

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)	
)	
MODIFICATION OF GARNISHMENT)	Administrative Directive
FORMS)	No. 2022 - 15
)	(Affecting Administrative
)	Directive Nos. 2014-23, 2017-02,
)	and 2019-07)
)	

Administrative Order No. 2007-56 authorizes the Administrative Director of the Administrative Office of the Courts to approve or modify the statewide garnishment forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections.

On November 8, 2022, the voters of Arizona approved Proposition 209: Arizona Protection from Predatory Debt Collection Act. The Act became effective on December 5, 2022 and makes several changes to A.R.S. §§ 12-1598.10, 33-1101, 33-1123, 33-1125, 33-1126, and 33-1131 related to garnishment of earnings and non-earnings. Consistent with these amendments, the following earnings and non-earnings garnishment forms have been modified:

Earnings

- Process Checklist for the Judgment Creditor in a Garnishment of Earnings, AOCCVGE1P
- Form 4 - Order of Continuing Lien, AOCCVGE4F
- Form 8 - Request for Hearing on Garnishment (Earnings) (ARS § 12-1598.16(C)), AOCCVGE8F
- Form 11 - Request for Hearing on Garnishment (Earnings) (ARS § 12-1598.16(F)), AOCCVGE11F
- Form 12 - Garnishee’s Non-Exempt Earnings Statement (Not for Support of a Person), AOCCVGE12F
- Instructions: Form 12 - Garnishee’s Non-Exempt Earnings Statement (Not for Support of a Person), AOCCVGE12I
- Form 23 - Consent Regarding Judgment Debtor's Hardship to Reduce Garnishment of Non-Exempt Earnings, AOCCVGE23F

Non-Earnings

- Process Checklist for the Judgment Creditor in a Garnishment of Non-Earnings, AOCCVGN1P
- Form 7 - Notice to Judgment Debtor of Garnishment, AOCCVGN7F
- Form 8 - Request for Hearing on Garnishment, AOCCVGN8F

Additionally, Form 2 - Writ of Garnishment and Summons, AOCCVGE2F and

AOCCVGN2F, have been amended to incorporate verbiage regarding requests for reasonable accommodations for individuals with disabilities.

Therefore,

IT IS DIRECTED that the garnishment forms in the attached Appendix are approved for use by the courts in Arizona in matters concerning garnishment of earnings and non-earnings.

Dated this 6th day of December, 2022.

DAVID K. BYERS
Administrative Director of the Courts

Appendix

**PROCESS CHECKLIST FOR THE JUDGMENT CREDITOR
GARNISHMENT OF EARNINGS**

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 judgment creditor.

INTRODUCTION

This packet is for a judgment creditor who wishes to collect a money judgment from a judgment debtor's "earnings." The term "earnings" refers to compensation payable for work performed by the judgment debtor and not yet paid by the employer (see ARS § 12-1598(4) for further information). Some examples of earnings include wages, salaries, commissions, bonuses, or other compensation. The maximum percentage of disposable earnings that may be garnished is set by statute. If a judgment debtor proves extreme financial hardship, a judicial officer may reduce this percentage to not less than the percentage permitted by law (see ARS §§ 12-1598.10 and 33-1131 for more information).

A judgment debtor's earnings may not be garnished if:

- The judgment debtor's earnings are already being garnished and the statutory maximum has been reached
- The judgment debtor has a pending bankruptcy proceeding
- The money judgment has been discharged in a bankruptcy proceeding
- At the time the writ was served, the debt was subject to an effective agreement for debt scheduling between the judgment debtor and a qualified debt counseling organization
- All available wages are exempt from collection

To begin your garnishment action, read through this Process Check List and all the forms and instructions in the packet. There are separate instructions for each form in this packet. Do not fill in any unnumbered blanks when completing forms.

[] STEP 1: Complete FORMS 1 & 2 and fill out the captions on the other forms needed for your case

Fill out the Application for Writ of Garnishment (FORM 1) and the Writ of Garnishment and Summons (Earnings) (FORM 2). Do not fill in any unnumbered blanks. You must also fill out the caption -- and only the caption -- on FORMS 5, 6, 8, 9, 10, 11, 14, and either FORM 12 or FORM 13, depending on whether the money judgment you are seeking to collect is for support of a person (see STEP 2 for more information about which form to use).

[] STEP 2: Take your forms to the Court for filing

When you have filled out the forms identified in STEP 1, take them to the Court Clerk at the Court in which you are filing your garnishment proceeding. You will need to bring multiple copies of some forms. The following list will help you identify which forms and how many copies of each to bring with you to the Clerk's Office:

- FORM 1 Application for Writ of Garnishment – original only
- FORM 2 Writ of Garnishment and Summons (Earnings) – original and 3 copies
- FORM 5 Instructions to Garnishee (Earnings) – 1 copy
- FORM 6 Garnishee’s Answer (Earnings) – 4 copies
- FORM 8 Request for Hearing on Garnishment (Earnings) (ARS §12-1598.16(C)) – 2 copies
- FORM 9 Notice of Hearing on Garnishment (Earnings) – 4 copies
- FORM 10 Garnishee’s Notice to Judgment Debtor of Garnishment (Earnings) – 2 copies
- FORM 11 Request for Hearing on Garnishment (Earnings) (ARS § 12-1598.16(F)) – 2 copies
- Either FORM 12 or FORM 13 Garnishee’s Non-Exempt Earnings Statement – 4 copies
 - Use FORM 12 if the underlying debt **is not for** support of a person
 - Use FORM 13 if the underlying debt **is for** support of a person (e.g., child support)
- FORM 14 Request for Hearing on Non-Exempt Earnings Statement – 2 copies
- The judgment awarding you money against the judgment debtor – 1 copy

[] STEP 3: Serve the required forms on the garnishee

At the Clerk’s Office, the Clerk will file stamp, issue, and return some of your forms to you. Once you have the signed Writ of Garnishment and Summons (Earnings) (FORM 2), you must arrange to serve the garnishee with the following forms, some of which must be provided in multiple copies:

- FORM 2 signed Writ of Garnishment and Summons (Earnings) – 2 copies
- FORM 5 Instructions to Garnishee (Earnings) – 2 copies
- FORM 6 Garnishee’s Answer (Earnings) – 4 copies
- FORM 9 Notice of Hearing on Garnishment (Earnings) – 4 copies
- FORM 10 Second Notice to Judgment Debtor of Garnishment (Earnings) – 2 copies
- FORM 11 Request for Hearing on Garnishment (Earnings) (ARS § 12-1598.16(F)) – 2 copies
- Either FORM 12 or FORM 13 Garnishee’s Non-Exempt Earnings Statement – 4 copies
 - Use FORM 12 if the underlying debt **is not for** support of a person
 - Use FORM 13 if the underlying debt **is for** support of a person (e.g., child support)
- FORM 14 Request for Hearing on Non-Exempt Earnings Statement – 4 copies []
- The judgment awarding you money against the judgment debtor – 1 copy

You will be charged a fee for service of these documents. A private process server, a constable from the Court or a deputy sheriff can serve them for you. You may be able to recover the amount of money you pay to serve these forms at the end of the garnishment process. If you cannot afford to pay the service fee, you may qualify for waiver or deferral of the payment. Private process servers do not accept waivers or deferrals. The Clerk has a form you can complete to request waiver or deferral of service fees. The process server, constable, or deputy sheriff will file a certificate of service, which notifies you and the Court of the date on which the garnishee received the documents listed above.

