

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
APPROVAL OF GARNISHMENT)	Administrative Order
FORMS)	No. 2001- <u>51</u>
)	(Superceding Administrative
)	Order No. 91-25)
<hr/>)	

On September 24, 1991, by Administrative Order No. 91-25, the Court approved a set of garnishment forms for use by pro per litigants and other matters concerning garnishment of monies or property.

Since that date, several statutory changes have necessitated modifications to the forms. Additional changes to some of the forms have been made to correct typographical and other minor errors in the original forms. This Court's approval of some of the attached forms is required by Arizona Revised Statutes sections 12-1570 to 12-1598.17.

Therefore, in order to promote the use of uniform and efficient legal forms at all levels of the court system and to enhance the public's access to the courts through the availability of useable and understandable legal forms,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached garnishment forms are approved for immediate use by the courts in Arizona in matters concerning garnishment of monies or property.

Dated this 19th day of April, 2001.

THOMAS A. ZLAKET
Chief Justice

GARNISHMENT INSTRUCTIONS FOR CREDITOR (NON-EARNINGS)
A.R.S. § 12-1570 TO 12-1597

FILING A GARNISHMENT

To begin a garnishment action, you must complete the garnishment forms and file an Application for Writ of Garnishment.

SERVICE OF WRIT OF GARNISHMENT

When the Writ page of Summons and Writ of Garnishment is signed by the judge, you, the judgment creditor, shall serve on the garnishee two copies of the Summons and Writ of Garnishment, a copy of the underlying judgment, four copies of the Garnishee's Answer form, two copies each of the Notice to Judgment Debtor of Garnishment and the Hearing Request and Notice of Hearing on Garnishment and one copy of the Instructions to Garnishee.

You will pay a fee for service of these documents. **You may use a private process server or a constable from the court to serve these forms. THE COURT IS NOT RESPONSIBLE FOR ARRANGING SERVICE OF THESE FORMS.**

APPLYING FOR A GARNISHMENT JUDGMENT

The garnishee must answer within 10 days from the date the Writ was served. You should receive a copy of the Garnishee's Answer. If you don't get the Answer within 10 days, please check with the court as soon as possible.

If the garnishee states that money or property is being withheld from the judgment debtor and 10 days pass without any objection, you need to complete and send one copy of the Application for Garnishment Judgment to the court and one copy to the defendant. After the Garnishment Judgment is signed, you will receive the money or property garnished.

WARNING: If the garnishee does not receive the Garnishment Judgment within 90 days of filing the Answer, you cannot get your money or property without filing a new application.

RELEASING GARNISHEE

When the garnishment is paid, you need to complete and file with the court one copy of the Petition and Order Discharging Garnishee. Copies of this form must be sent to the garnishee, the judgment debtor, and any other creditor who has asked to be notified. When the judgment against the judgment debtor has been paid, you need to file a Satisfaction of Judgment and mail a copy to the judgment debtor.

COMMON QUESTIONS

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

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

2. **What happens if the garnishee doesn't answer?**

If the garnishee fails to answer within 10 days after service, you can file a Petition for an Order to Show Cause Re: Garnishee's Default with the court. The court will then order the garnishee to appear for a hearing and state why he failed to answer. You will have to arrange and pay a fee for service of the Order on the garnishee. The judge may then enter judgment against the garnishee.

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

Maybe. The garnishee can't withhold certain kinds of money or property that may be exempt from collection.

4. **What happens if the judgment debtor wants a hearing?**

If the judgment debtor files an Objection and Hearing Request, a hearing will be set within 5 days after the request is received. The judge might not sign the Garnishment Judgment until the hearing is held.

5. **What if I don't agree with what the judgment debtor or garnishee says or I don't receive any money?**

You can file an Objection and Hearing Request and a hearing will be scheduled on your complaint.

6. **What are "earnings?"**

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

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Account No. (if any):

Phone:

Case No:

APPLICATION FOR WRIT OF GARNISHMENT (NON-EARNINGS)

1. I was awarded a money judgment or order against _____ (judgment debtor).
2. The amount owed to date, including interest and costs, is \$ _____. The interest rate is _____%. (The cost of serving the Writ will be as stated on the affidavit of service.)

3. I believe the statements checked below are true:

(Check all that apply)

- ☐ Garnishee owes judgment debtor money which wasn't earned by judgment debtor for personal services performed by judgment debtor.
- ☐ Garnishee is holding money for judgment debtor which is not exempt from collection.
- ☐ Garnishee has personal property which belongs to judgment debtor and which is not exempt from collection.
- ☐ Garnishee is a corporation and judgment debtor owns shares or other interest in the corporation.

4. Garnishee's name and address are as shown above.

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

Date: _____

Creditor: _____

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No. (if any)

Case No:

WRIT OF GARNISHMENT AND SUMMONS (NON-EARNINGS)

WRIT

TO THE SHERIFF, CONSTABLE OR OTHER AUTHORIZED PROCESS SERVER IN _____
COUNTY: You are commanded to summon garnishee named above, who is believed to be in your county, to
answer the following claims:

STATEMENTS OF CREDITOR

1. Creditor was awarded a judgment or order against _____ (judgment debtor).
2. The amount due on the judgment or order is _____, including accrued interest and allowable costs to date.
 - A. Interest accrues at the rate of _____ %.
3. The addresses of the plaintiff/creditor, defendant/judgment debtor, garnishee, attorney or representative of garnishee (if any) are provided in the caption.
4. Garnishee is believed to hold money or property owed or belonging to judgment debtor.

