE

Plaintiff(s),

v.

Defendant(s).

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that, on the date stated below, I did the following:

On the _____ day of _____, 20____, I [*strike out what doesn't apply*] mailed by regular U.S. Mail, postage prepaid / hand delivered a true copy of the _____ [*name of paper(s) served*] in the above-entitled matter to _____

1 *[Name of Plaintiff or Plaintiff's Attorney]* at the following address: _____

2 _____.

3 Dated this ____ day of _____, 20____, in _____, _____

4 *[city and state]*.

5 _____
6 (Signature)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

_____ COURT OF WASHINGTON
COUNTY OF _____

_____,
Plaintiff(s),
vs.

_____,
Defendant(s).

No. _____

DECLARATION OF DEFENDANT
_____ REGARDING
INCOME AND ASSETS EXEMPT
FROM GARNISHMENT²

I, _____, declare under penalty of perjury under the laws
of the State of Washington as follows:

1. My name is _____, and I am a
defendant/respondent in this lawsuit.

2. I am over the age of eighteen and am competent to testify.

3. My mailing address is:

² This declaration does not include information on whether the exemptions are also exempt from child
and/or spousal support.

1 4. My/Our source(s) of income and its exempt status, if any, is as follows (mark any
2 that apply)

- 3 My spouse's separate earnings. RCW 6.15.040; RCW 26.16.200;
- 4 Supplemental Security Income. 42 U.S.C. § 1383(d); 42 U.S.C. § 407;
- 5 Veteran's Benefits. 38 U.S.C. § 5301;
- 6 Social Security (Disability, Retirement, Survivors). 42 U.S.C. § 407;
- 7 Federal Civil Service Retirement. 5 U.S.C. § 8346;
- 8 Armed Forces Savings Account. 10 U.S.C. § 1035(d);
- 9 Injury or Death Compensation from War Risk Hazards. 42 U.S.C. § 1717;
- 10 Longshore and Harbor Workers' Compensation for Death and Disability.
11 33 U.S.C. 916;
- 12 Railroad Unemployment Insurance. 45 U.S.C. § 352;
- 13 Railroad Retirement Benefits. 45 U.S.C. § 231m;
- 14 Merchant Seamen – Individuals employed on fishing or fish processing
15 vessels. 46 U.S.C. §11109;
- 16 Federal Title IV Student Loans. 20 U.S.C. 1095a(d);
- 17 Employee Retirement Income Security Act (ERISA) Pensions. 29 U.S.C,
18 § 1056(d);
- 19 Work Release Earnings. RCW 72.65.060;
- 20 Judge's Retirement Benefits. RCW 2.12.090; 2.10.180;
- 21 Crime Victim's Compensation. RCW 7.68.070;
- 22 Proceeds from Disability Insurance. RCW 48.18.400 *et.seq.*; 6.15.035;
- 23 City and State Employee's Retirement Benefits. RCW 41.44.240;
- 24 First Class City Personnel and Police Benefits. RCW 41.20.180;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

- 41.28.240;
- Fraternal Benefit Society Benefits. RCW 48.36A.180;
- State Employee's Retirement. RCW 41.40.052;
- Teacher's Retirement. RCW 41.32.052;
- Volunteer Firefighter's Retirement. RCW 41.24.240;
- Washington State Patrol Retirement. RCW 43.43.310;
- Funds held by the State for a child. RCW 74.13.070;
- Out-of-State Income Tax on a pension or retirement plan received in Washington State. RCW 6.15.025;
- Insurance Proceeds from Exempt Property, whether in this declaration or not. RCW 6.15.030;
- Child Support Payments. RCW 6.15.010(3)(d).
- Disposable earnings (earnings less deductions required by law). (\$75% of Defendant's disposable earnings or 30 times Federal hourly min. wage per week WHICHEVER IS GREATER). RCW 6.27.150;
- Earnings necessary to support family. (50% of disposable earnings with spouse or child; 40% if individual). RCW 6.32.250 in conjunction with RCW 6.15.150(2);
- Federal pension money, whether in debtor's possession or deposited or loaned by debtor. (100% (exemption applies to family if pensioner dies or absconds)). RCW 6.15.020;
- Homeowner's insurance policy proceeds covering exempt property (i.e. fire, flood etc.). RCW 6.15.030;
- Unemployment compensation benefits. (100% except for debts incurred for necessities furnished to individual receiving benefits during unemployment). RCW 50.40.020;
- Proceeds & avails of life insurance policies on the life of another (for example: your parent's life insurance policy) RCW 48.18.410;
- Group life insurance proceeds. RCW 48.18.420;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

- Annuity contract benefits up to \$2,500 limit per month. RCW 48.18.430(1)(b);
- Public assistance grants & payments. RCW 74.04.280 & 74.08.210;
- City employees retirement benefits. RCW 41.28.200;
- Police & Firefighters retirement benefits. RCW 41.26.180 recodified as: RCW 41.26.053, RCW 41.20.180.
- Stock Options or Stock Appreciation Rights. *Safeco Ins. Co. v. Skeen*, 47 Wn. App. 196 (1987)
- The first \$16,150.00 of personal injury proceeds of the debtor or the debtor's dependant; 100% of pain and suffering or compensation for financial loss and 100% of loss of future earning except for debts incurred for necessary support of the debtor and any dependent of the debtor. This exemption under this subsection does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee for medical costs paid by the state of Washington. RCW 6.15.010(3)(f);

5. I/We own the following property which is exempt from debt collection under the following statutes (mark all that apply):

- Homestead (house or mobile home where I live and any underlying accessories and land) which is no more than \$40,000 before July 22, 2007 or no more than \$125,000 after July 22, 2007 in equity **or** total value. RCW 6.13.010; 6.13.030;
- Clothing. RCW 6.15.010(1);
- Furs, jewelry or personal ornaments (less than \$1,000.00 in value for each item). RCW 6.15.010(1);
- Private Library worth no more than \$1,500.00. RCW 6.15.010(2);
- Family pictures and keepsakes. RCW 6.15.010(2);
- Household goods, appliances, furniture, yard equipment, provisions and fuel up to \$2,700.00 in value per person, not to total more than \$5,400 per couple. RCW 6.15.010(3)(a);
- Other Personal Property, not specifically listed here, up to \$2000.00 in value with \$200.00 limit on cash, bank accounts & securities. RCW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

6.15.010(3)(b);

- Two motor vehicles used for personal transportation up to \$2,500.00 in value each, not more than \$5,000 per couple. RCW 6.15.010(3)(c);
- Farm trucks, stock, tools, equipment, supplies and seed up to \$5000.00. RCW 6.15.010(4)(a);
- All professionally prescribed health aids for the debtor or a dependent of the debtor. RCW 6.15.010(3)(e);
- Library & office furniture, equipment & supplies of physician, attorney, clergyman, or other professional person up to \$5,000. RCW 6.15.010(4)(b);
- Tools, instruments & materials used to carry on trade for support of debtor & family up to \$5,000. RCW 6.15.010(4)(c);
- Personal or family burying grounds. RCW 68.24.220 & 68.20.120;
- Property taken from a prisoner. *Williams v. Edelstein*, 143 Wn. 198 (1927);

Signature

Date

ATTACHMENTS TO THE DECLARATION

Staple copies of your bank statement(s) and any other statements showing your source of income onto this page and then staple this page to the Declaration of Defendant Regarding Income and Assets Exempt from Garnishment. Remember to black-out your social security number and any account numbers before you attach the copies.