[] STEP 4: Deliver the following documents to the judgment debtor

Within three business days after the garnishee has been served under STEP 3, you must deliver the following documents to the judgment debtor by either first class mail, personal delivery, process server, constable, or deputy sheriff:

- FORM 2 Signed Writ of Garnishment and Summons (Earnings) – 1 copy
- FORM 7 Initial Notice to Judgment Debtor of Garnishment (Earnings) – 1 copy
- FORM 8 Request for Hearing on Garnishment (Earnings) (ARS § 12-1598.16(C)) – 1 copy
- FORM 9 Notice of Hearing on Garnishment (Earnings) – 1 copy

Make sure to retain copies of all documents filed and/or served on the other parties for yourself.

[] STEP 5: File with the Court a certification of service on the judgment debtor

A written statement must be filed with the Court Clerk describing how and when the documents listed in Step 4 were delivered or served on the judgment debtor. If a private process server, constable, or deputy sheriff served these documents, that person must file a certification on your behalf. If you delivered these documents by mail or personally delivered them to the judgment debtor, you are responsible for filing the certificate. Use FORM 21, Certificate of Service, for this purpose.

[] STEP 6: Wait for garnishee to file an Answer

The garnishee is to complete a Garnishee's Answer (FORM 6) and file it with the Court Clerk within 10 business days, beginning with the first business day after service on the garnishee. Do not take any further steps until this time period has passed or until you receive a copy of the Garnishee's Answer, whichever occurs first. If the time period has expired and you still have not received a copy of the Answer from the garnishee, contact the Court to see if an Answer has been filed.

[] STEP 7: What to do if the garnishee does not file an Answer

If the garnishee does not file a Garnishee's Answer within the 10-day response time, then complete and file a Petition and Order to Show Cause Regarding Garnishee's Default (FORMS 17 & 18). The Court will then order the garnishee to appear for a hearing and explain why no Answer was filed. The Petition and Order to

Show Cause must be served on the garnishee in the same manner as in STEP 3. At the hearing, the Judge may order the garnishee to pay the judgment creditor any portion of the total amount owed by the judgment debtor.

[] STEP 8: If the garnishee files an Answer

The information provided in the Garnishee's Answer will determine whether your case can proceed to a garnishment of the judgment debtor's earnings.

- (A) The garnishee is entitled to be released, if the Garnishee's Answer states that the garnishee:
- Did not employ the judgment debtor at the time the writ was served
 - Would not owe earnings to the judgment debtor within 60 days after service of the writ on the garnishee
 - Was unable to determine the identity of the judgment debtor after making a good faith effort to do so

If you object to the Answer, file a Request for Hearing (*see* FORM 16) to have your objection resolved by the Court. If the garnishee is entitled to be released, the Court may order you to pay for the garnishee's reasonable expenses related to responding to the Writ of Garnishment. Go to STEP 13 for information on releasing the garnishee.

- (B) If the Garnishee's Answer indicates that the garnishee does employ the judgment debtor or will owe the judgment debtor earnings within the next 60 days, you must wait an additional period of time, as specified below, to give the judgment debtor an opportunity to file an objection to the Garnishee's Answer.
- If the Garnishee's Answer was personally delivered to the judgment debtor, the judgment debtor has 10 business days to object.
 - If the Garnishee's Answer was delivered by mail, the judgment debtor has 15 days to object. The Garnishee's Answer should show the method of delivery.

[] STEP 9: Objections

CAUTION: Your Writ of Garnishment will expire 45 days after the Garnishee's Answer is filed, if no objections are filed. If you fail to obtain a signed Order of Continuing Lien before the 45 days runs out, the garnishee will be released and you will have to start the garnishment process over again. You must also deliver a copy of the signed Order of Continuing Lien to the garnishee.

- (A) If no one objects to the Garnishee's Answer, and the appropriate amount of time has passed, promptly file your Application for Order of Continuing Lien (FORM 3) and submit an unsigned Order of Continuing Lien (Garnishment) (FORM 4). You must also deliver a copy of each document to the garnishee and the judgment debtor.
- (B) If an objection is filed, the Court will hold a hearing on the objection within 10 business days after the objection is filed. You must attend the hearing. If the garnishment is not quashed (dismissed) and the Court does not enter an Order of Continuing Lien on your behalf, promptly complete and file your Application for an Order of Continuing Lien and submit an Order of Continuing Lien form (FORMS 3 & 4), before the 45 days expire. Deliver a copy of each document to the garnishee and the judgment debtor.

[] STEP 10: Report money received

It is the obligation of the judgment creditor to take reasonable action to assure that the garnishee does not withhold more non-exempt earnings of the judgment debtor than are necessary to satisfy the underlying judgment. To fulfill this responsibility, you must report to the garnishee and judgment debtor on what you have received and how much of the judgment remains to be paid. Report this information to the garnishee and the judgment debtor on the Creditor's Garnishment Report (Earnings) (FORM 15). You should also keep a copy for your own files. **Do not file this report with the Court.** As long as the Order of Continuing Lien is in effect, you must complete and deliver a new Creditor's Garnishment Report (Earnings) at each of the following intervals:

- (A) As long as the balance due is greater than \$500, within 21 days after the end of each calendar quarter, in other words –
- For the quarter ending March 31, no later than April 21
 - For the quarter ending June 30, no later than July 21
 - For the quarter ending September 30, no later than October 21
 - For the quarter ending December 30, no later than January 21
- (B) As long as the balance due is less than \$500, before the 10th day of each month.
- (C) The first time the balance due is less than double the sum received in the last two pay periods. To know when you have reached this point, each time you receive a Non-Exempt Earnings Statement --
- Add the amount of money you received with that particular statement (this figure may be \$0) with the amount of money you received with the prior statement.
 - Multiply this sum by 2 and compare the total with the balance due.
 - If the total is more than the balance due, you must provide written notice to the garnishee and the judgment debtor. You may use the Creditor's Garnishment Report (Earnings) (FORM 15) for this purpose.

