

Information & Instructions: Answer to writ of garnishment by garnishee bank

PREVIEW

1. The statutes and rules referred to in this section are applicable to the answer required by a Garnishee.
2. Texas Rule of Civil Procedure 667 sets forth the consequences for the failure of a Bank's or other Garnishee's failure to answer.
3. In the event the practitioner represents a Bank or Garnishee, it is extremely important that the proper answer be filed to avoid the harsh penalties of default.
4. The Answer must list all property and its location held by the Garnishee. If no property is held then its Answer must so inform the Garnishor.
5. The Answer may also claim any offsets owed to the Garnishee by the judgment Debtor.
6. The Garnishee's Answer may also pray for reimbursement of reasonable attorney's fees.

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Form: Garnishee's answer to writ of garnishment

CAUSE NUMBER _____

**[Name],
PLAINTIFF**

IN THE [Type of Court] COURT

**vs.
[Name],
DEFENDANT**

THIS DOCUMENT
[Court number]
OF [NAME], COUNTY, TEXAS

GARNISHEE'S ANSWER TO WRIT OF GARNISHMENT

Now comes [name of garnishee], and makes and files its Garnishee's Answer to Plaintiff's Writ of Garnishment, and would respectfully show to the Court and Jury as follows:

1. PARTIES

1.1 [Name of Garnishee] Garnishee is a [banking organization] with its office and principal place of business in [address],[County], Texas.

1.2 Garnishee asserts its right to have this action tried in [County], Texas.

2. GARNISHMENT RECITALS

2.1 Plaintiff's Writ of Garnishment was served on Garnishee on [date].

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2.2 Plaintiff's Writ of Garnishment stated that Garnishee is indebted to Defendant, [Name], in the amount of \$[Amount].

PREVIEW

3. [include if defendant maintains an account with Garnishee]

3.1 At the time the Writ of Garnishment was served upon Garnishee, Defendant, [Name], had the following accounts at Garnishee's bank: [Checking Account in the amount of \$[Amount]]. This account is referenced as Account No. [Name] and contained a balance of \$[Amount]. [If any items of property are held in a safe deposit box, list the items].

3.2 Upon information and belief Garnishee alleges that this amount belongs to Defendant, [Name], and that [Name], Garnishee, is indebted to Defendant in that amount, as the Owner of that account.

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3. [use this Paragraph III if defendant did not have account with Garnishee]

3.1 At the time the Writ of Garnishment was served upon Garnishee, no accounts were maintained with Garnishee in the name of [Name], Defendant named in the Writ of Garnishment. On information and belief Garnishee alleges that it is not indebted in any amount to [name of defendant], and that [name of defendant] does not maintain any accounts with Garnishee.

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4. OFF-SETS

4.1 [if Defendant owes the Bank/Garnishee money and the Bank is entitled to receive an off-set for that amount, state the amount owed by the Defendant and the reason for the debt. Then claim the off-set].

THANK YOU

5. BINDING ORDERS

5.1 Garnishee requests the Court to make [name of defendant] parties to this proceeding in order that [he or she] will be bound by any Judgment rendered in this proceeding and in order that

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the Garnishee be protected from further liability by reason of having filed this Answer or by reason of any Judgment rendered in this proceeding.

PREVIEW

6. ATTORNEY FEES

6.1 Garnishee has employed an attorney, the Law Firm of [Name], to represent Garnishee in this proceeding.

6.2 This attorney was required to file this Answer and to protect Garnishee's interests.

Accordingly, Garnishee prays that it be awarded reasonable costs, including attorney fees, in the amount of not less than \$[Amount], as allowed by the Texas Rules of Civil Practice.

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6.3 Garnishee also requests that it be discharged from any individual liability under this garnishment.

PRAYER

[name of garnishee], Garnishee, requests:

1. That the Garnishee be discharged on this Answer, and that Garnishee be discharged from any and all liability to [Name], Plaintiff.
2. That Garnishee have and recover of and against [Name], Plaintiff, as provided in Rule 677 of the Texas Rules of Civil Procedure, costs and expenses, including reasonable attorney fees, in the amount of not less than \$[Amount] Dollars.
3. For such other and further relief to which Garnishee may show itself justly entitled.

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THANK YOU

Respectfully Submitted,

[Law Firm Name]

By _____

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[Attorney's Name]

PREVIEW

[Attorney for Plaintiff]
[Attorney's Address]
[Telephone Number]
[Facsimile Number]
[Bar Card Number]

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on _____.

Attorney for: [Other attorney's client's name]
Attorney's name: [Other attorney's name]
Attorney's address: [Other attorney's address]

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Type of Service:

- U.S. Mail, Certified Return Receipt Request No. _____.
- U.S. Mail, First Class.
- Hand delivery by [name of delivery service]: _____.
- Facsimile transmission to _____ [fax number] before 5 p.m.

THIS DOCUMENT

[Attorney's signature]

Form: Verification

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

THANK YOU

State of Texas
County of _____

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared [name], who being by me duly sworn (on this or her) oath depose and said that [he or she] is the [identify status, such as attorney, bank officer, etc.] for [name of garnishee], Garnishee, in the above entitled and numbered

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cause; that [he or she] has been authorized by the Garnishee to act in the above stated capacity and to swear to the foregoing Answer and that [he or she] has read the above Answer to Writ of Garnishment and that every statement contained in that instrument is within [his or her] personal knowledge and is true and correct.

PREVIEW

[Signature]

State of Texas
County of [County Name]

Subscribed and sworn to before me on _____ by [Name]

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Signature of officer

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

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THANK YOU

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