INTRODUCTION TO GARNISHMENT

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 procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the judgment creditor.

- GARNISHMENT is a legal process by which one party may collect money from another party, after a money judgment has been entered
- A MONEY JUDGMENT is an order signed by a judicial officer that awards money to one party against another party

There are generally three parties to a garnishment proceeding:

- A JUDGMENT CREDITOR is a person or entity who has been granted a money judgment
- A JUDGMENT DEBTOR is a person or entity who owes a money judgment
- A GARNISHEE is a person or entity holding money or property belonging to a judgment debtor

Once a money judgment is entered in favor of a party, that party becomes a judgment creditor. The Court will not start the process to collect money owed to a judgment creditor. The judgment creditor is responsible for collecting the money, if the judgment debtor fails to pay voluntarily. The judgment creditor has a number of options available to collect a judgment. One of these options is known as a garnishment, by which a money judgment may be collected from the following:

- Earnings: wages, commissions, pensions or bonuses paid or payable to the judgment debtor
- Non-earnings: money or property owed to the judgment debtor that is in possession of a third party such as rent or a bank account or the contents of a safe deposit box.

A judgment creditor who wishes to begin a garnishment must have specific and accurate financial information to proceed including a physical address for the judgment debtor and the employer or holder of assets. If garnishment proceedings are filed incorrectly, a judgment creditor may be required to pay the garnishee's costs including attorney fees. If a judgment debtor does not provide this information voluntarily, the judgment creditor may request an order from the Court requiring the judgment debtor to answer questions about the debtor's financial circumstances.

To pursue a garnishment through an Arizona court, the money or property targeted must be in Arizona. An Arizona garnishment proceeding cannot be used to collect money or property located in another state.

The procedures and forms used to collect judgments from **earnings** are different from the procedures and forms needed to collect judgments from **non-earnings**. Separate packets are available for these two types of garnishment. At the beginning of each packet you will find a Process Checklist for the Judgment Creditor. Carefully review this document to better understand your responsibilities in representing yourself in a garnishment proceeding.

- To collect a judgment from earnings, use the forms in the **Garnishment of Earnings** packet.
- To collect a judgment from non-earnings, use the forms in the **Garnishment of Non-Earnings** packet.

PROCESS CHECK LIST 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 A.R.S. § 12-1598(4) for further information). Some examples of earnings include wages, salaries, commissions, bonuses or other compensation. Generally only 25% of a judgment debtor's disposable earnings may be garnished. If a judgment debtor proves extreme financial hardship, a judicial officer may reduce this percentage to not less than 15% (*see* A.R.S. §§ 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)(A.R.S. §12-1590.16(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)(A.R.S. §12-1598.16(F)) – 2 copies

[ ] Either FORM 12 or FORM 13 Garnishee's Nonexempt 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 Nonexempt 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) (A.R.S. §12-1598.16(F)) – 2 copies

[ ] Either FORM 12 or FORM 13 Garnishee's Nonexempt 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 Nonexempt 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) (A.R.S. §12-1590.16(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.

[ ] <u>STEP 9: Objections</u>

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.

[ ] <u>STEP 10: Report money received</u>

It is the obligation of the judgment creditor to take reasonable action to assure that the garnishee does not withhold more nonexempt 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 Nonexempt 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 A.R.S. §§ 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 Nonexempt 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 Nonexempt 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 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 from 25% to not less than 15% of the judgment debtor's "disposable earnings" (see A.R.S. § 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 Nonexempt 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.**

INSTRUCTIONS
FORM 1
APPLICATION FOR WRIT OF GARNISHMENT
(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.

USE FORM 1 IF:

- You are the judgment creditor or you represent a judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor within the next 60 days.

TO COMPLETE FORM 1 YOU WILL NEED:

- Information from the judgment or order which awarded you the money you want to collect in this action.
- Name, address and phone numbers for the petitioner/plaintiff, respondent/defendant and garnishee.
- The amount of the judgment currently owed in this case by the judgment debtor, including interest. If an interest rate is not stated on the judgment or order, A.R.S. § 44-1201 may apply. If you need help interpreting this statute or calculating the interest owed to you, please consult an attorney.
- The name of the Court in which you are filing this Application.

HOW TO COMPLETE FORM 1:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Application for Writ of Garnishment (Earnings).

(1) Type or print the name, mailing address and telephone numbers of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a judgment creditor but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption.** You must complete this portion if not already filled in.*

(2), (3) or (4) Check the appropriate box that identifies the Court in which you are filing this Application for Writ of Garnishment.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing the Application for Writ 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 city or town in which you are filing the Application for Writ and the name of the county in which the Court is located.

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

(5) Type or print the name, mailing address and, if known, phone number(s) of the petitioner/plaintiff on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment creditor or judgment debtor in this garnishment action.

(6) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(7) Type or print the name, mailing address, phone number and attorney (if known) of the person or company (garnishee) that owes or will owe earnings to the judgment debtor within the next 60 days that you are seeking to collect in this lawsuit.

(8) Type or print the case number assigned to the judgment or order.

(9) Type or print the dollar amount of the money judgment, including interest and costs, minus any amounts you have already collected.

(10) Type or print the interest rate being applied to the outstanding debt. If the interest rate is not stated on the judgment or order, A.R.S. § 44-1201 may apply. If you need help interpreting this statute or calculating the interest owed to you, please consult an attorney.

(11) Type or print the time frame by which your interest rate is calculated, i.e., daily, weekly, monthly, or annually.

(12) Check only the box that applies.

A.R.S. § 12-1598(1) defines "debt scheduling" as counseling and assistance provided to persons by a qualified debt counseling organization if:

(a) The counseling and assistance are manifested by a written agreement.
(b) The persons pay that portion of their income that has been determined to not be required to make payments for support of a person or to maintain health or the essentials of life.
(c) The payments are made to the qualified debt counseling organization until the debts are fully satisfied.
(d) The debts are determined as follows:
  (i) The creditors are notified by the qualified debt counseling organization of the person's intent to participate in debt scheduling and of their opportunity to object to the participation within fifteen days after receiving the notice.
  (ii) A creditor not so notified is not subject to the agreement.
  (iii) A creditor who timely objects, in writing, is not subject to the agreement.
  (iv) A creditor who does not timely respond to the notice, in writing, is subject to the agreement.
(e) The agreement is terminated on the occurrence of any of the following:
  (i) Agreement of the parties.
  (ii) Payment in full.
  (iii) Death of the persons.
  (iv) Filing of a voluntary or involuntary petition in bankruptcy.
  (v) Failure to pay, within fifteen days of its due date, any payment due under the agreement.

(13) Date and sign your name where indicated.

WHEN YOU HAVE COMPLETED THE APPLICATION:

- ✓ Complete the Writ of Garnishment and Summons (Earnings)(FORM 2).
- ✓ Follow the steps on the Process Checklist.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS) (A.R.S. §§ 12-1598 through -1598.17)

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

1. I am the judgment creditor. I was awarded a money judgment or order against the judgment debtor.

2. I have asked the judgment debtor to pay, and the judgment debtor has not paid.

Case No. **(8)** _____

3. 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 the Writ of Garnishment will be shown on the Affidavit of Service and may be added to the Judgment along with allowable costs.

4. I believe garnishee employs judgment debtor or owes or will owe judgment debtor disposable earnings within 60 days.

5. I have provided garnishee name and address in **(7)**.

6. The statement checked below is true:
(12) (check one)

[ ] I have not been notified that judgment debtor intends to sign an agreement for debt scheduling.

[ ] I was notified that judgment debtor intends to sign an agreement for debt scheduling, but I objected timely in writing, therefore I am not subject to the debt scheduling.

[ ] Judgment debtor signed an agreement for debt scheduling, but I was notified that the agreement is not good anymore.

7. I have attached a completed Writ of Garnishment and Summons form and ask that the Writ be issued.

(13) _____ _____
Date Signature of Judgment Creditor or Authorized Agent

INSTRUCTIONS
FORM 2
WRIT OF GARNISHMENT AND SUMMONS
(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.

