

## **Rule 69-II. Particular Provisions for Attachments of Wages After Judgment**

(a) **APPLICABILITY.** The provisions of this rule do not supersede or repeal any other rule of this court unless in express conflict and must apply only to attachments issued pursuant to D.C. Code § 16-571 to -584 (2012 Repl.) and *15 U.S.C. § 1601 et seq.*

(b) **REPORTING CREDITS AGAINST JUDGMENT.** It is the duty of a judgment creditor who is receiving payments on account of the judgment from an employer-garnishee and who will receive credits upon said judgment from a source other than said employer-garnishee to notify said employer-garnishee and the clerk in writing of such receipt within 14 days, including the date, amount, and source.

(c) **SCHEDULE AND RECEIPT FOR PAYMENTS.** Every judgment creditor receiving payments from an employer-garnishee pursuant to the issuance of a wage attachment is obligated to credit the payments first against the accrued interest on the unpaid balance of the judgment, if any, second on the principal amount of the judgment, and third on those attorney's fees and costs actually assessed in the cause, and must send a receipt to the garnishee within 7 days after such payment, which receipt must set forth the application of such payment pursuant to the schedule above.

(d) **NONCOMPLIANCE.** If any judgment creditor fails to comply with this rule or with the statutory provisions cited in Rule 69-II(a), the court may in its discretion, on motion of any interested party:

(1) enter an order vacating and setting aside the attachment and continuing levy of said judgment creditor then in force and effect, but without prejudice to the refiling and serving of another attachment, which must follow prior attachment of wages of the judgment debtor in the hands of the same employer-garnishee; and

(2) enter a judgment of a reasonable attorney's fee and tax costs in favor of the party filing the motion to vacate and set aside the attachment.

(e) **GARNISHMENT DOCKET CARD.** Each writ of attachment for wages must be accompanied by a garnishment docket card prepared by the judgment creditor or the judgment creditor's attorney. The judgment creditor or the judgment creditor's attorney must provide the social security number of the judgment-debtor, if known. The garnishment docket card must be recorded on a form provided by the clerk's office or on a form that is substantially similar.

## **COMMENT TO 2018 AMENDMENTS**

This rule is new; the substance of the rule previously appeared in Rule 69. This rule now conforms to Civil Rule 69-II, except that section (e) was retained from the former domestic relations rule.