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

WRIT OF GARNISHMENT AND SUMMONS (NON-EARNINGS) *(continued)*

TO THE ABOVE-NAMED GARNISHEE

GARNISHEE SHALL answer in writing, under oath, within ten (10) days after service of the WRIT OF GARNISHMENT upon you, all the following questions:

1. Whether the Garnishee has money or property belonging to the judgment debtor;
 2. The amount of money owed the judgment debtor and the amount of money withheld;
 3. The amount of money released with the reason(s) for the release stated;
 4. A description of personal property of the judgment debtor in the possession of the Garnishee;
 5. What the Garnishee has withheld;
 6. What shares or interest the judgment debtor may own if the Garnishee is a corporation;
-

SUMMONS

A Writ of Garnishment has been issued, naming you as garnishee. You are commanded to answer this Writ within ten (10) days. If you don't answer, you may be ordered to appear in person to answer the WRIT.

WARNING: A default judgment may be entered against you, the garnishee, for the full amount shown on the writ, plus attorney fees and costs if you fail to answer the writ within ten (10) days.

DO NOT SEND ANY MONEY UNTIL YOU RECEIVE A COURT ORDER TELLING YOU TO DO SO.

Date: _____

Justice of the Peace/Clerk/Commissioner

INSTRUCTIONS TO GARNISHEE (NON-EARNINGS)

A.R.S. § 12-1570 TO 12-1597

You are the garnishee in this case. You've received the following:

1. Summons and Writ of Garnishment (*identifies the parties and the reasons for the garnishment*).
2. Judgment or order (*what judgment debtor owes creditor*).
3. Notice to Judgment Debtor of Garnishment (*advises judgment debtor of rights*).
4. Hearing Request and Notice of Hearing on Garnishment (*for judgment debtor to object to garnishment*).
5. Garnishee's Answer form (*for your response to the garnishment*).

WHAT YOU MUST DO

Deliver copies of items 1-4 above to the judgment debtor within 3 days. **You can deliver them personally, by first class mail or use a process server.**

Do not release any of judgment debtor's money or personal property to the judgment debtor until you receive a Garnishment Judgment from the court.

File your Answer with the court within 10 days and deliver copies to judgment debtor and creditor (*personally, first class mail or by process server*). **Be sure to show on the Answer the date and manner of delivery of the copies to the judgment debtor and creditor.**

FOR CORPORATIONS: Don't transfer any shares or interest belonging to judgment debtor.

FOR FINANCIAL INSTITUTIONS: Don't withhold the first \$150.00 in one or more accounts subject to this garnishment for each individual judgment debtor who has an interest in the accounts. This exemption does not apply to corporations. Notify persons interested in the accounts pursuant to A.R.S. §12-1595.

IF YOU HOLD PERSONAL PROPERTY: Exemptions are limited by statute, description and dollar value. See the list on the enclosed Hearing Request and Notice of Hearing on Garnishment. An attorney can help you to determine how much, if any, of the personal property is exempt.

HEARING REQUEST: If the judgment debtor files a Hearing Request and Notice of Hearing on Garnishment, you will get a copy and be able to attend the hearing. The court will enter an order after the hearing and the creditor will deliver a copy of the order to you or you may receive an order by mail from the court.

RELEASE OF MONEY OR PERSONAL PROPERTY: After all objections to the garnishment are considered, an order to release funds or property will be issued by the court. You will release the money or property to the creditor or judgment debtor as required by the order.

WARNING: *If you fail to comply with these requirements, the court may find you in contempt and can award the total amount of the judgment and up to \$400.00 in damages against you.*

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Account No. (if any):

Phone:

Case No:

GARNISHEE'S ANSWER (NON-EARNINGS)

1. I am the garnishee or am authorized by the garnishee to file this answer. Garnishee's name, address and phone are correct above except:
2. The statements checked below are true: *(Check and fill in blanks)*
 - ☐ Garnishee does not have money or property belonging to judgment debtor.
 - ☐ Garnishee owes judgment debtor \$_____. I've withheld \$_____ and released the rest because:
 - ☐ Garnishee has judgment debtor's personal property: _____.
 - ☐ Garnishee has withheld _____. *(Attach lists if necessary)*
 - ☐ Garnishee is a corporation and judgment debtor owns these shares or interests:
3. The following owe money or hold money or property which belongs to judgment debtor:
4. Garnishee requests an answer fee in the amount of \$_____.

(continued on next page)

Filed By:

Firm:

Bar Number *(if applicable)*:

Address:

Phone:

Representing:

GARNISHEE'S ANSWER (NON-EARNINGS)
(continued)

Delivered to Judgment Debtor:
Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Creditor:
Date: _____ Time: _____

☐ Mail ☐ Personal Service

Garnishee: _____

SUBSCRIBED AND SWORN TO before me on _____.

My commission expires: _____

Notary Public Deputy Clerk

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No. (if any)

Case No:

APPLICATION FOR GARNISHMENT JUDGMENT (NON-EARNINGS)

I am the creditor in this action. I want the court to order judgment against garnishee as shown below:

(Check all that apply)

- ☐ The Answer states that garnishee owes judgment debtor money from which my claim can be paid. I should have judgment against garnishee for \$_____.
- ☐ The Answer states that garnishee holds nonexempt property belonging to judgment debtor. This property should be sold.
- ☐ The Answer states that judgment debtor owns stock or other interest in garnishee corporation. This interest should be sold and I should take \$_____.
- ☐ I am entitled to \$_____ for service of the Writ as stated on the affidavit of service to be taxed against the judgment debtor.
- ☐ Garnishee failed to answer or appear to object to the Writ within the time required by law (*an order to show cause hearing was held on* _____). I should have judgment for \$_____.