USE FORM 2 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor within the next 60 days.

TO COMPLETE FORM 2 YOU WILL NEED:

- Information from the judgment or order which awarded you the money you want to collect in this action.
- Name, address and phone numbers for the petitioner/plaintiff, respondent/defendant and garnishee.
- The amount of the judgment currently owed by the judgment debtor, including interest. If an interest rate is not stated on the judgment or order, A.R.S. § 44-1201 may apply. If you need help interpreting this statute or calculating the interest owed to you, please consult an attorney.
- The name of the Court in which you are filing this application.

HOW TO COMPLETE FORM 2:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Writ of Garnishment and Summons (Earnings).

*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 you are filing this Writ, which will be the same Court in which you are filing your Application for Writ.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you are filing the Writ 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 you are filing the Writ 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, the phone number of the petitioner/plaintiff on the judgment or order you are seeking to collect and indicate whether that person is the judgment creditor or judgment debtor in the garnishment proceeding.

(5) Type or print the name, mailing address and, if known, the phone number of the respondent/defendant on the judgment or order you are seeking to collect and indicate whether that person is the judgment creditor or judgment debtor in the garnishment proceeding.

(6) Type or print the name, mailing address and, if known, the phone number of the person or company (garnishee) that owes or will owe earnings to the judgment debtor that you are seeking to collect in this lawsuit. Include the name of the garnishee's attorney, if known.

(7) Type or print the case number assigned by the Court to this garnishment action.

(8) Type or print the name of the county in which the garnishee will be served.

(9) Type or print the name of the judgment debtor.

(10) Type or print the dollar amount of money that the judgment debtor owes to you, including interest and costs, minus any amount you have already collected.

(11) Type or print the interest rate being applied to the outstanding debt. If the interest rate is not stated on the judgment or order, A.R.S. § 44-1201 may apply. If you need help interpreting this statute, please consult an attorney.

(12) Type or print the time frame by which your interest is calculated, i.e., daily, weekly, monthly, annually.

WHEN YOU HAVE COMPLETED THE WRIT OF GARNISHMENT AND SUMMONS (EARNINGS):

- ✓ File this form with the Clerk's filing counter along with the Application for Writ of Garnishment (FORM 1). Do not sign or date the Writ.
- ✓ Follow the steps on the Process Checklist.

(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:_____

Phone(s):_____

Attorney:_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

(6) Garnishee
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

WRIT OF GARNISHMENT AND SUMMONS (EARNINGS) (A.R.S. §12-1598.04)

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)** _____. The cost of serving this Writ of Garnishment will be as shown on the Affidavit of Service and may be added to the judgment.

Case No. **(7)**_____

3. Judgment creditor believes garnishee owes or will owe earnings to the judgment debtor in the next 60 days.

4. 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 Clerk within 10 business days after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ, and a default judgment may be entered against you. If a default judgment is entered against you, you may be ordered to pay the full amount shown on this Writ, plus garnishee's costs and attorney fees.

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 NONEXEMPT EARNINGS FROM THE JUDGMENT DEBTOR'S PAYCHECK PENDING RECEIPT OF AN ORDER OF CONTINUING LIEN.

_____ _____

Date Judicial Officer

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.

INSTRUCTIONS
FORM 3
APPLICATION FOR ORDER OF CONTINUING LIEN
(GARNISHMENT)

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.

USE FORM 3 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor within the next 60 days.

TO COMPLETE FORM 3 YOU WILL NEED:

- Information on the Writ and Summons
- Information on the affidavit of service of the Writ

HOW TO COMPLETE FORM 3:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Application for Order of Continuing Lien (Garnishment).

(1) Type or print the name, mailing address and telephone numbers of the person filing this form. If you are representing yourself in this matter, check the box before "Self." If you are representing a judgment creditor and you are not an attorney, check the box before "Other."

*Lines 2 through 8 are known as the **caption.** You must complete this portion if not already filled in.*

(2), (3) or (4) Check the appropriate box that identifies the Court in which you are filing this Application for Order of Continuing Lien.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing the Application 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 city or town in which you are filing the Application and the name of the county in which the Court is located.

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

(5) Type or print the name, mailing address and, if known, phone number(s) of the petitioner/plaintiff on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment creditor or judgment debtor in this garnishment action.

(6) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(7) Type or print the name, mailing address, phone number and attorney (if known) of the person or company (garnishee) that owes or will owe earnings to the judgment debtor within the next 60 days that you are seeking to collect in this lawsuit.

(8) Type or print the case number assigned to the judgment or order.

(9) Type or print the date on which the Writ of Garnishment was served on the garnishee.

(10) Type or print the date the Garnishee's Answer was filed with the Court Clerk.

(11) Check all boxes that apply and fill in the blanks for each box checked.

(12) If you checked this box, type or print the amount of money you paid to have the Writ served by either a Constable, Deputy Sheriff or private process server.

(13) Complete the information in the box indicating the date and manner in which you have/will provide a copy of the Application for Order of Continuing Lien to the judgment debtor.

(14) Complete the information in this box indicating the date and manner in which you have/will provide a copy of the Application for Order of Continuing Lien to the garnishee.

(15) Date and sign your name where indicated.

WHEN YOU HAVE COMPLETED THE APPLICATION:

- ✓ Follow the steps on the Process Checklist.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

APPLICATION FOR ORDER OF CONTINUING LIEN (EARNINGS) (A.R.S. §§ 12-1598.10)

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

1. I am the judgment creditor, and I request that the Court issue an Order of Continuing Lien directing the garnishee to pay me all the judgment debtor's nonexempt earnings beginning on the pay period in which the Writ was served and continuing as a lien on the judgment debtor's nonexempt earnings until further order of the Court.

2. The Writ was served on the garnishee on **(9)** _____, and the Garnishee's Answer was filed on **(10)** _____.

Case No. **(8)** _____

3. It appears from Garnishee's Answer that:

   (11) (Check all boxes that apply and fill in blanks for each box checked)

   [ ] Judgment debtor is or was an employee of garnishee.

   [ ] Garnishee owed earnings to judgment debtor when the Writ was served.

   [ ] Earnings would be owed within 60 days after the Writ was served.

4. I am entitled to **(12)** $ _____ for the cost of issuing the Writ as stated on the affidavit of service.

5. No timely written objections have been filed or any objections have been overruled.

(13)	**(14)**
Copy provided to judgment debtor on: Date:_____ By: [ ] Mail [ ] Hand delivery	Copy provided to garnishee on: Date:_____ By: [ ] Mail [ ] Hand delivery

(15) _____ _____

Date Judgment Creditor or Authorized Agent

INSTRUCTIONS
FORM 4
ORDER OF CONTINUING LIEN (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.

USE FORM 4 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor within the next 60 days.

TO COMPLETE FORM 4 YOU WILL NEED:

- Information on the Writ and Summons (Earnings).

HOW TO COMPLETE FORM 4:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Order of Continuing Lien.

*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 you are filing this Order of Continuing Lien, which will be the same Court in which you are filing your Application for Order of Continuing Lien.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you are filing the Order of Continuing Lien 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 you are filing the Order of Continuing Lien 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, the phone number of the petitioner/plaintiff on the judgment or order you are seeking to collect and indicate whether that person is the judgment creditor or judgment debtor in the garnishment proceeding.

(5) Type or print the name, mailing address and, if known, the phone number of the respondent/defendant on the judgment or order you are seeking to collect and indicate whether that person is the judgment creditor or judgment debtor in the garnishment proceeding.

(6) Type or print the name, mailing address and, if known, the phone number of the person or company (garnishee) that owes or will owe earnings to the judgment debtor that you are seeking to collect in this lawsuit. Include the name of the garnishee's attorney, if known.

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

DO NOT FILL IN ANY UNNUMBERED BLANKS. THE JUDICIAL OFFICER WILL COMPLETE THE REMAINING ITEMS.

WHEN YOU HAVE COMPLETED THE ORDER OF CONTINUING LIEN:

- ✓ Follow the steps on the Process Checklist.

