



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-035

For Circulating Order CO-22-02 on: May 10, 2022

Title

Rules and Forms: Miscellaneous Technical
Changes

Agenda Item Type

Action Required

Effective Date

September 1, 2022

Rules, Forms, Standards, or Statutes Affected

Revise form AT-167/EJ-152

Date of Report

April 6, 2022

Recommended by

Judicial Council staff
Anne M. Ronan, Supervising Attorney
Legal Services

Contact

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Executive Summary

Judicial Council staff have noted a minor error in *Memorandum of Garnishee* (form AT-167/EJ-152), in which a party is misidentified in item 2. Judicial Council staff recommends making a correction to that form to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective September 1, 2022, revise *Memorandum of Garnishee* (form AT-167/EJ-152), item 2, to replace the incorrect reference to “Judgment Creditor” with “Judgment Debtor”

The text of the proposed form is attached at pages 3–4.

Relevant Previous Council Action

Although the Judicial Council has acted on this form, this proposal recommends only a minor correction unrelated to any prior action.

Analysis/Rationale

The change to this form is technical in nature and necessary to correct inadvertent use of an incorrect party title in item 2.

Policy implications

There are no policy implications to this proposal.

Comments

This proposal was suggested by several members of the public to fix the error in the form. It was not circulated for public comment because the change is noncontroversial, involves a technical revision, and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

None.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of the form recommended for revision. Because the proposed change is a technical correction, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Form AT-167/EJ-152, at pages 3–4

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	LEVYING OFFICER (name and address): <div style="text-align: center;"> DRAFT 04.04.22 NOT APPROVED BY JUDICIAL COUNCIL </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		LEVYING OFFICER FILE NO.:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		CASE NUMBER:	
MEMORANDUM OF GARNISHEE (Attachment—Enforcement of Judgment)			

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does *not* apply to garnishment of earnings.

1. a. Garnishee (name):
b. Address:
2. Judgment Debtor (name):
3. ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
4. If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

5. **For writ of execution only.** Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

(Continued on reverse)

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SHORT TITLE	LEVYING OFFICER FILE NO.:	CASE NUMBER:
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6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:
7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:
8. **For writ of execution only.** Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:
9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
<small>(TYPE OR PRINT NAME)</small>		<small>(SIGNATURE)</small>

If you need more space to provide the information required by this memorandum, you may attach additional pages.

☐ Total number of pages attached: _____