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

APPLICATION FOR GARNISHMENT JUDGMENT (NON-EARNINGS)
(continued)

☐ Other: _____

Delivered to Judgment Debtor:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Garnishee:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Date: _____ Creditor: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

GARNISHMENT JUDGMENT (NON-EARNINGS)

This court issued a Writ of Garnishment to garnishee for \$_____, and the following is shown from the Answer:

(Check all that apply)

☐ Garnishee owes judgment debtor \$_____.

THEREFORE, IT IS ORDERED that creditor have judgment against garnishee for \$_____ plus costs, interest and attorney's fees in the amount of \$_____. Total: \$_____.

☐ Garnishee has the following nonexempt property belonging to judgment debtor: *(Attach list if necessary)*

THEREFORE, IT IS ORDERED that this property be sold under a special writ of execution for the benefit of creditor.

☐ Judgment debtor owns this stock or interest in garnishee corporation:

THEREFORE, IT IS ORDERED that said interest be sold under a special writ of execution for the benefit of creditor.

(continued on next page)

GARNISHMENT JUDGMENT (NON-EARNINGS)
(continued)

☐ Garnishee has failed to answer and a default has been entered.

THEREFORE, IT IS ORDERED that creditor have judgment against garnishee for \$ _____
and attorney fees of \$ _____.

IT IS FURTHER ORDERED awarding Garnishee the sum of \$ _____ for reasonable compensation
for answering the Writ, said sum to be paid by _____ or withheld by
Garnishee from the funds subject to garnishment.

IT IS FURTHER ORDERED taxing the cost of the application for the Writ in the amount of
\$ _____ and the cost of service of the Writ in the amount of \$ _____ against _____.

☐ Garnishee is not indebted to nor in possession of property of judgment debtor.

THEREFORE, IT IS ORDERED that garnishee is discharged.

Upon filing the satisfaction of this judgment, garnishee is released from the Writ of Garnishment issued ____
_____.

Date: _____ Judge: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No. (if any)

Case No:

NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (NON-EARNINGS)

AVISO

EI TRIBUNAL HA EXPEDIDO UNA ORDEN QUE LE OBLIGA AL DUEADOR ENTREGAR AL ACREEDOR EL DINERO O LOS BIENES QUE LE DEBE A UD. DEBIDO A LA SENTENCIA DICTADA EN CONTRA SUYA. EN DETERMINADAS CIRCUNSTANCIAS, LA LEY IMPIDE QUE SE OCUPEN SU DINERO O BIENES. ESTO SE EXPLICA EN EL AVISO. UD. PUEDE OBTENER UNA TRADUCCION ESPANOL DEL TRIBUNAL.

NOTICE

You are hereby notified that this court has issued an order in the above case in favor of the judgment creditor in this proceeding, directing that some of your money, property or corporate shares or interest be used to satisfy some of your debt to the judgment creditor. The order was issued to enforce the judgment creditor's judgment, support order or provisional remedy order against you that was obtained in _____ (the name of court) in _____ (case number) on _____ (date). A copy of the judgment or order is attached.

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

Within 10 days after receiving the writ, the garnishee must send you an answer stating what money or property will be held for the creditor. Some money and property can't be held. Examples of money or property that can't be held are listed on the attached hearing request form. A lawyer can help you find out what's "exempt".

NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (Non-earnings)

(continued)

If you don't agree with the writ or the answer, you can ask for a hearing for the reasons listed on the hearing request form. State and federal exemptions other than those listed may apply. If you want a hearing, fill out the form and deliver it to the court and send photocopies or handwritten copies to the garnishee and creditor at the addresses shown above. You can send in the form without waiting for an answer if you think you have good reasons for a hearing. You may be required to pay a fee for the hearing or request a waiver of the fee.

WARNING: If you want a hearing, the hearing request form must be received by the court within ten (10) days after you get garnishee's answer. If you don't get the request in on time, you won't get a hearing unless there is a very good reason why you're late.

A hearing will be set within 5 days after the request is filed. The court will let you, the garnishee and the creditor know when and where the hearing will be held.

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

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

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

1. The judgment creditor does not have a valid provisional remedy order or support order or judgment against you or that the debt or judgment has been paid in full.
2. Some or all of the monies which are being withheld by the garnishee may be exempt monies.

▶ Examples of exempt monies are:

- (a) One hundred fifty dollars in a bank, savings and loan association or credit union account.
(Three hundred dollars for married account holders.)
- (b) Temporary assistance for needy families.
- (c) Supplemental security income (SSI).
- (d) Social security benefits (SSA).
- (e) Veterans' administration benefits (VA).
- (f) Certain pension benefits and retirement funds.
- (g) Workers' compensation benefits.
- (h) Some insurance proceeds.

(continued on next page)

NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (Non-earnings)

(continued)

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

3. Some or all of the personal property being withheld by the garnishee may be exempt property.
 - ▶ Examples of exempt personal property are:
 - (a) Household goods, furniture and appliances.
 - (b) Up to five thousand dollars equity value for each owner of a car or truck. (Ten thousand dollars equity value if the owner is physically disabled.)
 - (c) Wearing apparel, musical instruments, televisions or stereos and other personal items.
 - (d) Tools and equipment used in a commercial activity, trade, business or profession.

These exemptions are limited in statute by description and dollar value. An attorney can assist you in determining what personal property is exempt.

4. More than fifteen days have passed since the garnishee was served with the writ and you have not yet received the garnishee's answer.
5. You otherwise disagree with the answer of the garnishee. To request a hearing, deliver the request for hearing form enclosed, or a substantially similar form to the court clerk's office. At the same time, you must mail or deliver a copy (photocopy or handwritten copy) of the request for hearing to the judgment creditor and the garnishee at the address stated in the writ. If you do not deliver the request for hearing form to this court within ten days after the date you receive the answer of garnishee, your request for hearing will be denied, unless a good reason for the delay, acceptable to the court, is shown.