(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:_____

Phone(s):_____

Attorney:_____

Attorney's Address:_____

_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

(6) Garnishee
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

(7) Case No.:_____

ORDER OF CONTINUING LIEN (EARNINGS GARNISHMENT) (A.R.S. § 12-1598.10)

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

Case No. **(7)** _____

[ ] ***(Hardship exception only)*** The judgment debtor is subject to the "maximum disposable earnings" provision of A.R.S. § 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 nonexempt earnings to be withheld and transferred to the creditor is reduced to _____% (not less than 15%).

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

INSTRUCTIONS TO THE GARNISHEE (EARNINGS)
(A.R.S. § 12-1598.04(C))

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 you run the risk that 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 owe the judgment debtor any wages.

You have been served with a Writ of Garnishment and Summons (Earnings) which names you as the garnishee and identifies the parties and the reason for the garnishment. The party who filed this court action (the "judgment creditor") is attempting to collect payment from a party named as the "judgment debtor." You are involved in this proceeding because the judgment creditor believes you owe the judgment debtor **"earnings"** such as wages, salary or compensation for services performed by the judgment debtor.

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

- Writ of Garnishment and Summons (Earnings) – 2 copies
- Instructions to the Garnishee (Earnings) – 2 copies
- Garnishee's Answer (Earnings) – 4 copies
- Second Notice to Judgment Debtor of Garnishment (Earnings) – 2 copies
- Request for Hearing on Garnishment (Earnings)(A.R.S. §12-1598.16(F))– 2 copies
- Notice of Hearing on Garnishment (Earnings) – 2 copies
- Nonexempt Earnings Statement (Support Judgment) or (Not for Support of a Person)– 4 copies
- Request for Hearing on Nonexempt Earnings Statement – 4 copies
- 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.

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 earnings.

[ ] STEP 1: Respond to the Writ of Garnishment and Summons within 10 business days

You **must** file a Garnishee's Answer with the Court Clerk **within 10 business days** after you receive the Writ of Garnishment and Summons.

[ ] (A) If you do not and will not owe earnings to the judgment debtor

Within 10 business days after you receive the paperwork listed above, fill out a Garnishee's Answer (Earnings)(FORM 6) and file it with the Court Clerk. Even if you have never owed the judgment debtor any earnings you must respond to the Writ of Garnishment by filing a Garnishee's Answer.

After you file your Answer, you are entitled to be released from the garnishment if any of the following are true:

- You have never employed the judgment debtor and do not expect to employ the judgment debtor within the next 60 days.
- You do not owe the judgment debtor any earnings, regardless of whether the judgment debtor was ever your employee, and you do not expect to owe the judgment debtor any earnings within the next 60 days.
- You employed the judgment debtor in the past but do not currently owe the judgment debtor any earnings and do not expect to employ the judgment debtor again within the next 60 days.

Once you file your Garnishee's Answer with the Court Clerk and complete STEP 2, you will not need to do anything further unless one of the other parties objects to your answer.

[ ] (B) <u>If you do owe or will owe earnings to the judgment debtor within 60 days</u>

If you employ the judgment debtor or otherwise owe the judgment debtor earnings at the time you are served with the Writ or will owe the judgment debtor earnings within 60 days thereafter, you must now begin withholding nonexempt earnings from the judgment debtor's pay. You must complete and file a Garnishee's Answer with the Court Clerk <u>within 10 business days</u> after you receive the paperwork listed above.

[ ] <u>STEP 2: Deliver copies of documents to the other parties</u>

Also **within 10 business days** of receiving the Writ of Garnishment and Summons (Earnings), you must:

- Deliver or mail to the <u>judgment debtor</u> a copy of each of the following documents:
  - Your completed Garnishee's Answer (Earnings)
  - Second Notice to Judgment Debtor of Garnishment (Earnings)
  - Request for Hearing on Garnishment (Earnings)(A.R.S. §12-1598.16(F))
  - Notice of Hearing on Garnishment (Earnings)

- Deliver or mail to the <u>judgment creditor</u> a copy of your completed Garnishee's Answer

[ ] <u>STEP 3: Complete the Nonexempt Earnings Statement and withhold the proper amount from the judgment debtor's pay</u>

The Writ of Garnishment and Summons is an order from the Court requiring you to immediately withhold non-exempt earnings from the judgment debtor. For each pay period, fill out a Nonexempt Earnings Statement to determine how much money to withhold and withhold that amount. Always keep a blank copy of the Nonexempt Earnings Statement for use in future pay periods. You may claim a $5.00 fee on each Nonexempt Earnings Statement that you complete. Deliver a copy of the Nonexempt Earnings Statement to the judgment debtor with the judgment debtor's paycheck, even if the amount withheld is $0. Also deliver a copy of the Nonexempt Earnings Statement to the judgment creditor, but do not deliver any withheld earnings to the judgment creditor **until you receive a signed Order of Continuing Lien**. Do not send any Nonexempt Earnings Statements to the Court. Keep the original Nonexempt Earnings Statements in your file.

PLEASE NOTE: You may be discharged from any liability on the garnishment if both of the following occur:

- No objections are filed on the Writ of Garnishment or your Garnishee's Answer
- The Order of Continuing Lien is not entered within 45 days after you filed your Answer

If you are discharged, you must return any earnings you have withheld to the judgment debtor.

[ ] STEP 4: Await receipt of the Order of Continuing Lien, then pay the judgment creditor

Do not pay the judgment debtor's nonexempt earnings to the judgment creditor until you receive the Order of Continuing Lien signed by the Court. Once you receive the Order, send the judgment creditor any nonexempt earnings you have withheld from the judgment debtor.

For every pay period in which the Order of Continuing Lien is in effect, you must:

- Complete a Nonexempt Earnings Statement
- Withhold the nonexempt earnings from the judgment debtor
- Pay the nonexempt earnings you withheld to the judgment creditor
- Deliver a copy of the completed Nonexempt Earnings Statement and a blank Request for Hearing form to the judgment debtor
- Deliver a copy of the completed Nonexempt Earnings Statement to the judgment creditor
- Keep the original Nonexempt Earnings Statement for your files
- **Do not send any Nonexempt Earnings Statements to the Court**

Notice: Deadlines apply to this process. See A.R.S. § 12.1598.13 (B)&(C) for more information.

ADDITIONAL INFORMATION

If the judgment debtor or judgment creditor objects to the Garnishment, the Garnishee's Answer or a Nonexempt Earnings Statement

The judgment debtor may file an objection and request a hearing on the Writ of Garnishment, your Garnishee's Answer or any Nonexempt Earnings Statement. The judgment creditor or the judgment debtor may file an objection and request a hearing if you fail to provide them with the appropriate Nonexempt Earnings Statement or if you fail to pay nonexempt earnings to the judgment creditor when due. Parties have 10 business days after they receive a Garnishee's Answer or Nonexempt Earnings Statement to file a Request for Hearing and state their objections, unless good cause is shown for filing their objections later (*see* A.R.S. § 12-1598.07).

If you receive more than one garnishment, or a garnishment and a wage assignment for the same judgment debtor's earnings

A.R.S. § 12-1598.14 establishes the priority of payments you must honor if you receive more than one writ of garnishment and/or wage assignment against the same person's earnings. Usually, the first one you received is entitled to be paid first. Special rules may apply to debts owed for child support, spousal maintenance and unpaid taxes which may give them priority regardless of when they were received. You should consult an attorney to determine which judgment creditors to pay first in the case of multiple garnishments against the same judgment debtor.

INSTRUCTIONS
FORM 6
GARNISHEE'S ANSWER (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 garnishee.

USE FORM 6 IF:

- You have received a Writ of Garnishment and Summons (Earnings) which identifies you as the garnishee, or
- You are the authorized agent for a company or other organization that has received a Writ of Garnishment and Summons on which the company or other organization is identified as the garnishee.

TO COMPLETE FORM 6 YOU WILL NEED:

- Any payroll and employment information you may have relating to the judgment debtor.
- Information from the Writ of Garnishment and Summons (Earnings) document with which you were served.
- Information on steps taken by the garnishee in trying to identify the judgment debtor, if you have not been able to identify the judgment debtor.
- Copies of any existing garnishments, wage assignments or liens in your possession against the same judgment debtor.

