

1
2 **CERTIFIED TRUE COPY**
3 **ATTEST: WILLIAM M. MCCOOL**
4 **Clerk, U.S. District Court**
5 **Western District of Washington**

6 By _____

Deputy Clerk



7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 UNITED STATES OF AMERICA,

Plaintiff,

11 vs.

12 IRHONDA LAKISHA PAYNE,

13 Defendant/Judgment Debtor,

14 and

15 VALLEY MEDICAL CENTER,

16 Garnishee.
17

NO. 17-mc-92-RSL

(2:02-CR-0261-1)

**Notice to Defendant/
Judgment Debtor From
Clerk, United States District
Court**

18
19 TO: IRHONDA LAKISHA PAYNE:

20 You are hereby notified that a garnishment action is being taken by the United States of
21 America, which has a Judgment from the U.S. District Court for the Western District of
22 Washington, in *United States of America v. Irhonda Lakisha Payne*, No. 2:02-CR-0261-1
23 (February 14, 2003), in the amount of \$139,872.41, consisting of \$139,772.41 in Restitution,
24 and \$100.00 in a Special Assessment. A balance of \$139,131.54 remains outstanding as of
25 August 4, 2017.

26
27 In addition, you are hereby notified that there are exemptions under federal law that
28 may protect some of your property from being taken by the Government, if you can show that

**NOTICE TO DEFENDANT/JUDGMENT DEBTOR FROM
CLERK, UNITED STATES DISTRICT COURT**

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
(206) 553-7970

1 the exemptions apply. Attached is a summary of the major exemptions, entitled "Claim for
2 Exemption Form/Notice of Consumer Credit Protection Act Form," which may apply to this
3 action. A "Notice to Judgment Debtor on How to Claim Exemptions" also accompanies this
4 Notice.

5
6 You, Irhonda Lakisha Payne, have a right to ask the Court to return your property to
7 you if you believe the property the government is taking qualifies under one of the exemptions
8 listed in the attached exhibit. You also have the right to explain to the Court that the United
9 States is not in compliance with any statutory requirement for the issuance of this garnishment,
10 if that is your position.

11
12 If you want a hearing, you must notify the Court within **twenty (20) days** after receipt
13 of this Notice. Your request must be in writing. If you wish, you may use the attached
14 "Request for Hearing Form" to request the hearing. To request a hearing, you must do all of
15 the following:

16 (1) Either mail your original request for hearing via First Class Mail, or deliver it in
17 person to the Clerk of the United States District Court for the Western District of Washington,
18 700 Stewart Street, Lobby Level, Seattle, WA 98101; and

19
20 (2) Either mail a copy of your request via First Class Mail, or deliver it in person to
21 Valley Medical Center, Attn: Payroll, 4445 Talbot Rd. S., Suite 101, Renton, WA 98058; and

22 (3) Either mail a copy of your request via First Class Mail, or deliver it in person to
23 the United States Attorney's Office for the Western District of Washington, Assistant United
24 States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit, 700 Stewart Street, Suite 5220,
25 Seattle, WA 98101.

26
27 //
28

1 The hearing, when appropriate, will take place within approximately five (5) days after
2 the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that
3 as possible, pursuant to 28 U.S.C. § 3202(b).

4 At the hearing, you may explain to the Court why you believe the property the
5 Government has or is taking is exempt. If you do not request a hearing within **twenty (20) days**
6 of the receipt of this Notice, your property may be seized and payment used toward the money
7 you owe the Government.
8

9 If you think you live outside the Federal Judicial District in which this Court is located,
10 you may request, not later than **twenty (20) days** after you receive this Notice, that this
11 proceeding to take your property be transferred by the Court to the Federal Judicial District in
12 which you reside. To make such a request, do all of the following:
13

14 (1) Make your request for a transfer in writing; and

15 (2) Either mail a copy of your request via First Class Mail, or deliver it in person to
16 the Clerk of the Court, 700 Stewart Street, Lobby Level, Seattle WA 98101; and

17 (3) Either mail a copy of your request via First Class Mail, or deliver it in person to
18 Valley Medical Center, Attn: Payroll, 4445 Talbot Rd. S., Suite 101, Renton, WA 98058; and

19 (4) Either mail a copy of your request via First Class Mail, or deliver it in person to
20 the United States Attorney's Office for the Western District of Washington, Assistant United
21 States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit, 700 Stewart Street, Suite 5220,
22 Seattle, WA 98101.
23

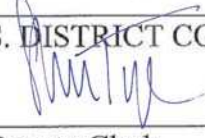
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1 It is recommended that you keep a copy of this Notice for your own records. If you
2 have any questions about your rights or about this procedure, you should contact a lawyer, an
3 office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give
4 legal advice, but may be able to refer you to other sources of information.
5

6
7 DATED this 9th day of August, 2017.

