

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

Rules, Forms, Standards, or Statutes Affected

Revise form AT-167/EJ-152

Recommended by

Judicial Council staff
Anne M. Ronan, Supervising Attorney

Legal Services

Agenda Item Type

Action Required

Effective Date

September 1, 2022

Date of Report

April 6, 2022

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

		AT-167/EJ-152	
ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	LEVYING OFFICER (name and address):	
NAME:			
FIRM NAME:		DRAFT	
STREET ADDRESS:		Brown 1	
CITY:	STATE: ZIP CODE:		
TELEPHONE NO.:	FAX NO.:	04.04.22	
EMAIL ADDRESS:		NOT APPROVED BY	
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUN	TY OF	JUDICIAL COUNCIL	
STREET ADDRESS:			
MAILING ADDRESS: CITY AND ZIP CODE:			
BRANCH NAME:			
PLAINTIFF/PETITIONER:		LEVYING OFFICER FILE NO.:	
DEFENDANT/RESPONDENT:		ELVING STRIBLICATED NO.	
MEMODANDU	IM OF CARNICHEE	CASE NUMBER:	
	IM OF GARNISHEE forcement of Judgment)	6, 62 N6.1152. ti	
(Attachment Em	ordernent of dagment,		
NOTICE TO PERSON SERVED WITH WRIT		This memorandum does <i>not</i> apply to	
ATTACHMENT: This memorandum must be levying officer within 10 days after service	e completed and mailed or delivered to the	garnishment of earnings.	
or attachment unless you have fully comp			
return this memorandum may render you	liable for the costs and attorney fees incur-		
red in obtaining the required information.	MODANDUM TO THE LEWING OFFICER		
— RETURN ALL COPIES OF THIS ME	MORANDUM TO THE LEVYING OFFICER —	_	
1. a. Garnishee (name):			
b. Address:			
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:			
in you will not do not to the fortying officer any property fortical apoin, accounts the property and the reacon for not do not do not account of the			
For writ of execution only. Describe control:	any property of the judgment debtor not levied	upon that is in your possession or under your	

(Continued on reverse)

SHORT TITLE	LEVYING OFFICER FILE NO.:	CASE NUMBER:	
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 owe	ed to the judgment debtor that is levied u	inon but is not yet due and navable:	
,g	, - 9		
8. For writ of execution only. Describe the amount an	d terms of any obligation owed to the jud	dgment debtor that is not levied upon:	
 Describe any claims and rights of other persons to th and addresses of the other persons: 	e property or obligation levied upon that	are known to you and the names	
	RATION OF GARNISHEE		
I declare under penalty of perjury under the la	ws of the State of California that the fore	egoing is true and correct.	
Date:			
24.0.			
	•		
(TYPE OR PRINT NAME)		(SIGNATURE)	
If you need more space to provide the information required by this memorandum, you may attach additional pages. Total number of pages attached:			

AT-167/EJ-152 [Rev. September 1, 2022]

MEMORANDUM OF GARNISHEE (Attachment–Enforcement of Judgment)

Page 2 of 2