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

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

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No. (if any)

Case No:

HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT (NON-EARNINGS)

HEARING REQUEST

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

(Check all that apply)

- ☐ Creditor doesn't have a valid judgment against me because _____.
- ☐ The judgment has been paid.
- ☐ Exempt money is being garnished:
 - ☐ \$150 (\$300/married) in a bank, savings and loan or credit union.
 - ☐ Temporary assistance for needy families, social security, supplemental security income or veterans' benefits.
 - ☐ Other pension or retirement benefits.
 - ☐ Workers' compensation or other insurance benefits.
 - ☐ Other: _____.
- ☐ Exempt personal property is being garnished:
 - ☐ Household goods, furniture or appliances (with some exceptions).
 - ☐ A car or truck with equity under \$5000 (\$10,000 if owner is disabled).
 - ☐ Personal items.
 - ☐ Tools and equipment of a trade.
 - ☐ Other: _____.

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

**HEARING REQUEST AND NOTICE OF HEARING
ON GARNISHMENT (NON-EARNINGS)** *(continued)*

- ☐ Garnishee's answer is not correct because _____.
- ☐ No answer was received within 15 days.
- ☐ Other: _____.

Delivered to Garnishee:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Creditor:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

You can call me at _____ between 8 a.m. and 5 p.m. to schedule the hearing.
(phone)

Date: _____ Judgment Debtor: _____

NOTICE OF HEARING DATE

Hearing is set for _____ on _____ at the court above.
(time) (date)

Date: _____ Clerk/Commissioner: _____

WARNING: To request a hearing, this document, or one similar, must be received by this court within ten (10) days after your receipt of the answer of garnishee, unless good reason for the delay is shown.

GARNISHMENT INSTRUCTIONS FOR CREDITOR (EARNINGS)

A.R.S. §12-1598 TO 12-1598.17

FILING A GARNISHMENT

To begin a garnishment action, you must complete the garnishment forms and file an Application for Writ of Garnishment.

SERVICE OF WRIT OF GARNISHMENT

When the Writ page of the **Summons and Writ of Garnishment** is signed by the judge, you, the judgment creditor, shall serve on the garnishee two copies of the **Summons and Writ of Garnishment**, a copy of the underlying judgment, four copies of the Garnishee's Answer form, two copies each of the **Second Notice to Judgment Debtor of Garnishment** and **Second Hearing Request and Notice of Hearing on Garnishment**, two copies of the **Instructions to Garnishee**, four copies of the **Garnishee's Nonexempt Earnings Statement** and two copies of the **Hearing Request and Notice of Hearing on Garnishment Earnings Statement**.

You will pay a fee for service of these documents. **You may use a private process server or a constable from the court to serve the documents. THE COURT IS NOT RESPONSIBLE FOR ARRANGING SERVICE OF THESE FORMS.**

Within three working days after service of the above on the garnishee, you, the judgment creditor, shall deliver to the judgment debtor a copy of the Writ of Garnishment, First Notice to Judgment Debtor of Garnishment and First Hearing Request and Notice of Hearing on Garnishment. The judgment creditor shall certify in writing to the court the date and manner of delivery. You may deliver the documents personally, by first class mail or by a process server.

APPLYING FOR AN ORDER OF CONTINUING LIEN

The garnishee must answer within 10 days from the date the Writ was served. You should get a copy of the Answer from the garnishee. If you don't get the Answer within 10 days, please check with the court as soon as possible. If the garnishee states that money will be withheld from judgment debtor's paycheck, you need to complete and send one copy of the Application and Order of Continuing Lien to the court and one to the garnishee. Once the judge signs the Order, a copy is then mailed to the garnishee who should begin sending the money to you.

WARNING: If the Order of Continuing Lien is not signed within 45 days of filing the Answer, you will not get your money without filing a new garnishment action.

COMPLETING THE CREDITOR'S REPORT

You must complete and send the Creditor's Garnishment Report to the garnishee and the judgment debtor at the following times:

1. Within 21 days after the end of each calendar quarter, and
2. When the balance due is less than double the amount of nonexempt earnings received for the last two pay periods, and
3. Within 21 days after the balance is reduced to \$500 or less and then before the 10th of each month after that as long as the Order of Continuing Lien is in effect.

RELEASING GARNISHEE

When the garnishment is paid, you need to complete and file one copy of the release of garnishment with the court. Copies of this form must be sent to the garnishee, the judgment debtor, and any other creditor who has asked to be notified.

COMMON QUESTIONS

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

Yes. There is a place on the Application for Order of Continuing Lien to record this amount. This cost is added to the total amount included in the garnishment.

2. **What happens if the garnishee doesn't answer?**

If the garnishee fails to answer within 10 days after service, you can file a Petition for an Order to Show Cause with the court. The court will then order the garnishee to appear for a hearing and state why he failed to answer. You will have to arrange for the order to be served on the garnishee. The judge may then enter judgment against the garnishee.

3. **If the judgment debtor is employed by the garnishee, will I get all the money owed to me?**

Maybe. The garnishee can't withhold wages for you if the judgment debtor's wages are already being garnished and the statutory level has been reached, or if the judgment debtor is involved with an open bankruptcy, or if the judgment debtor has completed an approved debt counseling. Otherwise, garnishee will withhold that portion of the wages that are not exempt.