HOW TO COMPLETE FORM 6:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Garnishee's Answer (Earnings).

(1) Type or print the name, mailing address, daytime and evening phone numbers of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a garnishee but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented by either an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption.** You must complete this portion if not already filled in.*

<u>(2), (3) or (4)</u> Check the appropriate box that identifies the Court in which you are filing the Garnishee's Answer.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing the Garnishee's Answer 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 city or town in which you are filing the Garnishee's Answer and the name of the county in which the Court is located.

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

(5) Type or print the name, mailing address and, if known, phone number(s) of the petitioner/plaintiff on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment creditor or judgment debtor in this garnishment action.

(6) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(7) Type or print your name, mailing address and phone number(s) as they appear on the Writ.

(8) Type or print the case number appearing on the Writ.

(9) Type or print the date on which you were served with the Writ of Garnishment and Summons.

(10) Check all boxes that apply and fill in the blanks for each box checked.

(11) If this statement applies to you, type or print the date on which the judgment debtor last worked for you.

(12) If this statement applies to you, type or print a description of the efforts you made to identify the judgment creditor and why they were unsuccessful. For example, the judgment debtor has never worked for you. Attach an additional sheet if necessary.

(13) Type or print the amount of money appearing on the Writ of Garnishment and Summons (Earnings) as the amount of the outstanding balance on the judgment or order, including accrued interest and allowable costs which the judgment creditor is seeking to collect.

(14) & (15) Type or print the judgment debtor's next two scheduled paydays.

(16) & (17) Check the box that best describes the judgment debtor's pay period. If none of these options describe the pay period, use line (17) to provide a specific description of the pay period.

(18) Type or print the amount of money you request to cover your costs for preparation and filing of the Garnishee's Answer (not to exceed $50).

(19) Complete the information under this box indicating the date and manner in which you have provided the judgment debtor with a copy of the forms listed in the box.

(20) Complete the information under this box indicating the date and manner in which you have provided a copy of your Garnishee's Answer to the judgment creditor.

(21) Date and sign your Answer where indicated **in the presence of a Notary Public or Clerk of the Court**.

WHEN YOU HAVE COMPLETED THE ANSWER (EARNINGS):

✓ Follow the steps in the Instructions to the Garnishee (Earnings).

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone: _____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

GARNISHEE'S ANSWER
(EARNINGS)
(A.R.S. §§ 12-1598.08)

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

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 earnings.

Case No. **(8)**_____

1. I am the garnishee or I am authorized by the garnishee to complete and file this Answer. Garnishee's name, address and phone are as listed in **(7).** I was served with the Writ on **(9)** _____.
2. The statements checked below are true:

   (10) (Check all boxes that apply and fill in blanks for each box checked)

   A. [ ] The judgment debtor was not employed by me on the date the Writ and Summons were delivered to me. The judgment debtor's last workday was **(11)** _____.

   B. [ ] I will not owe judgment debtor earnings within 60 days after service of the Writ and Summons.

   C. [ ] The judgment debtor was employed by me on the date the Writ and Summons were delivered to me.

   D. [ ] I will owe judgment debtor earnings within 60 days after service of the Writ and Summons.

   E. [ ] I took the following steps to try to identify the judgment debtor, but was not able to do so for the reasons stated here: **(12)** _____

   _____.
3. According to the Writ and Summons, the total amount owed the judgment creditor is **(13)** _____.
4. The judgment debtor's next two paydays are **(14)**_____ and **(15)** _____.
5. The pay period is **(16)** (check the box that applies):

   [ ] Daily

   [ ] Weekly

   [ ] Every two weeks

   [ ] Monthly

   [ ] Twice per month

   [ ] Other (explain)**(17)** _____.
6. I have attached copies of any existing garnishments, wage assignments or levies against judgment debtor which are known to me.

Case No. **(8)**_____

7. I request an answer fee in the amount of **(18)** $ _____, as a reasonable amount for the preparation and filing of this Answer.

(19)	**(20)**
A copy of Garnishee's Answer, Second Notice to Judgment Debtor, Request for Hearing form, and Notice of Hearing on Garnishment (Earnings) form were provided to judgment debtor on: Date: _____ By: [ ] Mail [ ] Hand delivery	A copy of Garnishee's Answer was provided to judgment creditor on: Date: _____ By: [ ] Mail [ ] Hand delivery

I affirm that the information on this Garnishee's Answer is true and correct.

(21)_____ _____
Date Signature of Garnishee or Authorized Agent

State of Arizona)
) ss.
County of _____)

Subscribed and sworn to (or affirmed) before me on _____

My Commission Expires: _____ _____
Notary Public or Clerk of the Court

INSTRUCTIONS
FORM 7
INITIAL NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT

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.

USE FORM 7 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor.

TO COMPLETE FORM 7 YOU WILL NEED:

- Information from the judgment or order that awarded you the money you want to collect in this action.

HOW TO COMPLETE FORM 7:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Initial Notice to Judgment Debtor of Garnishment.

*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 you filed your garnishment action.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you filed the garnishment action 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 you filed the garnishment action 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 on the judgment or order you are seeking to collect. 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 on the judgment or order you are seeking to collect. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(6) Type or print the name, mailing address, phone number and attorney (if known) of the person or company (garnishee) that owes or will owe earnings to the judgment debtor within the next 60 days that you are seeking to collect in this lawsuit.

(7) Type or print the case number assigned to the judgment or support order.

(8) Type or print the name of the Court that issued the judgment or support order you are seeking to collect.

(9) Type or print the city, county, state or country (if outside the United States) that describes the Court location.

(10) Type or print the number of the case in which the money was awarded that you are now seeking to collect in this garnishment proceeding.

(11) Type or print the date on which the judgment or support order you are seeking to collect was entered.

WHEN YOU HAVE COMPLETED THIS INITIAL NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT:

✓ Follow the steps on the Process Checklist.

AVISO

El Tribunal ha ordenado que su empleador tome un parte de su sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y este pagada law dueda. En conformidad con la ley, su acreedo tiene el derecho a "solo una parte" de su salario. Esta noticia explica su derechos. Ud. puede obtener una traduccion Espanol del Tribunal.

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

(6) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

INITIAL NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

NOTICE TO JUDGMENT DEBTOR

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

Case No. **(7)** _____

be used to satisfy some or all of your debt to the judgment creditor. The order was issued to enforce the judgment creditor's judgment or support order against you that was obtained as follows:

Court name: **(8)** _____

Court location: **(9)**_____

Case number: **(10)** _____ Date: **(11)**_____

The judgment creditor named above says you have not paid what you owe on the judgment or support order. At the judgment creditor's request, this Court issued a Writ of Garnishment (attached) to the garnishee named above. The writ says you earned or will earn money working for this garnishee.

The Writ directs the garnishee to start taking out part of the money the garnishee owes you. If ordered by the Court, the garnishee will pay that money to the judgment creditor. This will happen with every paycheck until the judgment is paid or until the Court orders garnishee to stop. Garnishee will withhold only part of each paycheck, if any, depending on how much you earn. In some cases of very low income, no amount can be garnished except for an order for support of a person. Different exemption rights may apply to the collection of taxes. On each payday, you will get a statement that shows how much can be taken out, which is set by state and federal law. An attorney can assist you in determining what part of your pay 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

If you do not agree, you can ask for a hearing for the reasons listed on the Request for Hearing on Garnishment (Earnings) form which accompanies this Judgment Creditor's Notice to Judgment Debtor of Garnishment. To request a hearing, deliver the request for hearing form enclosed, or a substantially similar form to the Clerk of the Court. At the same time, you must mail or deliver a copy of the request for hearing to the judgment creditor and the garnishee at the addresses provided at the top of this document. If appropriate, you may request a hearing before the garnishee files the Garnishee's Answer.

If you request a hearing, it should be held no later than 10 business days after your request is received by the Court. 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 your completed Request for Hearing on Garnishment (Earnings) form within ten (10) business days after you receive the Garnishee's Answer. If you do not file the hearing request on time, you will not get a hearing unless the Court determines that there is a very good reason why you are late.