8 William M. McCool
9 CLERK, U.S. DISTRICT COURT

10 By: 
11 Deputy Clerk



1 **REQUEST FOR HEARING FORM**

2 Court Number: _____

3 ☐ I am requesting a hearing because (please check applicable reason(s) below):

4 ☐ The property that the Government is taking is exempt. (See completed
5 attached Claim for Exemption Form)

6 and/or

7 ☐ The government has not complied with the statutory requirement for the
8 issuance of the Post-Judgment remedy.

9 Explain why:

10 _____
11 _____
12 _____

13 ☐ Please give Notice of pleading requirements and/or for hearing to me by mail to
14 the address below:

15 Date: _____

16 _____
17 Irhonda Lakisha Payne, Defendant/Judgment Debtor

18 _____
19 Defendant/Judgment Debtor's Signature

20 Address:

21 _____
22 _____

23 Telephone Numbers:

24 (____) _____

25 Home No.

26 (____) _____

27 Cellular No.

28 (____) _____

1 **NOTICE TO DEFENDANT/JUDGMENT DEBTOR**
2 **ON HOW TO CLAIM EXEMPTIONS**

3 The attached post-judgment process has been issued on request of the United States of
4 America.

5 Federal law provides that certain property and wages cannot be taken, and these laws
6 may be applicable. Such property is said to be exempted. The attached Claim for Exemption
7 Form/Notice of Consumer Credit Protection Act Form lists the exemptions under federal law.
8 **There is no exemption solely because you are having difficulty paying your debts.**

9 If you claim any exemption(s), you must (1) fill out the attached Claim for Exemption
10 Form/Notice of Consumer Credit Protection Act Form and (2) hand deliver, or mail via First
11 Class Mail, the original form to (a) Clerk of Court, 700 Stewart Street, Lobby Level, Seattle,
12 WA 98101 and a copy to (b) United States Attorney's Office for the Western District of
13 Washington, Assistant United States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit,
14 700 Stewart Street, Suite 5220, Seattle, WA 98101, with your Request for Hearing Form. **This**
15 **must be done within twenty (20) days of receipt of the Notice to Defendant/Judgment**
16 **Debtor from the Clerk, United States District Court.** You have a right to a hearing within
17 five (5) business days, or as soon as practicable, from the date you file your claim with the
18 court.

19 If the United States of America as creditor is asking that your wages be withheld, the
20 method of computing the amount of wages that are exempt from garnishment by law is
21 indicated on the Claim for Exemption Form / Notice of Consumer Credit Protection Act Form,
22 which is attached. You do not need to file a claim to receive this exemption, but if you believe
23 the wrong amount is being withheld, you may file a claim for exemption.

24 If you request exemptions, you will be notified of the hearing date, as required. On the
25 day of the hearing, you should come to court ready to explain why your property is exempted,
26 and you should bring any documents that may help you prove your case. If you do not come to
27 court at the designated time and prove that your property is exempt, you may lose some of your
28 rights.

 It may be helpful to you to seek the advice of an attorney in this matter.

I. CLAIM FOR EXEMPTION FORM
(EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613))

II. NOTICE OF CONSUMER CREDIT PROTECTION ACT FORM

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I. I claim that the exemption(s) from enforcement checked below apply in this case:

1. ☐ Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of her family.
2. ☐ Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$9,200.00** in value.
3. ☐ Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$4,600.00** in value.
4. ☐ Unemployment benefits.--Any amount payable to an individual with respect to her unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State or of the District of Columbia or of the Commonwealth of Puerto Rico.
5. ☐ Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
6. ☐ Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
7. ☐ Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
8. ☐ Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy to contribute to the support of her minor children, so much of her

1 salary, wages, or other income as is necessary to comply with such
2 judgment.

3 9. Certain service-connected disability payments.--Any amount payable to
4 an individual as a service-connected [within the meaning of Section
5 101(16) of Title 38, United States Code] disability benefit under--(A)
6 Subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B)
7 Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.

8 10. Assistance under Job Training Partnership Act. --Any amount payable to
9 a participant under the Job Training Partnership Act (29 U.S.C. 1501 et
10 seq.) from funds appropriated pursuant to such Act.

11 **II.** The Consumer Credit Protection Act, at 15 U.S.C. Section 1673(a), restricts, the
12 maximum part of the aggregate "disposable earnings" of an individual which
13 may be garnished. (The definition for disposable earnings is at 15 U.S.C.
14 Section 1672(b).) The aggregate earnings of an individual for any workweek
15 which is subject to garnishment may not exceed (1) 25% of her disposable
16 earnings for the week, or (2) the amount by which her disposable earnings for
17 that week exceed thirty times the Federal minimum hourly wage in effect at the
18 time the earnings are payable, whichever is less.

19 In the case of earnings for any pay period other than a week, the Secretary of
20 Labor should, by regulation, prescribe a multiple of the Federal minimum hourly
21 wage equivalent in effect to that set forth under number (2), above.

22 Please check "yes" below, if you believe this applies to your garnishment,
23 and explain why:

24 Yes _____

25 Why _____

26 The statements made herein are made and declared under penalty of perjury that they
27 are true and correct.

28 _____
Defendant/Judgment Debtor Printed or Typed Name

Defendant/Judgment Debtor Signature Date