4. **What happens if the judgment debtor wants a hearing?**

If the judgment debtor files a Hearing Request, a hearing will be set within 10 days after the request is received. The judge cannot sign the Order of Continuing Lien until the hearing is held.

5. **What if I don't agree with what the judgment debtor or garnishee says or don't receive any money?**

You can file an Objection and Request for Hearing and a hearing will be scheduled on your complaint.

6. **What are "earnings?"**

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

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS)

1. I was awarded a money judgment or order against _____ judgment debtor.
2. I've asked judgment debtor to pay and judgment debtor hasn't paid.
3. The amount owed to date, including interest and costs, is \$ _____. *(The cost of serving the Writ will be as stated on the affidavit of service.)*
4. I believe garnishee employs judgment debtor or owes or will owe judgment debtor disposable earnings within 60 days.
5. Garnishee's name and address are as shown above.
6. The statement checked below is true. For a definition of "debt scheduling", see A.R.S. §12-1598(1).
(Check one)
☐ I wasn't 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.
☐ Judgment debtor signed an agreement for debt scheduling, but I was notified that the agreement isn't good anymore.
7. I have attached a completed Summons and Writ of Garnishment form and ask that the Writ be issued.

Date: _____

Creditor: _____

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

WRIT OF GARNISHMENT AND SUMMONS (EARNINGS)

WRIT

TO THE SHERIFF, CONSTABLE OR OTHER AUTHORIZED PROCESS SERVER IN _____
COUNTY: You are commanded to summon garnishee named above, who is believed to be in your county,
to answer the following claims:

STATEMENTS OF CREDITOR:

1. Creditor was awarded a judgment or order against _____ (*judgment debtor*).
2. The amount due on the judgment or order is _____, including accrued interest and allowable costs to date.
 - A. Interest accrues at the rate of _____ %.
3. The addresses of the plaintiff/creditor, defendant/judgment debtor, garnishee, attorney or representative of garnishee (*if any*) are provided in the caption.
4. Garnishee is believed to employ/have employed the judgment debtor when the summons was delivered;
 - A. Garnishee is believed to owe money (earnings) to judgment debtor in the next 60 days.

(Continued on next page)

Filed By:

Bar Number (*if applicable*):

Phone:

Representing:

Firm:

Address:

SUMMONS AND WRIT OF GARNISHMENT (EARNINGS) *(continued)*

WRIT

TO THE ABOVE-NAMED GARNISHEE

GARNISHEE SHALL answer in writing, under oath, within ten (10) days after service of the WRIT OF GARNISHMENT upon you, all the following questions:

1. Whether you are the garnishee or are authorized by the garnishee to file the answer;
2. The judgment debtor's identity has or has not been determined and if unknown, steps taken/tried to find the identity of the judgment debtor;
3. The judgment debtor was or was not employed by you when the summons was delivered;
4. The last work day of the judgment debtor if not employed by you when the summons was served;
5. Whether earnings will be owed to the judgment debtor in the next 60 days;
6. The dates of the judgment debtor's next two (2) paydays and the length of the pay period (daily, weekly, bi-weekly, semi-monthly, monthly, quarterly, semi-annually, yearly).

SUMMONS

A Writ of Garnishment has been issued, naming you as garnishee. You are commanded to answer this WRIT within ten (10) days. If you don't answer, you may be ordered to appear in person to answer the WRIT.

WARNING: A default judgment may be entered against you, the garnishee, for the full amount shown on the writ, plus attorney fees and costs if you fail to answer the writ within ten (10) days.

DO NOT SEND ANY MONEY UNTIL YOU RECEIVE A COURT ORDER TELLING YOU TO DO SO.

Date: _____

Justice of the Peace/Clerk/Commissioner

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

APPLICATION AND ORDER OF CONTINUING LIEN (GARNISHMENT)

APPLICATION FOR ORDER OF CONTINUING LIEN

I am the creditor in this case. I want the court to issue an Order of Continuing Lien for this garnishee. The Writ has been issued and Garnishee has filed an Answer. It appears from the Answer that:

(Check all that apply)

- ☐ 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 Writ was served.
- ☐ Garnishee failed to answer or appear to object to the Writ within the time regulated by law. An order to show cause hearing was held on _____. I should have judgment for \$ _____.
- ☐ I am entitled to \$ _____ for the cost of issuing the Writ as stated on the affidavit of service.

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

Delivered to Garnishee:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Judgment Debtor

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Date: _____

Creditor: _____

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

APPLICATION AND ORDER OF CONTINUING LIEN *(continued)*

ORDER OF CONTINUING LIEN

1. This application is approved. Until garnishee is discharged by order of this court, the garnishment shall be a continuing lien against the nonexempt earnings of judgment debtor as follows:

(Check one)

- ☐ All nonexempt earnings shall be withheld by garnishee and must be transferred to the creditor.
- ☐ 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 his family would suffer extreme economic hardship as a result of the garnishment. The amount of disposable earnings to be withheld and transferred to the creditor is reduced to _____% (not less than 15%).

2. Garnishee is awarded \$ _____ for costs or attorneys' fees incurred in answering the Writ of Garnishment, said amount to be paid by judgment debtor. The cost of service and the cost of issuance of the Writ totaling \$ _____ are taxed against judgment debtor.

Date: _____

Judge: _____

INSTRUCTIONS TO GARNISHEE (EARNINGS)

A.R.S. §12-1598 to 12-1598.17

You are the Garnishee in this case. You have received the following:

1. Summons and Writ of Garnishment (*identifies the parties and reasons for garnishment*).
2. Judgment or Order (*what judgment debtor owes creditor*).
3. Garnishee's Answer form (*for your response to the garnishment*).
4. Second Notice to Judgment Debtor of Garnishment.
5. Second Hearing Request and Notice of Hearing on Garnishment.
6. Garnishee's Nonexempt Earnings Statement form (*to calculate how much can be withheld*).
7. Hearing Request and Notice of Hearing on Garnishment Earnings Statement (*for judgment debtor to object to statement*).