INSTRUCTIONS
FORM 8
REQUEST FOR HEARING ON GARNISHMENT (EARNINGS) (A.R.S. § 12-1598.16(C))

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 debtor.

USE FORM 8 IF:

- You are a judgment debtor or you represent a judgment debtor.
- You wish to request a hearing on garnishment for one of the reasons listed on FORM 8.

TO COMPLETE FORM 8 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 8:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Request for Hearing on Garnishment (Earnings).

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a judgment debtor but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Request for Hearing 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 city or town in which you are filing this Request for Hearing and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Check all boxes that apply.

(10) If you checked this box, type or print the reason you believe that the judgment creditor does not have a valid judgment against you. Attach additional sheets if necessary.

(11) If you checked this box, type or print the name of the debt counseling organization that set up your debt scheduling agreement.

(12) Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment creditor.

(13) Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.

(14) The court may need to contact you regarding your hearing. Provide a phone number where you can be contacted between 8 a.m. and 5 p.m.

(15) Date and sign the Request for Hearing form.

WHEN YOU HAVE COMPLETED FORM 18A:

- ✓ File this form with the Clerk's filing counter along with a Notice of Hearing on Garnishment (Earnings) (FORM 9).
- ✓ At the same time, you must mail or deliver a copy of the Request for Hearing (FORM 8) to the judgment creditor and the garnishee.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

REQUEST FOR
HEARING ON GARNISHMENT
(EARNINGS)
(A.R.S. § 12-1598.16(C))

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

I am the judgment debtor 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 judgment creditor does not have a valid judgment against me because **(10)**_____

_____

_____.

Case No. **(8)**_____

[ ] The judgment has been paid in full.

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

[ ] I did not get a copy of the nonexempt 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

(11) _____.

(12)	**(13)**
Copy provided to judgment creditor on: Date:_____ By: [ ] Mail [ ] Hand delivery	Copy provided to garnishee on: Date:_____ By: [ ] Mail [ ] Hand delivery

The Court can call me at **(14)** _____ between 8 a.m. and 5 p.m. regarding the hearing, if necessary. (phone)

(15)_____ _____

(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.

INSTRUCTIONS
FORM 9
NOTICE OF HEARING ON GARNISHMENT (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.

USE FORM 9 IF:

- You have prepared a Request for Hearing form.

TO COMPLETE FORM 9 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 9:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Notice of Hearing on Garnishment (Earnings).

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

(1), (2) & (3) Check the appropriate box that identifies the Court in which you are filing your Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you are filing your Request for Hearing 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 you are filing your Request for Hearing 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 petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box to indicate whether this party is the judgment creditor or judgment debtor as shown on the Writ.

(5) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box to indicate whether this party is the judgment debtor or judgment creditor as shown on the Writ.

(6) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

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

LEAVE THE REST OF THE FORM BLANK. THE JUDICIAL OFFICER OR CLERK OF THE COURT WILL SET THE HEARING AND COMPLETE THE REMAINING ITEMS. WHEN YOU HAVE COMPLETED THE NOTICE OF HEARING:

- ✓ File this form with the Clerk's filing counter along with your Request for Hearing.

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

(6) Garnishee
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

A request for hearing has been filed.

This matter is set for a hearing before _____ (Judicial Officer) at the following date, time and place:

Date: _____

Time: _____

Place: _____

_____

Case No. **(7)**_____

Bring to the Court hearing any documents or exhibits you want to use as proof in your case.

If any party fails to appear at the hearing after proper notice, the Court may:

- **Take evidence and/or oral testimony from any parties who do appear**
- **Make a decision based on the information provided in the documents filed and at the hearing**
- **Inform the parties who are present of the decision and sign appropriate orders.**

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case in advance of a scheduled Court proceeding.

If you require the services of an interpreter for a foreign language or for the hearing impaired, contact the Court immediately to determine whether accommodations can be made to assist you or to receive further information.

_____ _____

Date Judicial Officer

INSTRUCTIONS
FORM 10
SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT
(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 garnishee.

USE FORM 10 IF:

- You are the garnishee or you represent the garnishee.

TO COMPLETE FORM 10 YOU WILL NEED:

- Information from the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 10:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Second Notice to Judgment Debtor of Garnishment (Earnings).

*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 you filed the Garnishee's Answer.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you filed the Garnishee's Answer 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 you filed the Garnishee's Answer 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 and Summons. 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 and Summons. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(6) Type or print the name, mailing address, phone number and attorney of the garnishee as it appears on the Writ of Garnishment and Summons.

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

WHEN YOU HAVE COMPLETED THIS SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT:

✓ Follow the steps in the Instructions to Garnishee.

AVISO

El Tribunal ha ordenado que su empleador tome un parte de su sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y este pagada law dueda. En conformidad con la ley, su acreedo tiene el derecho a "solo una parte" de su salario. Esta noticia explica su derechos. Ud. puede obtener una traduccion Espanol del Tribunal.

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

(6) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

Account No.:_____

NOTICE TO JUDGMENT DEBTOR

This is your second notice that a Writ of Garnishment has been issued to the garnishee named above. This Writ is a court order that requires the garnishee to take part of the money owed to you and pay it to

the judgment creditor. This will happen with every paycheck until the judgment is paid or the Court orders the garnishee to stop.

The garnishee will withhold only part, if any, of each paycheck, depending on how much you earn. The rest must be paid to you. On each payday, you will get a Nonexempt Earnings Statement that shows how much can be taken out, which is set by state and federal law. A comprehensive list 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

If you do not agree, you can ask for a hearing for any of the reasons listed on the Request for Hearing (Earnings) form that accompanies this Notice. To request a hearing, complete the Request for Hearing (Earnings) form and deliver it to the Clerk of Court within 10 business days of the date you received the Garnishee's Answer. At the same time, you must mail or deliver a copy of the completed Request for Hearing (Earnings) form to the judgment creditor and the garnishee at the addresses provided at the top of this document. You may be required to pay a fee for the hearing or request a waiver of the fee.

If you ask for a hearing it will be held no later than 10 business days after your request is received by the Court. 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. Even if you do not request a hearing at this time, if you think that the garnishee is taking too much money out of your pay pursuant to this garnishment at some time in the future, you can ask for a hearing at that time.

WARNING: The Court must receive the hearing request form within ten (10) business days after you get the Garnishee's Answer. If you do not file the Request for Hearing on time, you may not get a hearing unless there is a very good reason why you are late.

INSTRUCTIONS
FORM 11
REQUEST FOR HEARING ON GARNISHMENT (EARNINGS) (A.R.S. § 12-1598.16(F))

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.

USE FORM 11 IF:

- You are a judgment debtor or you represent a judgment debtor.
- You wish to request a hearing on garnishment for one of the reasons listed on FORM 11.

TO COMPLETE FORM 11 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 11:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Request for Hearing on Garnishment (Earnings).

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a judgment debtor but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Request for Hearing 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 city or town in which you are filing this Request for Hearing and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Check all boxes that apply.

(10) If you checked this box, type or print your reason for believing that the judgment is not valid.

(11) If you checked this box, type or print the other reason you have for objecting to this garnishment.

(12) Complete the information under this box indicating the date and manner in which you provided a copy of your Request for Hearing to the judgment creditor.

(13) Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.

(14) The court may need to contact you regarding your hearing. Provide a phone number where you can be contacted between 8 a.m. and 5 p.m.

(15) Sign the Request for Hearing form and type or print the date on which you signed this document.

WHEN YOU HAVE COMPLETED THE HEARING REQUEST:

- ✓ File this form with the Clerk's filing counter along with a Notice of Hearing on Garnishment (Earnings) (FORM 9).
- ✓ Immediately after filing, you must mail or deliver a copy of this Request for Hearing (FORM 11) to the judgment creditor and the garnishee.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone: _____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

REQUEST FOR HEARING ON GARNISHMENT (EARNINGS) (A.R.S. § 12-1598.16(F))

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

I am the judgment debtor 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 judgment creditor does not have a valid judgment against me because **(10)** _____

_____

_____

_____.

Case No. **(8)**_____

[ ] The judgment has been paid in full.

