

FORM 3
INSTRUCTIONS TO THE GARNISHEE (NON-EARNINGS)
(for the garnishee who owes money other than wages, or
holds personal property belonging to the judgment debtor)

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.

If you, the garnishee, fail to meet your responsibilities in this garnishment proceeding, the Court may order you to pay the judgment creditor's attorney fees, costs and even the amount of money which the judgment debtor owes the judgment creditor. This can happen even if you do not have any of the judgment debtor's property or do not owe the judgment debtor any money.

You have been served with a Writ of Garnishment and Summons in which you are named as the "garnishee." The person or company that filed this court action (the "judgment creditor") is attempting to collect payment from an individual or organization named as the "judgment debtor." You are involved in this proceeding because the judgment creditor believes you either owe the judgment debtor money, other than wages, or are in possession of personal property owned by the judgment debtor.

The judgment creditor should have served you with the following documents:

- Writ of Garnishment and Summons (Non-Earnings)(you should have received 2 copies)
This document identifies the parties and the reason for the garnishment.
- Instructions to the Garnishee (Non-Earnings)
This document explains your rights and responsibilities in this court action.
- Garnishee's Answer (Non-Earnings) (4 copies)
You will complete this document and file it with the Court.
- Notice to Judgment Debtor of Garnishment (Non-Earnings) (2 copies)
This document explains the judgment debtor's rights and responsibilities.
- Request for Hearing (Non-Earnings) (2 copies)
This document can be used by the judgment debtor to object to the garnishment or the Garnishee's Answer.
- Notice of Hearing on Garnishment (Non-Earnings) (2 copies)
This document is completed by the Court to notify parties of a hearing on a judgment debtor's objection.
- One copy of the Judgment in the original lawsuit between the judgment creditor and the judgment debtor
This document shows you how much money was awarded to the judgment creditor in the case against the judgment debtor.

STEP 1: DELIVER DOCUMENTS TO THE JUDGMENT DEBTOR

Within 3 business days of the date on which you received the paperwork listed above, deliver one copy of the following documents to the judgment debtor:

- Writ of Garnishment and Summons (Non-Earnings)
- Notice to Judgment Debtor of Garnishment (Non-Earnings)
- Request for Hearing (Non-Earnings)

- Notice of Hearing on Garnishment (Non-Earnings)
- The Judgment in the original lawsuit between the judgment creditor and the judgment debtor

These documents can be delivered personally by you, or by first class mail, or they can be served by a constable, deputy sheriff or other process server. If you use a constable, deputy sheriff or process server, you will have to pay a fee.

STEP 2: FILE YOUR ANSWER WITH THE COURT

You must file an Answer **within 10 business days** after the date on which you received the paperwork listed above, even if you do not have any property or owe any money to the judgment debtor. Fill out the Garnishee's Answer (Non-Earnings) form and file it with the Court. Send a copy to the judgment debtor and the judgment creditor (by mail or by personal delivery). Show on the Garnishee's Answer how you delivered the copies to the other parties. **This must be done within 10 business days.** Failure to file the Garnishee's Answer can result in an order being entered against you in the full amount of the debt owed by the judgment debtor to the judgment creditor.

CAUTION: Failure to file a Garnishee's Answer can result in an order being entered against you in the full amount of the debt owed by the judgment debtor to the judgment creditor. This can happen even if you do not know the judgment debtor or do not owe the judgment debtor any money or property.

STEP 3: HOLD ON TO WHATEVER PROPERTY OR MONEY YOU HAVE THAT BELONGS TO THE JUDGMENT DEBTOR UNTIL FURTHER NOTICE FROM THE COURT

The Writ of Garnishment and Summons tells you, the garnishee, to maintain control over any of the judgment debtor's property in your possession on the day the Writ was received.

- Some types and amounts of property are not subject to garnishment. A list of these is shown on the Request for Hearing form (FORM 8). You should review this list. An attorney can help determine how much of the debtor's property is exempt.
- Corporate garnishees should not transfer any shares or interest belonging to the judgment debtor until further court order.

STEP 4: AWAIT THE COURT'S RULING

The Court may issue a Garnishment Judgment directing the release of the debtor's funds or other property to the judgment creditor after any objections to the garnishment are considered. The judgment creditor will send you an unsigned copy of the Garnishment Judgment at the time it is filed with the Court. After the judge has signed this form, the Court will send you a signed version of the Garnishment Judgment informing you of how to proceed. Do not proceed until you have received the signed Judgment.

If you are holding money or other property of the judgment debtor and you do not receive a signed Garnishment Judgment within 90 days of the date on which the Garnishee's Answer was filed, you must then return the property to the judgment debtor (A.R.S. § 12-1587). Before returning the property, contact the Court or the judgment creditor to verify that the Court has not in fact signed a Garnishment Judgment in your case.

What to do if the judgment debtor objects to the Garnishment or the Garnishee's Answer:

The judgment debtor has 10 business days after receiving the Garnishee's Answer to file a Request for Hearing on Garnishment (Non-Earnings). The judgment debtor is responsible for sending a copy of the Request for Hearing to you. The Court will notify you of the hearing date. You may attend this hearing.