WHAT YOU MUST DO

While the continuing lien is in effect, **Garnishee may deduct from the nonexempt earnings of the judgment debtor** the amount of \$5.00 each pay period as a fee for preparing and delivering the nonexempt earnings statement.

Withhold proper amounts immediately from judgment debtor's wages, but don't send any money to creditor until you receive instructions from court (*Order of Continuing Lien*).

File your Answer with the court within 10 days and deliver copies to creditor (*with item six (6) above*) and judgment debtor (*with items 4-7 above*). Deliver personally, by first class mail or use process server. Be sure to show on the Answer the date and manner of delivery of the copies to judgment debtor and creditor.

COMPLETING THE NONEXEMPT EARNINGS STATEMENT

1. You'll need to make more copies of the appropriate Garnishee's Nonexempt Earnings Statement form, since it must be filled out each pay period. You may get copies of these forms from the creditor.
2. Each pay period you must calculate how much of employee's earnings is to be withheld and attach a copy of the complete form to the judgment debtor's and creditor's checks.

OBJECTIONS AND HEARINGS

The judgment debtor can object to the garnishment, your Answer and the nonexempt earnings statement. The creditor can object if you don't send a nonexempt earnings statement to the creditor. In each case, a hearing may be requested and the court will inform all parties of the hearing date. You must attend the hearing if there is an objection involving the nonexempt earnings statement. You may attend the hearing on any other objection.

WITHHOLDING AND PAYING AMOUNTS TO CREDITOR

1. You aren't liable to the creditor for failing to withhold earnings which are paid to judgment debtor within 3 days after you receive the Summons and Writ of Garnishment.
2. Once you receive the Order of Continuing Lien, the garnishment will continue until one of the following occurs:
 - A. Judgment debtor leaves your employment for more than 60 days.
 - B. The judgment is satisfied (*you will receive notice from the creditor or court*).
 - C. Creditor releases the garnishment.
 - D. Judgment debtor has not earned any nonexempt earnings for at least 60 days.
 - E. Proceedings are "stayed" for some reason (*bankruptcy, for example*).
 - F. The court cancels the garnishment.
3. When ordered to do so, send all payment directly to the creditor - not to the court.

ORDER OF CONTINUING LIEN NOT ENTERED

If no objections are filed to your Answer and an Order of Continuing Lien is not entered within 45 days after your Answer, then earnings held shall be released to judgment debtor and garnishee will be discharged from any liability on the garnishment.

MORE THAN ONE GARNISHMENT

Garnishments which are for support of a person take priority over other garnishments. If your employee has more than one garnishment and after the first garnishment, there are not more nonexempt earnings available, after two consecutive paydays the second garnishment is invalid. You are to inform the creditor if this happens.

IMPORTANT REMINDERS

1. **You have only 10 days** from the date you get the Writ to file an Answer with the court.
2. **Do not release any money** to the creditor until you get an order from the court.
3. Once you receive the Order of Continuing Lien, do not send money to the court. Send the money directly to the creditor.
4. **Attach a Nonexempt Earnings Statement to each payment** to the judgment debtor and creditor.

WARNING: *If you fail to comply with these requirements, the court may find you in contempt and can award the total amount of the judgment and up to \$400.00 in damages against you. An employee can't be terminated because the employee's wages are being garnished.*

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

GARNISHEE'S ANSWER (EARNINGS)

1. I am the garnishee or am authorized by the garnishee to file this answer.
2. The following are true: *(Circle correct information in each statement)*
 - A. I (have) (have not) determined the judgment debtor's identity. If not known, I tried to find out who judgment debtor is by: _____
 - B. Judgment debtor (was) (was not) employed by me when the summons was delivered. If not, the last workday was _____.
 - C. I (will) (will not) owe judgment debtor earnings in the next 60 days.
3. \$ _____ is the total amount owed creditor, according to the Writ.
4. The judgment debtor's next two paydays are _____ and _____. The pay period is _____.
5. I've attached copies of any garnishments, wage assignments or levies pending against judgment debtor.
6. I request an answer fee in the amount of \$ _____.

(continued on next page)

GARNISHEE'S ANSWER (EARNINGS) *(continued)*

Delivered to Judgment Debtor:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Creditor:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Garnishee _____

SUBSCRIBED AND SWORN TO before me on _____

My commission expires _____

Notary Public Deputy Clerk

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

FIRST NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

AVISO

EI TRIBUNAL HA ORDENADO QUE SU EMPLEADOR TOME UNA PARTE DE SU SUELDO Y QUE PAGUE A SU ACREEDOR HASTA TERMINADO EL PROCESO EN CONTRA SUYA Y ESTE PAGADA LA DUEDA. EN CONFORMIDAD CON LA LEY, SU ACREEDO TIENE EL DERECHO A "SOLO UNA PARTE" DE SU SALARIO. A CONTINUACION FIGURA UNA EXPLICACION DE SU DERECHOS. UD. PUEDE OBTENER UNA TRADUCCION ESPANOL DEL TRIBUNAL.

NOTICE

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

If ordered to do so by the court, garnishee will start taking out part of the money he owes you and will pay it to 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. On each payday, you will get a statement which shows how much can be taken out, which is set by state and federal law.