[ ] Garnishee's Answer is incorrect.

[ ] My earnings are already subject to a Writ of Garnishment or court-ordered assignment for payment of support.

[ ] Other: **(11)** _____

_____.

(12)	**(13)**
Copy provided to judgment creditor on: Date:_____ By: [ ] Mail [ ] Hand delivery	Copy provided to garnishee on: Date:_____ By: [ ] Mail [ ] Hand delivery

The Court can call me at **(14)** _____ between 8 a.m. and 5 p.m. regarding the hearing, if necessary. (phone)

(15) _____ _____
(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.

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).

(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:_____

Phone(s):_____

(7) Case No.:_____

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

Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

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

(6) Garnishee:

Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

1. This Nonexempt 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

Case No. **(7)**_____

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)** $ _____

25% of line **(13)** (or other percentage ordered by the Court) . . . . . **(14)** $_____

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

[ ] Weekly (factor = 30) [ ] Biweekly (factor = 60)

[ ] Semimonthly (factor = 65) [ ] Monthly (factor = 130)

Current federal minimum wage: **(16)** $ _____/hr.

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.

(23)

Copy provided to judgment debtor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(24)

Copy provided to judgment creditor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(25) _____
Date

_____
Garnishee or Authorized Agent

INSTRUCTIONS
FORM 13
GARNISHEE'S NONEXEMPT EARNINGS STATEMENT
(SUPPORT JUDGMENT)
(A.R.S. §§ 12-1598.11 & 12-1598.16(K))

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 13 IF:

- You are the garnishee or you represent the garnishee in a wage garnishment seeking payment for a judgment or order for support of a person (e.g. child support or spousal maintenance).

TO COMPLETE FORM 13 YOU WILL NEED:

- The judgment debtor's employment history and pay period information.
- Information from the Writ of Garnishment.
- Information from any other active 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 13:

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 you owe the judgment debtor any earnings for 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 deductions required by law.

(14) Subtract line (13) from line (12) and type or print the result here.

(15) Multiply the amount in line (14) by 50%. Type or print the result here.

(16) Type or print the amounts, if any, which were withheld pursuant to a garnishment or levy served before this garnishment that were for support of a person.

(17) Type or print the amounts, if any, which were withheld pursuant to a garnishment or levy served before this garnishment that were **not** for support of a person.

(18) Add lines (16) and (17) and type or print the result here.

(19) Subtract line (18) from line (15) and type or print the result here.

(20) Subtract $5.00 from line (19) and type or print the result here. The $5.00 is the optional fee you are entitled to for processing the Nonexempt Earnings Statement.

(21) 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.

(22) 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.

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

WHEN YOU HAVE COMPLETED THE NONEXEMPT EARNINGS STATEMENT (SUPPORT JUDGMENT):

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

(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:_____

Phone(s):_____

(7) Case No.:_____

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

Name: _____

Address:_____

City, State, Zip Code: _____

Phone: _____

(6) Garnishee:

Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

GARNISHEE'S NONEXEMPT EARNINGS STATEMENT
(Support Judgment)
(A.R.S. § 12-1598.16(K))

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. Do you owe the judgment debtor any earnings for this pay period? **(11)** [ ] Yes [ ] No

Case No. **(7)** _____

WITHHOLDING WORKSHEET

Judgment debtor's gross earnings (pre-tax) for this pay period	**(12)** $ _____
Judgment debtor's deductions required by law	**(13)** $ _____
Judgment debtor's disposable income: line (12) minus line (13)	**(14)** $ _____
Enter 50% of line (14)	**(15)** $ _____
Enter amounts withheld pursuant to a garnishment or levy served before this garnishment that was for support of a person	**(16)** $ _____
Enter amounts withheld pursuant to a garnishment or levy served before this garnishment that was **not** for support of a person	**(17)** $ _____
Line (16) plus line (17)	**(18)** $ _____
Line (15) minus line (18).	**(19)** $ _____
Line (19) minus $5.	**(20) $** _____

The amount shown on line (19) is the amount you should withhold for this pay period.

The amount shown on line (20) is the amount you deliver to the judgment creditor.

(21)

Copy provided to judgment debtor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(22)

Copy provided to judgment creditor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(23) _____
Date

_____
Garnishee or Authorized Agent

INSTRUCTIONS
FORM 14
REQUEST FOR HEARING ON NONEXEMPT EARNINGS STATEMENT
(A.R.S. § 12-1598.16(J)&(K))

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 debtor.

USE FORM 14 IF:

- You are a judgment debtor or you represent a judgment debtor.
- You wish to object to statements appearing in a Garnishee's Nonexempt Earnings Statement you received from your employer because you believe that the amount of your nonexempt earnings has been incorrectly calculated for this pay period or that no amount should be withheld because the Writ of Garnishment or underlying judgment is invalid, satisfied, or superseded.

TO COMPLETE FORM 14 YOU WILL NEED:

- Information on the Garnishee's Nonexempt Earnings Statement.

HOW TO COMPLETE FORM 14:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Request for Hearing on Garnishee's Nonexempt Earnings Statement.

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a judgment debtor but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Request for Hearing 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 city or town in which you are filing this Request for Hearing and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Garnishee's Nonexempt Earnings Statement , mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Garnishee's Nonexempt Earnings Statement, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Garnishee's Nonexempt Earnings Statement, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Garnishee's Nonexempt Earnings Statement.

(9) Check all boxes that apply.

(10) If you checked this box, type or print your reason for believing either that no amount of money should have been withheld from your paycheck for this pay period, or that the garnishment or underlying judgment is invalid, satisfied or superseded, or some other reason for objecting to the Nonexempt Earnings Statement.

(11) Complete the information under this box indicating the date and manner in which you provided a copy of your Request for Hearing to the judgment creditor.

(12) Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.

(13) The court may need to contact you regarding your hearing. Provide a phone number where you can be contacted between 8 a.m. and 5 p.m.

(14) Sign the Request for Hearing form and type or print the date on which you signed this document.

WHEN YOU HAVE COMPLETED THE HEARING REQUEST:

- ✓ Attach a copy of the Garnishee's Nonexempt Earnings Statement to which you are objecting to this form and file it with the Clerk's filing counter along with a Notice of Hearing on Garnishment (Earnings) (FORM 9).
- ✓ Immediately after filing, you must mail or deliver a copy of this Request for Hearing (FORM 14) to the judgment creditor and the garnishee.
- ✓ The Court should contact you regarding your hearing request within ten (10) days.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone: _____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

REQUEST FOR HEARING ON NONEXEMPT EARNINGS STATEMENT (A.R.S. § 12-1598.16(J)&(K))

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

I am the judgment debtor or I represent the judgment debtor in this action. I want a hearing on the attached Garnishee's Nonexempt Earnings Statement because:

(9) (Check all that apply)

[ ] The Nonexempt Earnings Statement is incorrectly filled out.

Case No. **(8)**_____

[ ] Other: **(10)** _____
_____
_____
_____

(11)	**(12)**
Copy provided to judgment creditor on: Date:_____ By: [ ] Mail [ ] Hand delivery	Copy provided to garnishee on: Date:_____ By: [ ] Mail [ ] Hand delivery

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

(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 the Garnishee's Nonexempt Earning Statement, unless you show good reason for the delay.

INSTRUCTIONS
FORM 15
CREDITOR'S GARNISHMENT REPORT

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.

USE FORM 15 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor.

TO COMPLETE FORM 15 YOU WILL NEED:

- Information from the judgment or order that awarded you the money you want to collect in this action.
- The amount of money you have been paid during the period covered by this report and the interest rate applicable to your judgment as stated in the Writ of Garnishment (Earnings).

HOW TO COMPLETE FORM 15:
TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Creditor's Garnishment Report (Earnings).

*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 you filed the garnishment.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you filed the garnishment 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 you filed the garnishment 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, the phone number of the petitioner/plaintiff on the judgment or order you are seeking to collect.