Failure to comply with your reporting obligations may result in the Court issuing an order for monetary penalties against you.

[] STEP 11: Release the garnishee

Once you have been paid in full, it is your responsibility to file the Petition and Order Discharging Garnishee (FORMS 19 & 20) with the Court Clerk. You must deliver a copy of these completed forms to the garnishee, the judgment debtor and any creditors who have asked you to notify them. You also need to file this form if you learn that the judgment debtor is no longer working for the garnishee or if the Garnishee's Answer states that no earnings are owed to the judgment debtor and you did not file an objection (see STEP 8).

[] STEP 12: File a satisfaction of judgment

Once the judgment has been paid in full, you are responsible for filing a Satisfaction of Judgment (FORM 22). You must deliver a copy to the garnishee, the judgment debtor and any creditors who have asked you to notify them.

WHAT COULD AFFECT YOUR REQUEST FOR A WAGE GARNISHMENT

Grounds for termination or expiration of the Order of Continuing Lien

As long as the Order of Continuing Lien is in effect, the garnishee should continue to withhold the ordered amount of the judgment debtor's wages and send it to you. However, any of the following events can cause this Order to terminate, at which point so will the garnishee's payments to you.

- The Court quashes (stops) the garnishment
- The debtor leaves the garnishee's employ for more than 60 days
- The debtor does not earn enough money to permit withholding by the employer for at least 60 days
- The underlying judgment is paid in full, is vacated or expires
- The garnishment proceedings are stayed by a court such as the U.S. Bankruptcy Court

If the judgment debtor is a public employee

If your judgment debtor is employed by the state, a county, a city or town or some other political subdivision of the state, including a state university, then special rules contained in ARS §§ 12-1601 through -1604 apply to your case. Special rules and procedures may be required to garnish wages of federal employees. For information relating to military personnel and the Service Members' Civil Relief Act (formerly known as the Soldiers' and Sailors' Civil Relief Act), consult an attorney.

The judgment debtor may object to wage garnishment

The judgment debtor may object to statements in the Application for Writ of Garnishment, the Garnishee's Answer, or any Garnishee's Non-Exempt Earnings Statement. The judgment debtor may argue that the underlying judgment has been paid in full, or the judgment debtor might object to statements made in the Garnishee's Answer or Non-Exempt Earnings Statement about the amount of wages being paid. Other common objections are lack of notice, extreme financial hardship, lack of jurisdiction, lack of responsibility for the debt or garnishment of exempt earnings.

- If judgment debtor has requested a hearing on the Garnishment (Earnings) on the claim of financial hardship AND if Judgment Creditor has no objection to a reduction in the percentage of non-exempt disposable earning garnished, file a Consent Regarding Judgment Debtor's Hardship to Reduce Garnishment of Non-Exempt Earnings (suggested form is available online at: <https://www.azcourts.gov/selfservicecenter/Garnishment/Forms>) and a revised proposed form of Order of Continuing Lien (Form 4) at the agreed upon rate and the Court may vacate the hearing. Judgment Creditor must contact the court to verify whether the hearing was vacated.
- If consent for reduction was not filed and the judgment debtor proves to the Court that the proposed garnishment of wages will cause the judgment debtor or the judgment debtor's family to suffer extreme financial hardship, the Court has authority to reduce the amount of wages being withheld from the judgment debtor by the garnishee as permitted by law (see ARS § 12-1598.10(F) for more information).

You may object

You may file an objection with the Court disputing statements in the Garnishee's Answer (see STEP 8), a Non-Exempt Earnings Statement or other document filed in this case, or if the garnishee fails to turn over earnings to you. As a general rule, you must file your objection within 10 business days after you receive the document to which you are objecting. Use FORM 16 for this purpose. The Court should hold a hearing on any objection and request for hearing within 10 business days after the objection is filed.

- These forms are guides only and are not intended to be legal advice.**
- These forms are not tailored for every fact situation.**
- While not mandatory, parties should have all documents reviewed by an attorney who specializes in post - judgment proceedings.**

(1) JUSTICE COURT _____, COUNTY OF _____
(2) MUNICIPAL COURT _____, COUNTY OF _____
(3) ARIZONA SUPERIOR COURT, COUNTY OF _____

(4) Petitioner/Plaintiff
 Judgment Creditor
 Judgment Debtor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(7) Case Number: _____

**ORDER OF CONTINUING LIEN
(EARNINGS GARNISHMENT)
(ARS § 12-1598.10)**

(5) Respondent/Defendant
 Judgment Debtor
 Judgment Creditor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(6) Garnishee

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____
Attorney: _____

The Application for Order of Continuing Lien is approved. The garnishment shall be a continuing lien against the judgment debtor's non-exempt earnings. All non-exempt earnings shall be withheld by the garnishee and must be transferred to the **judgment creditor**. All non-exempt earnings that have been withheld pursuant to the Writ must be transferred to the judgment creditor.

(*Hardship exception only*) The judgment debtor is subject to the "maximum disposable earnings" provision of ARS § 33-1131, and there is clear and convincing evidence that the judgment debtor or the debtor's family would suffer extreme economic hardship as a result of the garnishment. The amount of non-exempt earnings to be withheld and transferred to the creditor is reduced to _____%.

The judgment debtor shall pay to the garnishee through the garnishment process:

\$ _____ for attorney fees incurred in answering the Writ of Garnishment.

The judgment debtor shall pay to the judgment creditor through the garnishment process:

\$ _____ for the cost of service, and

\$ _____ for the cost of issuance of the Writ.

Date

Judicial Officer

(1) Person Filing: _____

Mailing Address: _____

City, State, Zip Code: _____

Email Address: _____

Telephone Number(s): _____

Representing: Self Attorney Other

State Bar No. (if applicable): _____

(2) JUSTICE COURT _____, COUNTY OF _____

(3) MUNICIPAL COURT _____, COUNTY OF _____

(4) ARIZONA SUPERIOR COURT, COUNTY OF _____

(5) Petitioner/Plaintiff

Judgment Creditor

Judgment Debtor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(8) Case Number: _____

**REQUEST FOR HEARING ON
GARNISHMENT (EARNINGS)
(ARS § 12-1598.16(C))**

(6) Respondent/Defendant

Judgment Debtor

Judgment Creditor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(7) Garnishee:

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

Attorney: _____

ATTENTION: DEFENDANT A/K/A JUDGMENT DEBTOR: YOU WILL NOT BE ABLE TO CHALLENGE THE FACTUAL BASIS FOR THE JUDGMENT AT THE GARNISHMENT HEARING. For example, if you believe that the evidence was insufficient, or if you believe that the service was not done correctly, then you should file an appropriate motion with the Court that entered the judgment. (ARCP Rule 60 and JCRP Rule 141)

I am the judgment debtor (Defendant) or I represent the judgment debtor in this action. I want a hearing on the garnishment of earnings from this garnishee because:

(9) Check all that apply.