If you don't agree, you can ask for a hearing for the reasons listed on the hearing request form (attached). If you want a hearing, fill out the hearing request form and deliver it to the court. You must also send a photocopy or handwritten copy of the hearing request form to the garnishee and creditor at the addresses shown above. You may be required to pay a fee for the hearing or request a waiver of the fee.

A hearing will be set within 10 days after the request is filed. The court will let you, the garnishee and the creditor know when and where the hearing will be held.

If you don't ask for a hearing now, you will have another chance within 10 days after you get a copy of garnishee's answer. You should get a copy of the answer and another notice and hearing request form soon.

Please read this carefully to understand your rights and what you have to do.

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

AVISO

EL TRIBUNAL HA ORDENADO QUE SU EMPLEADOR TOME UNA PARTE DE SU SUELDO Y QUE PAGUE A SU ACREEDOR HASTA TERMINADO EL PROCESO EN CONTRA SUYA Y ESTE PAGADA LA DUEDA. EN CONFORMIDAD CON LA LEY, SU ACREEDO TIENE EL DERECHO A "SOLO UNA PARTE" DE SU SALARIO. A CONTINUACION FIGURA UNA EXPLICACION DE SU DERECHOS. UD. PUEDE OBTENER UNA TRADUCCION ESPANOL DEL TRIBUNAL.

NOTICE

This is your second notice that a Writ of Garnishment has been issued to the garnishee named above. The writ is a court order that requires garnishee to take part of the money owed to you and pay it to creditor. This will happen with every paycheck until the judgment is paid or the court orders garnishee to stop.

Garnishee can only withhold 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 statement showing how much can be taken out, which is set by state and federal law.

You have the right to ask for a hearing for any of the reasons listed on the attached Hearing Request form. To ask for a hearing, complete the Hearing Request form and deliver it to the court. You must also mail or deliver a copy of the form to the garnishee and the creditor or his attorney at the addresses above. You may be required to pay a fee for the hearing or request a waiver of the fee.

WARNING: If you want a hearing now, you must file a hearing request within 10 days from the date you got this notice.

You can't object to the amount withheld from your next paycheck if you don't ask for a hearing within 10 days, unless you have good cause for being late. You can still ask for a hearing later on future withholdings, if you think too much money is being taken out. **If you ask for a hearing, it will be held within 10 days after the court gets your request.**

Please read this carefully to understand your rights and what you have to do. You should also read the copy of garnishee's answer that you received with this notice.

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

FIRST HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

(Check all that apply)

- ☐ On my normal payday, I received no earnings (paycheck).
- ☐ I didn't get a copy of the nonexempt earnings statement with my paycheck.
- ☐ Creditor doesn't have a valid judgment against me because _____.
- ☐ The judgment has been paid.
- ☐ I didn't get the Second Notice to Judgment Debtor and Request for Hearing forms **within 10 days**.
- ☐ Answer was not filed within 10 days.
- ☐ Creditor's debt is subject to a qualified debt scheduling agreement with _____.
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment to the creditor and garnishee.

You can call me at _____ between 8 a.m. and 5 p.m. to schedule the hearing.
(phone)

Date: _____ Judgment Debtor: _____

(continued on next page)

**FIRST HEARING REQUEST AND NOTICE OF HEARING ON
GARNISHMENT (EARNINGS)** *(continued)*

NOTICE OF HEARING DATE

Hearing is set for _____ on _____ at the court above.
(time) (date)

Date: _____ Clerk/Commissioner: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

SECOND HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

(Check all that apply)

- ☐ Creditor doesn't have a valid judgment against me because _____.
- ☐ The judgment has been paid.
- ☐ Garnishee's answer is not correct or wasn't received.
- ☐ My earnings are already subject to a Writ of Garnishment or court ordered assignment for payment of support.
- ☐ Creditor's debt is subject to a debt scheduling agreement.
- ☐ Other: _____
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment to the creditor and garnishee.

You can call me at _____ between 8 a.m. and 5 p.m. to schedule the hearing.
(phone)

Date: _____ Judgment Debtor: _____

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

**SECOND HEARING REQUEST AND NOTICE OF HEARING ON
GARNISHMENT (EARNINGS)** *(continued)*

NOTICE OF HEARING DATE

Hearing is set for _____ on _____ at the court above.
(time) *(date)*

Date: _____ Clerk/Commissioner: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (NOT FOR SUPPORT)

PAY PERIOD _____ to _____. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? _____

INSTRUCTIONS: You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings (1) \$ _____

Disposable earnings (gross minus deductions required by law) (2) \$ _____

25%, or such other amount not less than 15% as ordered by court, of line (2) (3) \$ _____

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

☐ Weekly (30 x minimum wage)

☐ Biweekly (60 x minimum wage)

☐ Semimonthly (65 x minimum wage)

☐ Monthly (130 x minimum wage)

Federal minimum wage: \$ _____/hr. Multiply federal minimum hourly wage by factor for judgment debtor's pay period. Enter total (4) \$ _____

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (NOT FOR SUPPORT)
(continued)

Subtract line (4) from line (2) and enter total here (5) \$ _____

Amount from line (3) or line (5), whichever is smaller (6) \$ _____

Amount withheld for other court-ordered assignment for support or garnishment
or levy for collection of taxes (7) \$ _____

Subtract line (7) from line (6) and enter balance, less \$5 fee (8) \$

This is the amount you withhold immediately. You should send the amount to the judgment creditor after you have received the signed order.