(5) Type or print the name, mailing address and, if known, the phone number of the respondent/defendant on the judgment or order you are seeking to collect.

(6) Type or print the name, mailing address and, if known, the phone number of the person or company (garnishee) that owes or will owe earnings to the judgment debtor that you are seeking to collect in this lawsuit. Include the name of the person's attorney, if known.

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

(8) Type or print the beginning and ending date of the reporting period for this report. The beginning date of the first reporting period is the date the Writ of Garnishment was served on garnishee.

(9) Type or print the date and amount of each payment you received from the garnishee during this reporting period.

(10) Type or print the judgment balance at the beginning of this reporting period.

(11) Type or print the total amount credited to the judgment balance for this reporting period.

(12) Type or print the amount of interest that accrued on the outstanding balance during this reporting period.

(13) Type or print the total outstanding balance due on the judgment as of the ending date of this reporting period. (Line 10 minus line 11, plus line 12).

(14) Check each box that applies, if any.

(15) Complete the information in this box indicating the date and manner in which you will provide a copy of your Creditor's Garnishment Report to the judgment debtor.

(16) Complete the information in this box indicating the date and manner in which you will provide a copy of your Creditor's Garnishment Report to the garnishee.

(17) Date and sign your name where indicated.

WHEN YOU HAVE COMPLETED THIS CREDITOR'S EARNINGS REPORT:

- ✓ Do not file it with the Court. Keep a copy for your files.
- ✓ Follow the steps on the Process Checklist.

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

CREDITOR'S GARNISHMENT REPORT (A.R.S. § 12-1598.12)

(6) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

This report covers the period from **(8)** _____ to _____.

I received these payments during this period **(9)** (attach list if necessary)

Date	Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Case No. **(7)**_____

Judgment balance at beginning of period . . . . . **(10)** $_____

Total credited to the judgment balance this period . . . . . **(11)** $_____

Interest accrued during this period . . . . . **(12)** $_____

Total outstanding balance at end of period. . . . . **(13)** $_____

The following statements apply: **(14)** (check all that apply)

[ ] Balance due is $500 or less.

[ ] Balance due is less than double the amount received in the last two pay periods.

[ ] Garnishee should stop withholding earnings.

(15)

Copy provided to judgment debtor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(16)

Copy provided to garnishee on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(17)_____
Date

_____
Judgment Creditor or Authorized Agent

INSTRUCTIONS
FORM 16
REQUEST FOR HEARING (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.

USE FORM 16 IF:

- You are a party to an earnings garnishment proceeding or you represent a party.
- You wish to request a hearing.

TO COMPLETE FORM 16 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons.

HOW TO COMPLETE FORM 16:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Request for Hearing (Earnings).

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

If you are representing a party to this action but you are not an attorney and you are permitted by law to do so, check the box before "Other." A party to a garnishment may represent him/herself or be represented by an attorney. A **power of attorney** does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Objection and Request for Hearing 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 city or town in which you are filing this Objection and Request for Hearing and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Check the box that applies to you.

(10) Type or print your reason for requesting a hearing.

(11) Do not complete this box if you are the judgment debtor. If you are the judgment creditor or garnishee, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment debtor.

(12) Do not complete this box if you are the garnishee. If you are the judgment creditor or judgment debtor, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.

(13) Do not complete this box if you are the judgment creditor. If you are the judgment debtor or garnishee, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment creditor.

(14) The court may need to contact you regarding your hearing. Provide a phone number where you can be contacted between 8 a.m. and 5 p.m.

(15) Date and sign the form where indicated.

WHEN YOU HAVE COMPLETED THE HEARING REQUEST:

- ✓ File this form with the Clerk's filing counter along with a copy of the Notice of Hearing (FORM 9).
- ✓ Immediately after filing, you must mail or deliver a copy of this Request for Hearing form to the other parties.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

REQUEST FOR HEARING (EARNINGS)

1. I am the:

   (9) (Check one)

   [ ] Judgment creditor or authorized representative

   [ ] Judgment debtor or authorized representative

   [ ] Garnishee or authorized representative

Case No. **(8)**_____

2. The reason I am requesting a hearing is because:

   (10) (Attach additional sheets if necessary)

   _____

   _____

   _____.

(11)

Copy provided to judgment debtor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(12)

Copy provided to garnishee on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(13)

Copy provided to judgment creditor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

The Court can call me at **(14)** _____ between 8 a.m. and 5 p.m. regarding the hearing, if necessary. (phone)

(15)_____ _____

Date Signature

WARNING: Your hearing request may be subject to a filing deadline.

INSTRUCTIONS
FORM 17
PETITION FOR ORDER TO SHOW CAUSE
REGARDING GARNISHEE'S DEFAULT (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.

USE FORM 17 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes earnings or will owe earnings to the judgment debtor within 60 days.

TO COMPLETE FORM 17 YOU WILL NEED:

- Information from the judgment or order that awarded you the money you want to collect in this action.
- Information from the affidavit of service by the sheriff, constable or private process server you paid to serve the Writ of Garnishment and Summons on the garnishee.

HOW TO COMPLETE FORM 17:
TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Petition for Order to Show Cause Regarding Garnishee's Default (Earnings).

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self." If you are representing a judgment debtor and you are not an attorney, check the box before "Other."

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Request for Hearing, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Request for Hearing 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 city or town in which you are filing this Request for Hearing and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Type or print the date on which the Writ of Garnishment was signed by the Court

(10) Type or print the date garnishee was served with the Writ.

(11) Type or print the date the Garnishee's Answer was due to be filed in Court (10 days after garnishee was served).

(12) Type or print the amount of money you are owed by the judgment debtor.

(13) Date and sign where indicated.

WHEN YOU HAVE COMPLETED THIS PETITION FOR ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT EARNINGS):

✓ Follow the steps on the Process Checklist.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

PETITION FOR ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT (EARNINGS)

PETITION

I am the judgment creditor or authorized agent of the judgment creditor in this action. I want the Court to order the garnishee to appear and show cause why judgment should not be entered against the garnishee in the full amount of judgment against the judgment debtor and why the garnishee should not pay costs of this Petition and attorney's fees. This Petition is based on the following facts:

1. The Court issued a Writ of Garnishment to garnishee on **(9)** _____.

Case No. **(8)** _____

2. Garnishee was served on **(10)** _____ and Garnishee's Answer was due on **(11)** _____.
3. Garnishee's Answer has not been filed with the Court or received by the judgment creditor.
4. Judgment debtor owes judgment creditor **(12)** $_____.

(13)_____ _____

Date Signature of Judgment Creditor or Authorized Agent

INSTRUCTIONS
FORM 18
ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT (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.

USE FORM 18 IF:
- You are the judgment creditor or you represent the judgment creditor.
- You wish to object to the garnishee's failure to file an Answer in this proceeding.

TO COMPLETE FORM 18 YOU WILL NEED:
- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 18:
TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Order to Show Cause Regarding Garnishee's Default (Earnings).

*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 you filed your garnishment action.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you filed the garnishment action 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 you filed the garnishment action 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 and Summons. 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 and Summons. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(6) Type or print the name, mailing address, phone number and attorney of the garnishee as it appears on the Writ of Garnishment and Summons.

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

LEAVE THE REST OF THE FORM BLANK. THE JUDICIAL OFFICER OR CLERK OF COURT WILL SET THE HEARING DATE AND COMPLETE THE REMAINING ITEMS.

WHEN YOU HAVE COMPLETED THE ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT:

- ✓ File this form with the Clerk's filing counter along with the Petition for Order to Show Cause Regarding Garnishee's Default (Earnings) (FORM 17).

- ✓ You must promptly serve both the Petition and the signed Order to Show Cause on the garnishee by process server, constable or deputy sheriff.

- ✓ You should also deliver copies of these documents to the judgment debtor by first class mail or personal delivery.

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT (EARNINGS)

(6) Garnishee
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

This matter is set for a hearing before _____ (Judicial Officer). Garnishee is ordered to appear at the following date, time and place to show cause why judgment should not be entered as shown in the Petition for Order to Show Cause or to file an Answer with the Court. The garnishee must serve a copy of the filed Answer on the judgment creditor no later than 5 business days before the hearing date set by this Order. If an Answer is filed, check with the Court to confirm the hearing date.

Case No. **(7)**_____

Date: _____

Time: _____

Place: _____

_____

Bring to the Court hearing any documents or exhibits you want to use as proof in your case.

If any party fails to appear at the hearing after proper notice, the Court may:

- **Take evidence and/or oral testimony from any parties who do appear**
- **Make a decision based on the information provided in the documents filed and at the hearing**
- **Inform the parties who are present of the decision and sign appropriate orders.**

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case in advance of a scheduled Court proceeding.

If you require the services of an interpreter for a foreign language or for the hearing impaired, contact the Court immediately to determine whether accommodations can be made to assist you or to receive further information.

_____ _____

Date Judicial Officer

INSTRUCTIONS
FORM 19
PETITION FOR ORDER DISCHARGING GARNISHEE (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.

USE FORM 19 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You are seeking to collect a money judgment from a third party who owes or will owe earnings to the judgment debtor.

HOW TO COMPLETE FORM 19:
TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Petition for Order Discharging Garnishee.

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self." If you are representing a judgment debtor and you are not an attorney, check the box before "Other."

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Petition for Order Discharging Garnishee, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Petition for Order Discharging Garnishee 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 city or town in which you are filing this Petition for Order Discharging Garnishee and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Check the box that best describes the status of the judgment you are seeking to collect.

(10) Complete the information in this box indicating the date and manner in which you will provide a copy of your Petition to the judgment debtor.

(11) Complete the information in this box indicating the date and manner in which you will provide a copy of your Petition to the garnishee.

(12) Date and sign the Petition for Order Discharging Garnishee where indicated.

WHEN YOU HAVE COMPLETED THIS PETITION FOR ORDER DISCHARGING GARNISHEE:

✓ File this form with the Clerk's filing counter along with the Order Discharging Garnishee (FORM 20). The Court will complete the Order Discharging Garnishee.

✓ At the same time, you must mail or deliver a copy of the Petition (FORM 19) to the judgment debtor and the garnishee at their addresses stated in the Writ.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone:_____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

PETITION FOR ORDER DISCHARGING GARNISHEE (EARNINGS)

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

I am the judgment creditor or authorized agent of the judgment creditor in this action. The garnishee should be discharged.

(9) (Check the box that applies)

[ ] The Garnishment Judgment has been satisfied.

[ ] The Garnishment Judgment has not been satisfied.

(10)

Copy provided to judgment debtor on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(11)

Copy provided to garnishee on:

Date:_____

By: [ ] Mail [ ] Hand delivery

(12)_____ _____
Date Judgment Creditor or Authorized Agent

INSTRUCTIONS
FORM 20
ORDER DISCHARGING GARNISHEE

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.

USE FORM 20 IF:

- You are the judgment creditor or you represent the judgment creditor.
- You want to terminate your garnishment against a particular garnishee.

TO COMPLETE FORM 20 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 20:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Order Discharging Garnishee.

*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, which will be the same Court in which the other documents for this garnishment have previously been filed.

(1) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Order Discharging Garnishee 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 you are filing this Order Discharging Garnishee 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 and Summons. 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 and Summons. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

(6) Type or print the name, mailing address, phone number and attorney of the garnishee as it appears on the Writ of Garnishment and Summons.

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

LEAVE THE REST OF THE FORM BLANK. THE JUDICIAL OFFICER WILL COMPLETE THE REMAINING ITEMS.

WHEN YOU HAVE COMPLETED THE ORDER DISCHARGING GARNISHEE:

- ✓ File this form with the Clerk's filing counter along with the Petition for Order Discharging Garnishee (FORM 19).

(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:_____

Phone(s):_____

(7) Case No.:_____

(5) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

ORDER DISCHARGING GARNISHEE (EARNINGS)

(6) Garnishee
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

Based on the statements appearing in the Petition for Order Discharging Garnishee, it is ordered that garnishee is discharged.

_____ _____

Date Judicial Officer

INSTRUCTIONS
FORM 21
CERTIFICATE OF SERVICE

USE FORM 21 IF:

- You are a party to a garnishment and have filed a pleading other than the original application, a copy of which must be provided to one or more parties to the proceeding by mail or hand delivery.

TO COMPLETE FORM 21 YOU WILL NEED:

- The titles of the court papers you mailed or hand-delivered to the other party/parties in this action.
- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 21:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Certificate of Service.

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self." If you are representing a judgment debtor and you are not an attorney, check the box before "Other."

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Certificate of Service, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Certificate of Service 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 city or town in which you are filing this Certificate of Service and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Type or print the date you mailed or hand-delivered the court papers to the other party/parties.

(10) Check the box describing the manner of mailing or delivery.

(11) If you checked this box, type or print the name of the person who performed the hand delivery.

(12) Type or print the title of each court paper you mailed or delivered.

(13) Type or print the name and address of each party to whom you mailed or delivered the court document(s).

(14) Date and sign your name where indicated in the presence of a notary public.

WHEN YOU HAVE COMPLETED THE CERTIFICATE OF SERVICE:

✓ File this form with the Clerk's filing counter.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone: _____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

CERTIFICATE OF SERVICE

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

On **(9)** _____ (date), I **(10)** (check all boxes that are true):

[ ] Mailed by regular mail (postage prepaid)

[ ] Mailed by Certified mail (return receipt attached)

[ ] Hand-delivered by (**11**)_____

(12) a copy of the following documents:

1. _____

2. _____

(8) Case No.:_____

3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

(13) to the following person(s):

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

(14) _____ _____

Date Signature

State of Arizona)
)ss.
County of _____)

Subscribed and sworn or affirmed before me on _____

My Commission Expires: _____ _____

Notary Public or Clerk of the Court

INSTRUCTIONS
FORM 22
SATISFACTION OF JUDGMENT
(EARNINGS GARNISHMENT)

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.

USE FORM 22 IF:

- You are the judgment creditor or you represent the judgment creditor, and the judgment you sought to collect through garnishment has been paid in full or otherwise satisfied.

TO COMPLETE FORM 22 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons.

HOW TO COMPLETE FORM 22:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Satisfaction of Judgment.

(1) Type or print the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self." If you are representing a judgment debtor and you are not an attorney, check the box before "Other."

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

(2), (3) & (4) Check the appropriate box that identifies the Court in which you are filing this Satisfaction of Judgment, which will be the same Court in which the other documents for this garnishment have previously been filed.

(2) If you checked this box, type or print the name of the Justice Court precinct in which you are filing this Satisfaction of Judgment 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 city or town in which you are filing this Satisfaction of Judgment and the name of the county in which the Court is located.

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

(5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment creditor or judgment debtor, as shown on the Writ.

(6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). Check the box indicating whether this party is the judgment debtor or judgment creditor, as shown on the Writ.

(7) Type or print the garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).

(8) Type or print the case number appearing on the Writ.

(9) Date and sign your name where indicated.

(10) Complete the information in this box indicating the date and manner in which you will provide a copy of this form to the judgment debtor.

(11) Complete the information in this box indicating the date and manner in which you will provide a copy of this form to the garnishee.

WHEN YOU HAVE COMPLETED THE CERTIFICATE OF SERVICE:

✓ Follow the steps on the Process Checklist.

(1) Person Filing:_____

Mailing Address:_____

City, State, Zip Code:_____

Daytime Phone: _____ Alternate Phone:_____

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:_____

Phone(s):_____

(8) Case No.:_____

(6) Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor
Name: _____

Address:_____

City, State, Zip Code: _____

Phone(s): _____

(7) Garnishee:
Name:_____

Address:_____

City, State, Zip Code:_____

Phone(s):_____

Attorney:_____

SATISFACTION OF JUDGMENT (EARNINGS GARNISHMENT)

PLEASE TAKE NOTICE THAT:

The Judgment entered in this action has been satisfied.

(9) _____ _____
Date Signature of Judgment Creditor or Authorized Agent