

#D-300

4/16/82

First Supplement to Memorandum 82-50

Subject: Study D-300 - Enforcement of Judgments (AB 707)

The attached letter relates to the provision set out in Memorandum 82-50 to provide an exemption from enforcement of judgments for student aid. The letter indicates that student aid is now being applied to the payment of judgments pursuant to a garnishment.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

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April 14, 1982

JOHN DeMoulli
State of California
Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, California 94306

Re: Garnishment of Student Financial Aids by Judgment Creditors

Dear Mr.

Thank you for your call of April 9, 1982 regarding the above-referenced matter. In that regard, I can assure you that the proposal to amend the Code of Civil Procedure to exempt student financial aid from garnishment by judgment creditor is not a hypothetical situation. In fact, the proposed amendment was prompted by a local collection attorney's successful attempt at obtaining a garnishment on the financial aid award of one of our students. I am also aware that other UC campuses have been faced with the same dilemma.

Furthermore, the collection agency's attorney involved in the UCSD case has indicated that he will continue to garnish student financial aid to satisfy judgments where the debtor is a student. In light of the above and the worsening economic picture for the state and the country, it would appear likely that judgment creditors will not be as prone to overlook student financial aid as a source for satisfaction of their judgments.

I hope the above is useful to you in your effort to demonstrate that the amendment that we are requesting is indeed timely and necessary.

Thank you for your assistance and cooperation in this matter.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Nicholas S. Aguilar", is written over a horizontal line.

NICHOLAS S. AGUILAR
Counseling Attorney
UCSD Student Legal Services

(fhh)