Date: _____

Garnishee: _____

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (SUPPORT JUDGMENT)

PAY PERIOD _____ to _____. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? _____

INSTRUCTIONS: You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings (1) \$ _____

Disposable earnings (gross minus deductions required by law) (2) \$ _____

50%, of line (2) (3) \$ _____

Amount withheld for other court-ordered assignment for support or garnishment
or levy for collection of taxes (4) \$ _____

Subtract line (4) from line (3) and enter balance, less \$5 fee (5) \$

This is the amount you withhold and send to creditor.

Date: _____

Garnishee: _____

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (TAX JUDGMENT)

PAY PERIOD _____ to _____. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? _____

INSTRUCTIONS: You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings (1) \$ _____

Disposable earnings (gross minus deductions required by law) (2) \$ _____

Amount withheld pursuant to other garnishment or court-ordered assignment for collection of support of a person (3) \$ _____

Amount withheld pursuant to earlier garnishment or levy that was not for support of a person (4) \$ _____

Add lines (3) and (4) (5) \$ _____

Subtract line (5) from line (2) and enter balance, less \$5 fee (6) \$

This is the amount you withhold and send to creditor.

Date: _____ Garnishee: _____

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

**HEARING REQUEST AND NOTICE OF HEARING ON
GARNISHMENT EARNINGS STATEMENT**

INSTRUCTIONS: If you think a Nonexempt Earnings Statement is incorrectly calculated or that no money should be taken out of your check for a particular pay period, you can ask for a hearing within 10 days after you get the statement. To ask for a hearing, fill out the form below, attach a copy of the statement and deliver it to the court and copies to the creditor and the garnishee. A hearing will be set within 10 days and the court will notify all the parties.

HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

(Check all that apply)

- ☐ The attached Nonexempt Earnings Statement is incorrect because _____.
- ☐ Creditor doesn't have a valid judgment against me, because _____.
- ☐ The judgment has been paid.
- ☐ Other: _____
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment Earnings Statement to the creditor and garnishee.

Date: _____

Judgment Debtor: _____
(continued on next page)

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

NOTICE OF HEARING DATE

Date: _____ Clerk/Commissioner: _____

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

CREDITOR'S GARNISHMENT REPORT (EARNINGS)

Instructions: Creditor is required to complete this report and send it to the judgment debtor and garnishee within 21 days after the end of each calendar quarter and when the balance due is less than double the amount of nonexempt earnings received in the last two pay periods. Creditor shall also issue a report within 21 days after the balance is reduced to \$500 or less and, after that, before the 10th of each month as long as the Order of Continuing Lien is in effect.

1. This report covers the period from _____ to _____.
2. I received these payments during this period: *(attach list if necessary)*

DATE

AMOUNT

3. Judgment balance at beginning of period \$ _____
4. Total credited to the judgment balance \$ _____
5. Interest accrued during this period \$ _____
6. Total outstanding balance of the judgment \$ _____

(continued on next page)

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

CREDITOR'S GARNISHMENT REPORT (EARNINGS)

(continued)

7. The following statements apply if checked:

- ☐ 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.

Delivered to Judgment Debtor:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Delivered to Garnishee:

Date: _____ Time: _____

☐ Mail ☐ Personal Service

Date: _____

Creditor: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No.:

Case No.:

**OBJECTION, HEARING REQUEST AND NOTICE OF HEARING
(GARNISHMENT)**

OBJECTION AND HEARING REQUEST

I am the ☐ Creditor ☐ Judgment Debtor ☐ Garnishee (*check one*) in this action. I object and want a hearing because:

Check all that apply:

☐ The Writ of Garnishment is incorrect.

☐ The Answer is incorrect.

☐ The Nonexempt Earnings Statement is incorrect.

☐ Garnishee has not turned over any money or property.

☐ Other: _____

Delivered to Judgment Debtor:
Date: _____ Time: _____

☐ Mail ☐ Personal Services

Delivered to Creditor:
Date: _____ Time: _____

☐ Mail ☐ Personal Services

Delivered to Garnishee:
Date: _____ Time: _____

☐ Mail ☐ Personal Services

Date: _____ Signature: _____

(continued on next page)

Filed By:
Bar Number (*if applicable*)
Phone:
Representing:

Firm:
Address:

OBJECTION, HEARING REQUEST AND NOTICE OF HEARING
(GARNISHMENT) *(continued)*

NOTICE OF HEARING DATE

Hearing is set for _____ on _____ at the court above.
(time) (date)

Date: _____ Clerk/Commissioner: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

PETITION AND ORDER TO SHOW CAUSE RE: GARNISHEE'S DEFAULT

PETITION

I am the 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 Order and attorney's fees. This Petition is based on the following facts:

1. The court issued a Writ of Garnishment to garnishee on _____.
2. Garnishee was served on _____ and Answer was due _____.
3. Answer has not been filed or received by judgment creditor.
4. Judgment debtor owes creditor \$ _____.

Date: _____ Creditor: _____

(continued on next page)

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

PETITION AND ORDER TO SHOW CAUSE RE GARNISHEE'S DEFAULT

(continued)

ORDER TO SHOW CAUSE

Garnishee is ordered to appear in this court at _____ on _____ to show cause why judgment shouldn't be entered as shown in the above Petition or file an Answer with the court and deliver a copy to the creditor no later than 5 days before the above date.

Date: _____

Judge: _____

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Account No. (if any):

Case No:

PETITION AND ORDER DISCHARGING GARNISHEE

PETITION FOR RELEASE OF GARNISHEE

I am the creditor in this action. This garnishee should be discharged.

☐ The garnishment judgment or order is satisfied. ☐ The garnishment judgment or order is not satisfied.

Date: _____

Creditor: _____

ORDER DISCHARGING GARNISHEE

Based on the above, it is ordered that garnishee is discharged.

Date: _____

Judge: _____

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address: