

FILED
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DAVID R. COLE
CLERK SUPREME COURT
BY *David R. Bentley*

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of
APPROVAL OF GARNISHMENT FORMS
FOR THE SUPERIOR COURTS

ADMINISTRATIVE ORDER
NO. 86-2

Pursuant to the authority granted this court in Title 12,
Chapter 9, Article 4 as revised and amended 1986, it is

ORDERED that the attached forms are approved and shall be
used for matters arising out of the superior courts concerning
garnishment of monies or property.

DATED this 1st day of April, 1986.

ARIZONA SUPREME COURT

By ~~WILLIAM A. HOLOHAN~~
Chief Justice

3. The name and address of the Garnishee is:

And his Authorized Agent is as follows:

4. The last known mailing address of the Judgment Debtor(s) is:

5. The Judgment Creditor's name and address is:

And his attorney's name and address is:

TO THE ABOVE-NAMED GARNISHEE:

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

1. Whether the Garnishee was indebted to or otherwise in possession of monies of the Judgment Debtor(s) at the time the Writ was served.
2. The total amount of indebtedness or monies in possession of the Garnishee at the time the Writ was served.
3. The amount of indebtedness or monies withheld by the Garnishee pursuant to the Writ.
4. The amount of indebtedness or monies not withheld by the Garnishee, and the reason for not withholding.
5. Whether the Garnishee was in possession of personal property of the Judgment Debtor(s) at the time the Writ was served.
6. A description of each item, or group of items, of personal property of the Judgment Debtor(s) in the Garnishee's possession at the time the Writ was served.

7. A list of the personal property withheld by the Garnishee pursuant to the Writ.
8. What other person or entity, within his knowledge, is indebted to the Judgment Debtor(s) or in possession of personal property of the Judgment Debtor(s).
9. Whether the Garnishee is a corporation in which the Judgment Debtor(s) owns shares of stock or some other interest.
10. A statement of the number and types of shares owned by the Judgment Debtor(s) and a description of any other interests the Judgment Debtor(s) owns in the Garnishee Corporation as of the date the Writ was served, as shown on the Corporation's records.
11. The name, address and telephone number of the Garnishee.
12. The date and manner of delivery of a copy of the Writ and the Notice to the Judgment Debtor(s).
13. The date and manner of delivery of a copy of the Answer to the Judgment Creditor and Judgment Debtor(s).

FROM AND AFTER SERVICE OF THE WRIT OF GARNISHMENT, the Garnishee shall not pay to the Judgment Debtor(s) any debt which is not exempt, nor turn over any non-exempt personal property, stock or any other interest the Judgment Debtor(s) owns in the Garnishee corporation to the Judgment Debtor(s).

SUMMONS

In obedience to the attached and foregoing Writ of Garnishment, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing writ and in the manner prescribed by law within the times prescribed in said writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the writ or to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for whom the writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment

may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

SIGNED AND SEALED this date: _____

Justice of the Peace

By _____
Clerk of the Justice Court

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

NO.

Defendant(s)/Judgment Debtor(s)

NOTICE TO JUDGMENT
DEBTOR OR DEFENDANT
(Non-Earnings)

Garnishee:

AVISO

El tribunal ha expedido una orden que le obliga al deudor 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. Se puede obtener una traducción española del tribunal.

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 _____ Justice Court in the County of _____, in case number _____ on _____ (date). A copy of the Judgment or Order is attached.

Notice to Judgment Debtor or Defendant
(Non-Earnings)

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 (10) 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 (\$150.00) in a bank, savings and loan association or credit union account. (Three hundred dollars (\$300.00) for married account holders.)
 - (b) Aid for Families with Dependent Children (AFDC).
 - (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.

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 one thousand five hundred dollars (\$1,500.00) equity value for each owner of a car or truck. (Three thousand dollars (\$3,000.00) equity value if the owner is physically handicapped.)
- (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 (15) 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 attached Request for Hearing form, 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 (10) 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 (5) 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.

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

NO.

Defendant(s)/Judgment Debtor(s)

REQUEST FOR HEARING
ON GARNISHMENT OF
NON-EARNINGS

Garnishee:

I request a hearing to object to the Garnishment or claim exempt monies because:

- 1. The Judgment is not valid.
- 2. The Judgment has been paid.
- 3. Exempt monies are being garnished:
 - 3a. One hundred fifty dollars (\$150.00) in a bank, savings and loan association or credit union.
 - 3b. Aid to Families with Dependent Children, Social Security benefits, Supplemental Security Income or Veterans' Administration benefits.
 - 3c. Other pension or retirement benefits.
 - 3d. Workers' Compensation or other insurance benefits.
 - 3e. Other _____
- 4. Exempt personal property is being garnished:
 - 4a. Household goods, furnishings or appliances.

