INSTRUCTIONS
FORM 12
GARNISHEE'S NONEXEMPT EARNINGS STATEMENT
(NOT FOR SUPPORT OF A PERSON)
(A.R.S. §§ 12-1598.11 & 12-1598.16(J))

WARNING !

ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the garnishee.

USE FORM 12 IF:

- You are the garnishee or you represent the garnishee in a wage garnishment seeking payment for a judgment **not** for support of a person (e.g. child support or spousal maintenance).

TO COMPLETE FORM 12 YOU WILL NEED:

- The judgment debtor's employment history and pay period information.
- Information from the Writ of Garnishment.
- Copies of any other garnishments, wage assignments (Orders of Assignment) or liens pending against the same judgment debtor in your possession.
- Information from the Order of Continuing Lien, if one has been issued.

HOW TO COMPLETE FORM 12:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Nonexempt Earnings Statement.

*Lines 1 through 7 are known as the **caption.** You must complete this portion if not already filled in.*

(1), (2) or (3) Check the appropriate box that identifies the Court in which the garnishment action is pending.

(1) If you checked this box, type or print the name of the Justice Court precinct in which the garnishment action is pending and the name of the county in which the Court is located.

(2) If you checked this box, type or print the name of the city or town in which the garnishment action is pending and the name of the county in which the Court is located.

(3) If you checked this box, type or print the name of the county in which the Court is located.

(4) Type or print the name, mailing address, and, if known, phone number(s) of the petitioner/plaintiff as it appears on the Writ of Garnishment. Check the box to indicate whether this party is the judgment creditor or judgment debtor in this garnishment action.

(5) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant as it appears on the Writ of Garnishment. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(6) Type or print the garnishee's name, mailing address and phone number.

(7) Type or print the case number appearing on the Writ of Garnishment.

(8) Type or print the first and last date of the pay period covered by this Nonexempt Earnings Statement.

(9) Check the box that indicates whether the judgment debtor is in your employ.

(10) If you checked, "no" in item (9) above, type or print the date on which the judgment debtor last worked for you.

(11) Check the box that indicates whether the judgment debtor is owed any earnings during this pay period.

Even if no monies were earned by the judgment debtor in this pay period, you must still complete the Withholding Worksheet.

(12) Type or print the amount of gross earnings (pre-tax) which the judgment debtor earned during the pay period covered by this Nonexempt Earnings Statement.

(13) Type or print the amount of disposable earnings (gross minus deductions required by law) which the judgment debtor earned during the pay period covered by this Nonexempt Earnings Statement.

(14) Multiply the amount in line (13) by 25%. If an Order of Continuing Lien directs you to apply a different percentage, multiply the amount in line (13) by that percentage. Type or print the result here.

(15) Check the box that identifies judgment debtor's pay period.

(16) Type or print the current federal minimum wage. This information is available online from the United States Department of Labor or by calling toll free: **1-866-487-2365.**

(17) Multiply line (16) by the factor selected in (15). For example, if the judgment debtor's pay period is weekly, then multiply the federal minimum wage by 30 to get your result. If the pay period is monthly, multiply by 130.

(18) Subtract line (17) from line (13) and type or print the result here.

(19) Type or print the amount appearing at line (14) or line (18), which ever is smaller.

(20) Type or print the total amount, if any, which you are withholding from this judgment debtor's earnings pursuant to court-ordered assignments for support of a person, other garnishments or levies for collection of taxes.

(21) Subtract line (20) from line (19) and type or print the result here.

(22) Subtract $5.00 from line (21) and type or print the result here. The $5.00 is the optional fee you are entitled to for processing the Nonexempt Earnings Statement.

(23) Complete the information under this box indicating the date and manner in which you will provide the judgment debtor with a copy of this Nonexempt Earnings Statement.

(24) Complete the information under this box indicating the date and manner in which you will provide the judgment creditor with a copy of this Nonexempt Earnings Statement.

(25) Date and sign this Nonexempt Earnings Statement where indicated.

WHEN YOU HAVE COMPLETED THE NONEXEMPT EARNINGS STATEMENT (NOT FOR SUPPORT OF A PERSON):

✓ Follow the Instructions to the Garnishee (Earnings) (Form 5).