The amount being withheld from my pay is causing an extreme financial hardship for me or my family.

Attention Judgment Creditor: If Judgment Debtor has requested a hearing on the Garnishment (Earnings) on the claim of financial hardship AND if Judgment Creditor has no objection to reducing the percentage of non-exempt disposable earnings garnished to _____%, please provide a revised proposed form of Order of Continuing Lien and the Court may vacate the hearing. Judgment Creditor must contact the court to verify whether the hearing was vacated.

The judgment creditor does not have a valid judgment against me because (A) _____

The judgment has been paid in full.

On my normal payday, I received no earnings (paycheck).

I did not get a copy of the non-exempt earnings statement with my paycheck.

My employer did not deliver to me, within 15 days of when my employer was served with the Writ of Garnishment, one or more of the following documents:

Notice to Judgment Debtor

Garnishee's Answer

Request for Hearing

My debt to this judgment creditor is subject to a qualified debt scheduling agreement with:
(If you checked this box, enter the name of the debt counseling organization that set up your debt scheduling agreement.)

(B) _____

I provided a copy of this request to:

- (10) Judgment creditor By mail Hand delivery Date: _____
- (11) Garnishee By mail Hand delivery Date: _____
- (12) Judge/Commissioner By mail Hand delivery Date: _____

The Court can call me at (13) _____ (phone) between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

(14) _____
Date

Judgment Debtor or Authorized Agent

WARNING TO JUDGMENT DEBTOR: To request a hearing, this document, or one similar, must be received by the Court within 10 business days after you receive Garnishee's Answer, unless you show good reason for the delay.

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Email Address: _____
Telephone Numbers(s): _____
Representing: [] Self [] Attorney [] Other
State Bar No. (if applicable): _____

(2) [] JUSTICE COURT _____, COUNTY OF _____
(3) [] MUNICIPAL COURT _____, COUNTY OF _____
(4) [] ARIZONA SUPERIOR COURT, COUNTY OF _____

(5) Petitioner/Plaintiff
[] Judgment Creditor
[] Judgment Debtor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(8) Case Number: _____

**REQUEST FOR HEARING ON
GARNISHMENT
(EARNINGS)
(ARS § 12-1598.16(F))**

(6) Respondent/Defendant
[] Judgment Debtor
[] Judgment Creditor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(7) Garnishee:

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____
Attorney: _____

ATTENTION: DEFENDANT A/K/A JUDGMENT DEBTOR: YOU WILL NOT BE ABLE TO CHALLENGE THE FACTUAL BASIS FOR THE JUDGMENT AT THE GARNISHMENT HEARING. For example, if you believe that the evidence was insufficient, or if you believe that the service was not done correctly, then you should file an appropriate motion with the Court that entered the judgment. (ARCP Rule 60 and JCRP Rule 141)

I am the judgment debtor (Defendant), or I represent the judgment debtor in this action. I want a hearing on this garnishment because:

(9) (Check all that apply.)

- The amount being withheld from my pay is causing an extreme financial hardship for me or my family.

Attention Judgment Creditor: If Judgment Debtor has requested a hearing on the Garnishment (Earnings) on the claim of financial hardship AND if Judgment Creditor has no objection to reducing the percentage of non-exempt disposable earnings garnished to _____%, please provide a revised proposed form of Order of Continuing Lien and the Court may vacate the hearing. Judgment Creditor must contact the court to verify whether the hearing was vacated.

- The amount claimed in the Writ of Garnishment is incorrect.

- The judgment creditor does not have a valid judgment against me because this garnishment has been filed against the wrong person or because:

(A)

- The judgment has been paid in full.

- On my normal payday, I received no earnings (paycheck).

- I did not get a copy of the non-exempt earnings statement with my paycheck.

- My employer did not deliver to me, within 15 days of when my employer was served with the Writ of Garnishment, one or more of the following documents:

- Notice to Judgment Debtor
- Garnishee's Answer
- Request for Hearing

(8) Case Number: _____

[] My debt to this judgment creditor (Plaintiff) is subject to a qualified debt scheduling agreement:
(If you checked this box, enter the name of the debt counseling organization that set up your debt scheduling agreement.)

(B) _____

[] Other: (C) _____

I provided a copy of this request to:

(10) Judgment creditor [] By mail [] Hand delivery Date: _____

(11) Garnishee [] By mail [] Hand delivery Date: _____

(12) Judicial officer [] By mail [] Hand delivery Date: _____

The Court can call me at (13) _____ (phone)
between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

(14) _____
Date

Judgment Debtor or Authorized Agent

WARNING TO JUDGMENT DEBTOR: To request a hearing, this document, or one similar, must be received by the Court within 10 business days after you receive Garnishee's Answer, unless you show good reason for the delay.

- (1) JUSTICE COURT _____, COUNTY OF _____
(2) MUNICIPAL COURT _____, COUNTY OF _____
(3) ARIZONA SUPERIOR COURT, COUNTY OF _____

(4) Petitioner/Plaintiff

Judgment Creditor

Judgment Debtor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(7) Case Number: _____

**GARNISHEE'S NON-EXEMPT
EARNINGS STATEMENT
(NOT FOR SUPPORT OF A PERSON)
(ARS §§ 12-1598.11 & 12-1598.16(J))**

(5) Respondent/Defendant

Judgment Debtor

Judgment Creditor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(6) Garnishee:

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

Attorney: _____

1. This Non-Exempt Earnings Statement covers the following pay period:

(8) _____ to _____.

2. Do you currently employ the judgment debtor? **(9)** Yes No
3. If no, what was the last date on which the judgment debtor worked for you?
(10) _____.
4. Is the judgment debtor owed any earnings for this pay period? **(11)** Yes No

WITHHOLDING WORKSHEET

Judgment debtor's gross earnings (pre-tax) for this pay period **(12)** \$ _____

Judgment debtor's disposable earnings (gross minus deductions required by law) **(13)** \$ _____

____% of line **(13)** (percentage ordered to be withheld) **(14)** \$ _____

Judgment debtor's pay period: **(15)** (Check one.)

- Weekly (factor* = 30 **or** 60)
- Biweekly (factor* = 60 **or** 120)
- Semimonthly (factor* = 65 **or** 130)
- Monthly (factor* = 130 **or** 260)

*The applicable factor is dependent upon whether the pertinent changes made by Prop 209 apply to this garnishment.

Current federal, state, or local minimum wage. List whichever is highest: **(16)** \$ _____/ hour.

Line **(16)** multiplied by factor selected in **(15)** **(17)** \$ _____

Line **(13)** minus line **(17)** **(18)** \$ _____

Amount from line **(14)** or line **(18)**, whichever is smaller **(19)** \$ _____

Amount withheld for other court-ordered assignment for support of a person or other garnishment or levy for collection of taxes **(20)** \$ _____

Line **(19)** minus line **(20)**, this is the amount withheld **(21)** \$ _____

Line **(21)** minus employer's \$5.00 processing fee **(22)** \$ _____

The amount shown on line (21) is the amount you should withhold for this pay period.

The amount shown on line (22) is the amount you deliver to the judgment creditor.

I provided a copy of this request to:

(23) Judgment debtor By mail Hand delivery Date: _____

(24) Judgment creditor By mail Hand delivery Date: _____

(25) _____
Date

Garnishee or Authorized Agent

INSTRUCTIONS
FORM 12
GARNISHEE'S NON-EXEMPT EARNINGS STATEMENT
(NOT FOR SUPPORT OF A PERSON)
(ARS §§ 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 Non-Exempt 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, email address and 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, email address, and 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, email 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 Non-Exempt 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 Non-Exempt 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 Non-Exempt Earnings Statement.
- (14) Multiply the amount in line (13) by the percentage in the Order of Continuing Lien. Type or print the result here.
- (15) Check the box that identifies judgment debtor’s pay period. Check the box that identifies which factor is to be applied. See ARS § 33-1131(B). If the pertinent changes made by Prop 209 DO NOT apply to this garnishment, select the lower factor for the selected pay period. If the pertinent changes made by Prop 209 DO apply to this garnishment, select the higher factor for the selected pay period.
- (16) Type or print the highest current amount of the federal, state, or local 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 factor is 60, then multiply the applicable minimum wage by 60 to get your result.
- (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 Non-Exempt 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 Non-Exempt 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 Non-Exempt Earnings Statement.
- (25) Date and sign this Non-Exempt Earnings Statement where indicated.

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

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

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Email Address: _____
Telephone Number(s): _____
Representing: [] Self [] Attorney [] Other
State Bar No. (if applicable): _____

(2) [] JUSTICE COURT _____, COUNTY OF _____
(3) [] MUNICIPAL COURT _____, COUNTY OF _____
(4) [] ARIZONA SUPERIOR COURT, COUNTY OF _____

(5) Petitioner/Plaintiff
[] Judgment Creditor
[] Judgment Debtor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(8) Case Number: _____

**CONSENT REGARDING JUDGMENT
DEBTOR'S HARDSHIP TO REDUCE
GARNISHMENT OF NON-EXEMPT
EARNINGS**

(6) Respondent/Defendant
[] Judgment Debtor
[] Judgment Creditor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(7) Garnishee:

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____
Attorney: _____

1. I am the Judgment Creditor or authorized representative.
2. The Judgment Debtor has requested a hearing claiming the garnishment of _____% of the non-exempt earnings has created a hardship.
3. As the Judgment Debtor has claimed a hardship, and the Court has the discretion to reduce the garnishment of the non-exempt earnings to _____%, the Judgment Creditor consents to the reduction of the garnishment to _____% of the non-exempt earnings.
4. Since the Judgment Creditor has consented to the reduction, the hearing on the garnishment is unnecessary and the Court may vacate the hearing.
5. The Judgment Creditor with this Notice of Consent has attached an Order of Continuing Lien reflecting the reduction to _____% of the non-exempt earnings. This Order of Continuing Lien will be effective 10 days after its signing.

I provided a copy of this request to:

(9) Judgment debtor By mail Hand delivery Date: _____
(10) Garnishee By mail Hand delivery Date: _____

(11) _____
Date

Signature

PROCESS CHECKLIST FOR THE JUDGMENT CREDITOR IN A GARNISHMENT OF NON-EARNINGS

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 judgment creditor.

INTRODUCTION

This packet is intended for a judgment creditor who wishes to pursue a garnishment of “non-earnings.” A non-earnings garnishment targets personal property belonging to a judgment debtor but held by a third party, or money other than other than “earnings” that is owed to the debtor by a third party (some examples of “earnings” are wages, salary, commission, bonus, pension or retirement payments). Some examples of non-earnings include money in a bank account, the contents of a safe deposit box, a rent payment owed but not yet paid, or an account receivable.

Property that is not earnings may be subject to garnishment, however, not all property is subject to garnishment, and certain non-earnings property is protected (see ARS Title 33, Chapter 8). For example, Arizona law provides that a judgment creditor who garnishes a bank account may only take the money that is in the account on the day the Writ of Garnishment is served on the bank. If additional funds are later deposited in the account, a new garnishment must be filed to collect them. In addition, Arizona law exempts a certain amount held in a single bank account from garnishment, with that exemption being doubled if the account holders are married. If persons other than the judgment debtor(s) are on the account, a hearing may be held to determine each person’s share in the account (ARS §§ 12-1595 and 33-1126(A)(9)).

[] STEP 1: Review the forms and instructions in the packet

To garnish a bank account or other form of property other than wages, you will be working with the following forms in the packet (the number of each form appears in the bottom left corner of each page): FORMS 1 through 16.

[] STEP 2: Apply to the court for a writ of garnishment and serve the required forms on the garnishee

To begin your garnishment action, complete and file an Application for Writ of Garnishment (FORM 1). There is a fee for filing this form. If you cannot pay the fee, it may be deferred if you qualify. The Clerk has a form you can complete to request deferral.

Fill out and file with the Court the Application for Writ of Garnishment (Non-Earnings) (FORM 1), and the Writ of Garnishment and Summons (Non-Earnings) (FORM 2). If you are filing your application in a Superior Court, the Clerk of the Court will sign the writ and summons. If you are filing your application in a Municipal or Justice of the Peace Court, the Judge or Justice of the Peace or Clerk will sign the Writ and Summons form you have filed. After the Judge or Clerk has signed FORM 2 and it has been returned to you, you must serve the documents listed below on the garnishee. The number of copies to be served is indicated for each form. You must fill out the caption – and only the caption – on FORMS 4, 7, 8, and 9 before serving them on the garnishee.

[] Writ of Garnishment and Summons (Non-Earnings) (FORM 2) – 2 copies

[] Instructions to Garnishee (Non-Earnings) (FORM 3) – 1 copy

- Garnishee's Answer (Non-Earnings) (FORM 4) – 4 copies
- Notice to Judgment Debtor of Garnishment (Non-Earnings) (FORM 7) – 2 copies
- Request for Hearing (FORM 8) – 2 copies
- Notice of Hearing on Garnishment (Non-Earnings) (FORM 9) – 2 copies
- The judgment awarding you money against the judgment debtor – 1 copy

These documents can be served by certified mail, return receipt requested, 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. You may be able to recover the amount of money you pay to serve these forms at the end of the proceeding.

If you cannot afford to pay the service fee, you may qualify for deferral of the payment. Private process servers do not accept deferrals. The Clerk has a form you can complete to request deferral of service fees.

For specific information on how to serve these documents on a financial institution, refer to ARS § 12-1577. Arizona statutes may be read online at: <https://www.azleg.gov/ars/12/01577.htm>, and at your local law library.

STEP 3: Wait for garnishee's Answer

By law, the garnishee is to complete and file a Garnishee's Answer with the Court within 10 business days, beginning with the first business day after service on the garnishee. Do not take any further steps in this process until this time period has been completed or until you receive a copy of the Garnishee's Answer, if that occurs sooner. If the time period has expired and you still have not received a copy of the Answer from the garnishee, contact the Court to see if an Answer has been filed.

STEP 4A [IF APPLICABLE]: If the garnishee does not file an Answer

Complete and file a Petition for Order to Show Cause Regarding Garnishee's Default and Order to Show Cause (FORMS 10 and 11). This is a request to the Court to order the garnishee to appear and answer. The Court may then order the garnishee to appear for a hearing and explain why no Answer was filed. If a hearing date is set, you must serve the Petition and the signed Order to Show Cause on the garnishee using service by process server, constable, or deputy sheriff. You must also deliver a copy of the Petition and signed Order to Show Cause to the judgment debtor by mail or hand delivery. At the hearing, the Judge may order the garnishee to pay the judgment creditor up to the total amount owed by the judgment debtor.

STEP 4B [IF APPLICABLE]: If the garnishee claims to hold no property of the judgment debtor

The garnishee who holds no property of the judgment debtor can ask the Court to make the judgment creditor pay for the garnishee's reasonable expenses related to responding to a Writ of Garnishment. For this reason, before beginning a garnishment, the judgment creditor should take precautions to ensure the person or organization named as the garnishee does in fact possess property of the judgment debtor.

STEP 4C [IF APPLICABLE]: If the garnishee claims to hold property of the judgment debtor

Wait 10 more business days to see whether the debtor files a Request for Hearing on Garnishment (FORM 8). If the judgment debtor does not request a hearing within 10 business days of the filing of the Garnishee's Answer, complete and file an Application for Garnishment Judgment (Non-Earnings) (FORM 5). Also file a Garnishment Judgment (Non-Earnings) (FORM 6) for the Judge to sign.

Mail or personally deliver copies of these forms to the garnishee and to the judgment debtor before you file them with the Court. Once the Judge signs the Garnishment Judgment (Non-Earnings) (FORM 6), the Court will send a copy of the signed version of this form to all parties.

If the garnishee does not receive a copy of the signed Garnishment Judgment within 90 days of filing an Answer, you will have to begin again from the beginning, except under limited circumstances, see ARS § 12-1587. The writ expires 90 days after the Answer is filed with the Court in a non-earnings garnishment. Check with the Court periodically if you do not receive a signed Garnishment Judgment within 3-6 weeks after filing your Application for Garnishment Judgment (FORM 5).

[] STEP 5A [IF APPLICABLE]: If a request for hearing is filed to object to the garnishment

If the judgment debtor objects to the garnishment and files a Request for Hearing (Non-Earnings) (Form 8), the Court should set a hearing date within 5 days after the request is filed. The Judge may not sign the Garnishment Judgment (FORM 6) until the hearing has been held. Some of the more common objections include: lack of notice, lack of jurisdiction, invalid or satisfied judgment, exempt money is being garnished (exempt amount in bank account, welfare, worker's compensation, child support or other potentially exempt monies), or exempt property is being garnished. There may be other reasons as well. Additional information concerning exemptions can be found at ARS §§ 33-1101–1130. It is important for the judgment creditor to attend this hearing.

[] STEP 5B [IF APPLICABLE]: WHAT TO DO IF YOU DO NOT AGREE WITH CLAIMS MADE IN THE GARNISHEE'S ANSWER OR DO NOT RECEIVE ANY NON-EARNINGS PROPERTY FROM THE GARNISHEE

A judgment creditor who does not agree with the Garnishee's Answer or does not receive any property from the garnishee to which the judgment creditor is entitled can file a Request for Hearing (FORM 14) and the Court will hold a hearing on the request.

If you desire to release the garnishee and/or judgment debtor from the garnishment:

1. The Petition and Order Discharging Garnishee (FORMS 12 & 13) can be used to release the garnishee who turns over property in response to the Writ of Garnishment or in other appropriate circumstances. Once it is filed, mail a copy to the garnishee, the judgment debtor and any other creditor who has asked to be notified. This can be done even if the garnishee's payment does not completely satisfy the judgment debtor's debt.
2. A Satisfaction of Judgment (FORM 16) can be filed with the Court to establish that the judgment has been fully paid off or otherwise satisfied. Mail a copy to the judgment debtor.

Frequently Asked Questions

1. Can I get back money I paid the constable or process server for service on the garnishee?

Yes. There is a place on the Application for Garnishment Judgment to record this amount. The fee is paid to the constable or process server. This cost is added to the total amount included in the garnishment. As judgment creditor, you are responsible for arranging for service of process.

2. If the garnishee has money or property belonging to judgment debtor, will I collect all the money owed to me?

Maybe. There are certain kinds of money or property that may be exempt from collection. Additional information concerning exemptions can be found at ARS §§ 33-1101–1130.

3. What are “earnings?”

The term “earnings” means compensation owed to an individual for personal services or work performed by that individual for another. This compensation may be called wages, salary, commissions, bonuses, or something similar. “Earnings” include periodic payments made pursuant to a pension or retirement program. “Earnings” become monies upon their payment by the employer to the employee, except payment into a pension or retirement fund. Money in a pension or retirement fund is no longer classified as “earnings” once it is disbursed to the employee.

- ✓ These forms are guides only and are not intended to be legal advice.
- ✓ These forms are not tailored for every fact situation.
- ✓ While not mandatory, parties should have all documents reviewed by an attorney who specializes in post - judgment proceedings.

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Email Address: _____
Telephone Number(s): _____
Representing: [] Self [] Attorney [] Other
State Bar No. (if applicable): _____

(2) [] JUSTICE COURT _____, COUNTY OF _____
(3) [] MUNICIPAL COURT _____, COUNTY OF _____
(4) [] ARIZONA SUPERIOR COURT, COUNTY OF _____

(5) Petitioner/Plaintiff
[] Judgment Creditor
[] Judgment Debtor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(8) Case Number: _____

**NOTICE TO JUDGMENT
DEBTOR OF GARNISHMENT
(NON-EARNINGS)**

(6) Respondent/Defendant
[] Judgment Debtor
[] Judgment Creditor

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(7) Garnishee

Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____
Attorney: _____

El tribunal ha expedido una orden que obliga a la persona o entidad contra la cual se decretó un embargo que le entregue el dinero o bien que le debe a usted al acreedor por adeudo debido a la sentencia que este último tiene en contra de usted. En algunas circunstancias, la ley no permite quitarle a usted su dinero o sus bienes, lo cual se explica en la notificación. Se puede conseguir una traducción al español de dicha notificación del tribunal.

NOTICE TO JUDGMENT DEBTOR OR DEFENDANT

You are hereby notified that this Court has issued an order in the above case in favor of the judgment creditor in this proceeding, directing that some of your money, property or corporate shares or interest be used to satisfy some of your debt to the judgment creditor. The order was issued to enforce the judgment creditor's judgment, support order or provisional remedy order against you that was obtained:

(9) Name of Court: _____
(10) Date of Judgment or Order _____

A copy of the judgment or order is attached.

The law provides that monies from certain benefits or in certain amounts are free from the claims of creditors even if deposited in a bank, savings and loan association or credit union. Some examples of exempt monies appear later in this notice. The law also provides that certain personal property is exempt from the claims of creditors. Some examples of exempt property appear later in this notice.

The creditor named above says you haven't paid what you owe on the attached judgment or order. At the creditor's request, this Court issued a Writ of Garnishment (attached) to the garnishee named above. The writ says that some of your money or property now held by the garnishee will be withheld and may be turned over to the creditor to satisfy your debt.

Within ten days after being served with the Writ of Garnishment the garnishee who is holding your money or personal property is required to mail or deliver to you his answer stating what money or personal property he is withholding from you for the judgment creditor pursuant to the Writ.

You may object to the garnishment or file a claim of exemption by requesting a hearing with this Court, if you believe any of the following is true:

1. The judgment creditor does not have a valid provisional remedy order or support order or judgment against you or that the debt or judgment has been paid in full.

2. Some or all of the monies that are being withheld by the garnishee may be exempt monies. The following are examples that *may* be exempt monies:
- (a) The statutorily exempt amount in a bank, savings and loan association or credit union account. (amount doubled for married account holders.)
 - (b) Temporary assistance for needy families.
 - (c) Supplemental security income (SSI).
 - (d) Social security benefits (SSA).
 - (e) United States department of veterans affairs benefits. (VA).
 - (f) Certain pension benefits and retirement funds.
 - (g) Workers' compensation benefits.
 - (h) Some insurance proceeds.

Other state and federal exemptions may apply. Certain exemptions may not apply to support orders or to the collection of taxes. An attorney can assist you in determining what monies are exempt.

Some or all of the personal property being withheld by the garnishee may be exempt property. Examples of exempt personal property are:

- (a) Household goods, furniture, and appliances.
- (b) The statutorily exempt equity value for each owner of a car or truck.
- (c) Wearing apparel, musical instruments, televisions or stereos and other personal items.
- (d) Tools and equipment used in a commercial activity, trade, business, or profession.

These exemptions are limited in statute by description and dollar value. An attorney can assist you in determining what personal property is exempt. A comprehensive listing of exemptions is available from the website for the U.S. Bankruptcy Court for the District of Arizona:

http://www.azb.uscourts.gov/Documents/arizona_exemptions.pdf

3. More than fifteen days have passed since the garnishee was served with the Writ and you have not yet received the Garnishee's Answer.
4. You otherwise disagree with the Answer of the garnishee. To request a hearing, deliver the request for hearing form enclosed, or a substantially similar form to the Court Clerk's office. At the same time, you must mail or deliver a copy (photocopy or handwritten copy) of the request for hearing to the judgment creditor and the garnishee at the address stated in the Writ. If you do not deliver the request for hearing form to this Court within ten days after the date you receive the Answer of

garnishee, your request for hearing will be denied, unless a good reason for the delay, acceptable to the Court, is shown.

If you request a hearing it will be held no later than five days, not including weekends and holidays, after your request is received by the Court. If appropriate, you may request a hearing before the garnishee files his Answer.

The Court will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney.

WARNING: If you want a hearing, the Court must receive the hearing request form within ten (10) days after you get Garnishee's Answer. If you don't get the request in on time, you won't get a hearing unless there is a very good reason why you're late.

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Email Address: _____
Telephone Number(s): _____
Representing: [] Self [] Attorney [] Other
State Bar No. (if applicable): _____

(2) [] JUSTICE COURT _____, COUNTY OF _____
(3) [] MUNICIPAL COURT _____, COUNTY OF _____
(4) [] ARIZONA SUPERIOR COURT, COUNTY OF _____

(5) Petitioner/Plaintiff
[] Judgment Creditor
[] Judgment Debtor
Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(8) Case Number: _____

**REQUEST FOR HEARING
ON GARNISHMENT
(NON-EARNINGS)**

(6) Respondent/Defendant
[] Judgment Debtor
[] Judgment Creditor
Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____

(7) Garnishee
Name: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____
Phone(s): _____
Attorney: _____

El tribunal ha expedido una orden que obliga a la persona o entidad contra la cual se decretó un embargo que le entregue el dinero o bien que le debe a usted al acreedor por adeudo debido a la sentencia que este último tiene en contra de usted. En algunas circunstancias, la ley no permite quitarle a usted su dinero o sus bienes, lo cual se explica en la notificación. Se puede conseguir una traducción al español de dicha notificación del tribunal.

ATTENTION: DEFENDANT A/K/A JUDGMENT DEBTOR: YOU WILL NOT BE ABLE TO CHALLENGE THE FACTUAL BASIS FOR THE JUDGMENT AT THE GARNISHMENT HEARING. For example, if you believe that the evidence was insufficient, or if you believe that the service was not done correctly, then you should file an appropriate motion with the Court that entered the judgment. (ARCP Rule 60 and JCRP Rule 141)

I am the judgment debtor, or I represent the judgment debtor in this action. I want a hearing on this garnishment because:

(9) (Check all that apply.)

Creditor doesn't have a valid judgment against me because **(A)**

The judgment has been paid.

Exempt money is being garnished:

Statutorily exempt amount in a bank, savings and loan or credit union.

Temporary assistance for needy families, social security, supplemental security income or United States department of veterans affairs benefits.

Other pension or retirement benefits.

Workers' compensation or other insurance benefits.

(B) Other: _____

Exempt personal property is being garnished:

Household goods, furnishings or appliances.

Statutorily exempt motor vehicle equity.

Personal items.

Tools and equipment of a trade.

(C) Other: _____

Garnishee's Answer is not correct because **(D)**

No answer was received within 15 days.

(E) Other: _____

I provided a copy of this request to:

- | | | | |
|-------------------------------|----------------------------------|--|-------------|
| (10) Judgment creditor | <input type="checkbox"/> By mail | <input type="checkbox"/> Hand delivery | Date: _____ |
| (11) Garnishee | <input type="checkbox"/> By mail | <input type="checkbox"/> Hand delivery | Date: _____ |
| (12) Judicial Officer | <input type="checkbox"/> By mail | <input type="checkbox"/> Hand delivery | Date: _____ |

The Court can call me at **(13)** _____
(phone) between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

(14) _____
Date Judgment Debtor or Authorized Agent

WARNING: To request a hearing, this document, or one similar, must be received by the Court within 10 business days after your receipt of the Garnishee's Answer unless good reason for the delay is shown.

- (1) JUSTICE COURT _____, COUNTY OF _____
 (2) MUNICIPAL COURT _____, COUNTY OF _____
 (3) ARIZONA SUPERIOR COURT, COUNTY OF _____

(4) Petitioner/Plaintiff

Judgment Creditor

Judgment Debtor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(7) Case Number: _____

**WRIT OF GARNISHMENT AND
 SUMMONS (EARNINGS)
 (ARS § 12-1598.04)**

(5) Respondent/Defendant

Judgment Debtor

Judgment Creditor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(6) Garnishee

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

TO THE SHERIFF, CONSTABLE OR OTHER AUTHORIZED PROCESS SERVER IN

(8) _____ COUNTY: You are commanded to summon garnishee named above, who is believed to be in your county, to answer the following claims:

STATEMENTS OF THE JUDGMENT CREDITOR

1. Judgment creditor was awarded a judgment or order against **(9)** _____, judgment debtor.
2. The amount of the outstanding balance on the judgment or order, including accrued interest and allowable costs is **(10)** \$_____. Interest accrues at the rate of **(11)** _____% per **(12)** _____.
3. The cost of serving this Writ of Garnishment will be as shown on the Affidavit of Service and may be added to the judgment.
4. Judgment creditor believes garnishee owes or will owe earnings to the judgment debtor in the next 60 days.
5. The names and addresses of all parties are listed in **(4)**, **(5)** and **(6)**.

TO THE GARNISHEE

YOU SHALL answer all the following questions in writing, under oath, on a separate document. Your answer shall be filed with the Court Clerk within 10 business days after you are served with this Writ of Garnishment.

1. Have you identified the judgment debtor, and if not, what steps were taken to do so and why were they unsuccessful?
2. Did you employ the judgment debtor on the date you received the Writ of Garnishment and Summons (Earnings)?
3. If not employed by you on that date, what was the last day on which you did employ the judgment debtor?
4. Will you owe earnings to the judgment debtor within 60 days of the date on which you received the Writ?
5. What will be the judgment debtor's next two paydays and what is the length of the judgment debtor's pay period (e.g. daily, weekly, bi-weekly, semi-monthly)?
6. Is the judgment debtor already subject to an existing wage assignment, garnishment, or levy, and if so, what is the name, address and telephone number of that judgment creditor?

SUMMONS

A WRIT OF GARNISHMENT has been issued, naming you as garnishee. You are required to answer this Writ in writing, under oath, and file the answer with the Court within 10 days (excluding weekends and holidays) after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding. If you fail to answer and appear, a default judgment may be entered against you, and you may be ordered to pay the full amount shown on this Writ, plus attorney fees and costs.

THIS SUMMONS IS NOT A REQUEST TO SEND MONEY TO THE COURT. DO NOT RELEASE FUNDS SUBJECT TO GARNISHMENT UNLESS THE COURT ORDERS YOU TO DO SO. IF YOU HAVE BEEN PROPERLY NAMED A GARNISHEE IN THIS ACTION, UPON RECEIPT OF THIS WRIT, YOU SHOULD IMMEDIATELY WITHHOLD NON-EXEMPT EARNINGS FROM THE JUDGMENT DEBTOR'S PAYCHECK PENDING RECEIPT OF AN ORDER OF CONTINUING LIEN.

Date

Judicial Officer/Clerk of the Court

NOTICE TO GARNISHEE

You should have been served with a blank Garnishee's Answer form. You may complete and file this form to make your required answer.

- (1) JUSTICE COURT _____, COUNTY OF _____
 (2) MUNICIPAL COURT _____, COUNTY OF _____
 (3) ARIZONA SUPERIOR COURT, COUNTY OF _____

(4) Petitioner/Plaintiff

Judgment Creditor

Judgment Debtor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(7) Case Number: _____

**WRIT OF GARNISHMENT
AND SUMMONS**

(NON-EARNINGS)

(ARS §§ 12-1571 through -1574)

(5) Respondent/Defendant

Judgment Debtor

Judgment Creditor

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

(6) Garnishee:

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Phone(s): _____

Attorney: _____

STATEMENTS OF JUDGMENT CREDITOR

1. Judgment creditor was awarded a judgment or order against (8) _____,
judgment debtor.

2. The amount of the outstanding balance on the judgment or order, including accrued interest and allowable costs, is (9) \$ _____. Interest accrues at the rate of (10) _____% per (11) _____. The cost of serving this Writ of Garnishment will be as shown on the Affidavit of Service and may be added to the judgment.
3. Judgment creditor believes that garnishee holds nonexempt property or money other than wages owed or belonging to judgment debtor.
4. The names and addresses of all parties are as listed in (4), (5), and (6).

TO THE GARNISHEE (ARS § 12-1579)

YOU SHALL answer all the following questions in writing, under oath, on a separate document. Your answer must be filed with the Court within 10 business days after you are served with this Writ of Garnishment.

- A. Were you holding personal property or money other than wages belonging to the judgment debtor at the time this Writ was served on you?
- B. How much money do you owe the judgment debtor and how much of that money did you withhold pursuant to the Writ? Did you release any of that money after you were served with the Writ, and, if so, how much did you release and why?
- C. Did you possess any personal property belonging to the judgment debtor at the time the Writ was served on you? If so, please describe each item or group of items you held and describe the specific items of personal property you withheld pursuant to the Writ, if any.
- D. What other person or entity, within your knowledge, is indebted to the judgment debtor or in possession of personal property of the judgment debtor?
- E. If the garnishee is a corporation, what shares, or interest does the judgment debtor own?

SUMMONS

A WRIT OF GARNISHMENT has been issued, naming you as garnishee. You are required to answer this Writ in writing, under oath, and file the answer with the Court within 10 days (excluding weekends and holidays) after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding. If you fail to answer and appear, a default judgment may be entered against you, and you may be ordered to pay the full amount shown on this Writ, plus attorney fees and costs.

THIS SUMMONS IS NOT A REQUEST TO SEND ANY MONEY OR PERSONAL PROPERTY TO THE COURT.

Date

Judicial Officer/Clerk of the Court

NOTICE TO GARNISHEE

You should have been served with a blank Garnishee's Answer form. You may complete and file this form to make your required answer.