Request for Hearing
On Garnishment of Non-Earnings

4b. Motor vehicle equity under one thousand five hundred dollars (\$1,500.00) or three thousand dollars (\$3,000.00), if applicable.

4c. Other pension or retirement benefits.

4d. Tools and equipment of a trade.

4e. Other _____

5. No Answer has been received within fifteen (15) days.

6. The Answer of the Garnishee is incorrect.

7. Other _____

Name of Judgment Debtor (Print)

.....
Signature of Judgment Debtor

Date

Mailing Address

City, State, Zip Code

Telephone Number

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

ANSWER OF GARNISHEE
(Non-Earnings)

1. I am the above named Garnishee or am authorized by the Garnishee to make this affidavit on his behalf, regarding the Writ of Garnishment served on Garnishee on this date: _____.
2. Was the Garnishee indebted to or otherwise in possession of monies of the Judgment Debtor at the time the Writ was served?

Yes No
3. What is the total amount of indebtedness or monies of the Judgment Debtor in the possession of the Garnishee at the time the Writ was served? \$ _____.
4. What is the total amount of indebtedness or monies of the Judgment Debtor withheld by the Garnishee pursuant to the Writ? \$ _____.
5. What is the amount of indebtedness or monies of the Judgment Debtor not withheld by the Garnishee, and the reason for not withholding?
 - a. Amount of Indebtedness not Withheld: \$ _____;
 - b. Reason for not Withholding: _____

Answer of Garnishee
(Non-Earnings)

6. At the time the Writ of Garnishment was served upon Garnishee, did Garnishee have possession of personal property of the Judgment Debtor?

Yes No

If yes, describe each item, or group of items, of personal property:

7. Please list all items of personal property withheld by the Garnishee pursuant to the Writ:

8. Based upon Garnishee's knowledge, is another person or entity indebted to the Judgment Debtor, or in possession of personal property of the Judgment Debtor?

Yes No

If yes, give names and addresses:

9. If Garnishee is a corporation, does Judgment Debtor have now, or at the time the Writ was served, any stocks, bonds, options or other interest in the Corporation?

Yes No

If yes, state the NUMBER AND TYPE of shares owned by the Judgment Debtor, and a DESCRIPTION of any other interest the Judgment Debtor owns in the Garnishee Corporation as of the date the Writ was served, as shown on the Corporation's records:

10. Did Garnishee answer "YES" to either question #2 or #6?

Yes No

If yes, copies of the Writ and Summons, underlying Judgment, Notice to Judgment Debtor, and Request for Hearing were delivered to Judgment Debtor on: _____,

BY:

- hand delivery;
- regular first class mail to the address determined to be the best calculated to reach the Judgment Debtor in a timely manner;
- service pursuant to the Rules of Civil Procedure applicable to a Summons.

11. Copies of this Answer were delivered on: _____
_____ to the Judgment Debtor, the Judgment Creditor, or Judgment Creditor's attorney, if applicable, at the following addresses:

BY:

- hand delivery;
- regular first class mail to the address determined to be the best calculated to reach the Judgment Debtor in a timely manner;
- service pursuant to the Rules of Civil Procedure applicable to a Summons.

12. Garnishee's name, mailing address and telephone number is:

INSTRUCTIONS TO GARNISHEE: _____

GARNISHMENT OF NON-EARNINGS

You have been served with two (2) copies of a Writ and Summons of Garnishment, a copy of the underlying Judgment, four (4) copies of an Answer form, two (2) copies of a Notice to Judgment Debtor, and two (2) copies of a Request for Hearing form.

Pending further order of the Court, you shall not pay to the Judgment Debtor any monies or deliver to the Judgment Debtor any personal property which is not exempt and, if you are a corporation in which the Judgment Debtor is alleged to be the owner of shares or to have an interest, you shall not permit any transfer of the Judgment Debtor's shares or interest if it is within your legal power to do so.

If you are a bank, savings and loan association, or credit union, you shall not withhold, but shall exempt, a total of \$150.00 in one or more accounts subject to the Writ and Summons of Garnishment for each Judgment Debtor who has an interest in the account.

Personal Property exemptions are limited in statute by description and dollar value. If you are holding personal property of the Judgment Debtor, an attorney can assist you in determining which of that personal property, if any, is exempt.

Within three (3) days of service of the Writ and Summons of Garnishment, not including weekends and holidays, you shall hand deliver, serve, or mail by regular first class mail to the Judgment Debtor a copy of the Writ and Summons of Garnishment, a copy of the underlying Judgment, and the Notice to Judgment Debtor and Request for Hearing form.

Within ten (10) days of being served with the Writ and Summons of Garnishment, you must file an Answer to the Garnishment with the Clerk of the Court that issued the Garnishment. The Answer shall be in writing, signed by you, and under oath. It may be filed without representation by an attorney. At the time of filing the Answer, you shall hand deliver, serve, or mail by regular first class mail a copy of the Answer to the Judgment Debtor and a copy to the Judgment Creditor or the Judgment Creditor's attorney if the Judgment Creditor is represented by an attorney. The Answer shall contain the information which is set forth in the Answer form provided you and you may use that form. The case number and the names of both the Judgment Creditor and Judgment Debtor must be inserted in the appropriate spaces on the Answer. Use the case number and the names that appear on the Writ of Garnishment.

If the Answer shows that you were indebted to the Judgment Debtor at the time of service of the Writ and Summons and Garnishment, and no objection to the Writ or Answer is timely filed, on the application by the Judgment Creditor the Court will enter Judgment on the Writ against you for the amount of the nonexempt monies of the Judgment Debtor owed or held by you at the time of service of the Writ. The Judgment Creditor will deliver a copy of this Judgment to you and the Judgment Debtor and upon receipt you shall immediately transfer the adjudged nonexempt monies to the Judgment Creditor or his attorney if represented by an attorney.

If the Answer shows that you were holding personal property of the Judgment Debtor at the time the Writ was served, and no objection to the Writ or Answer is timely filed, on application by the Judgment Creditor the Court will enter an Order on the Writ against you to hold the nonexempt personal property of the Judgment Debtor held by you when the Writ was served pending service of a Writ of Special Execution. The Judgment Creditor will deliver a copy of this Order to you.

If timely objection is filed, the Court will enter an Order after a hearing and the Judgment Creditor will deliver a copy of the Order to you.

Pursuant to A.R.S. §12-1583: If you fail to answer the Writ of Garnishment within ten (10) days, the Judgment Creditor may petition the Court for the issuance of an Order requiring you to appear before the Court at a time and place specified in the Order to answer the Writ or to file and serve a copy of the Answer on the Judgment Creditor or on his attorney at least five (5) days before the appearance date. If you fail to appear or file and serve the Answer after the service of the Order requiring the appearance in person or Answer upon you, the Court may render Judgment by Default against you for the full amount of the Judgment against the Judgment Debtor. The Court may award a reasonable attorney's fee to the Judgment Creditor and against you if the Writ was not answered within ten (10) days of service and a petition requiring you to appear or answer was filed.

Furthermore, A.R.S. §12-1593 provides for contempt proceedings as follows:

- B. If a bank, savings and loan association or credit union refuses to keep free from a Writ of Garnishment a total of \$150.00 in one or more of the accounts subject to the Writ for each Judgment Debtor who has an interest in the account, or if a Garnishee fails after a written notice and a thirty day grace period to comply with the terms of a Judgment or Order entered pursuant to A.R.S. §12-1584, §12-1585, or §12-1586, unless that Judgment or Order is stayed or has expired, the Judgment Debtor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine if such refusal or failure,

if any, was wilful or the result of gross negligence. If the Court determines that the refusal or failure was wilful or the result of gross negligence the Court shall find the bank, savings and loan association, credit union or other Garnishee in contempt and shall award the Judgment Debtor all of the following:

1. An amount to compensate for actual losses, if any, caused by the refusal or failure.
2. Reasonable attorney's fees, if the Judgment Debtor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Debtor an additional amount not to exceed \$400.00.

C. If a Garnishee fails, after a written notice and a thirty day grace period, to comply with the terms of a Judgment or Order entered pursuant to A.R.S. §12-1584, §12-1585, or §12-1586, unless that Judgment or Order is stayed or has expired, the Judgment Creditor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine if such failure, if any, was wilful or the result of gross negligence. If the Court determines that the failure was wilful or the result of gross negligence, the Court shall find the Garnishee in contempt and shall award the Judgment Creditor all of the following:

1. An amount to compensate for actual losses, if any, caused by failure.
2. Reasonable attorney's fees, if the Judgment Creditor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Creditor an additional amount not to exceed \$400.00.

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

WRIT OF GARNISHMENT
AND SUMMONS
(Earnings-Continuing
Lien)

THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY
OTHER OFFICER OF _____ COUNTY, WHO IS AUTHORIZED BY
LAW TO SERVE PROCESS:

JUDGMENT CREDITOR'S CLAIM OF \$ _____, together with
interest, costs and other relief in this action against the
following Judgment Debtor(s):

THEREFORE, you are commanded to summon and appear
before this Court the Garnishee whose name and address
appears below and who is believed to be within your county:

The Judgment Creditor states as follows:

1. The Judgment Creditor has a Judgment against the
above described Judgment Debtor(s) in the amount of
\$ _____, as of the date of issuance of this
Writ of Garnishment.
2. The rate of interest on this Judgment is _____% on
the principal sum of \$ _____ and _____% on the
attorney's fees and costs.

Writ of Garnishment and Summons
(Earnings-Continuing Lien)

3. The name and address of the Garnishee is:

And his Authorized Agent is as follows:

4. The last known mailing address of the Judgment Debtor(s) is:

5. The Judgment Creditor's name and address is:

And his Attorney's name and address is:

TO THE ABOVE NAMED GARNISHEE:

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

1. Whether the Judgment Debtor(s) was employed by the Garnishee on the date the Writ was served;
2. Whether the Garnishee anticipates owing earnings within sixty (60) days after the date of service of the Writ.
3. If the Garnishee is unable to determine the identity of the Judgment Debtor(s) after making a good faith effort to do so, a statement of the effort made and reasons for such inability.
4. The dates of the next two paydays occurring after the date of service of the Writ.
5. The pay period of the Judgment Debtor(s), whether weekly, biweekly, semimonthly, monthly or another specified period.

6. The amount of the outstanding Judgment now due and owing as stated in the Writ.
7. Whether the Judgment Debtor(s) is subject to an existing wage assignment, garnishment or levy, and if so, the name, address and telephone number of that Judgment Creditor.
8. The name, address and telephone number of the Garnishee.
9. The date and manner of delivery of a copy of the Answer to the Judgment Debtor(s) and Judgment Creditor.

FROM AND AFTER SERVICE of the Writ of Garnishment, the Garnishee shall not pay to the Judgment Debtor(s) any earnings which are not exempt.

IF IT APPEARS FROM THE ANSWER OF THE GARNISHEE that the Garnishee was indebted to the Judgment Debtor(s) for disposable earnings when the writ was served, the garnishment shall be continuing in nature as a lien against nonexempt earnings, ARS §12-1598.05.

AS TO DISPOSABLE EARNINGS, as defined in ARS §33-1131, a garnishment is continuing in nature, subject to the following conditions:

1. The garnishment constitutes a lien against nonexempt earnings.
2. The garnishment is the equivalent of a court ordered assignment, compelling the garnishee to remit the nonexempt earnings to the Plaintiff, as they are earned, ARS §12-1598.10.
3. The garnishment shall survive until any of the following occurs:
 - a. The underlying judgment is satisfied in full, is vacated, or expires.
 - b. The Judgment Debtor(s) leaves the Garnishee's employ for more than sixty (60) days.
 - c. The Judgment Creditor releases the garnishment.
 - d. The proceedings are stayed by a court of competent jurisdiction, including the United States Bankruptcy Court.

- e. The Judgment Debtor(s) has not earned any nonexempt earnings for at least sixty (60) days.
 - f. The Court orders that the garnishment be quashed.
4. Garnishments, levies and wage assignments which are not for the support of a person are inferior to wage assignments for the support of a person. Garnishments which are not for the support of a person and levies are inferior to garnishments for the support of a person.
5. If a Judgment Debtor(s)' earnings become subject to more than one Writ of Garnishment, and because of the application of the priorities, a Judgment Creditor recovers no nonexempt earnings for two (2) consecutive paydays, the lien on earnings of such Judgment Creditor is invalid and of no force and effect, and the Garnishee shall notify the Judgment Creditor accordingly.

SUMMONS

In obedience to the attached and foregoing Writ of Garnishment, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing writ and in the manner prescribed by law within the times prescribed in said writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the writ or to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for whom the writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

SIGNED AND SEALED this date: _____

Justice of the Peace

By _____
Clerk of the Justice Court

Writ of Garnishment and Summons
(Earnings-Continuing Lien)

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

INITIAL NOTICE TO
JUDGMENT DEBTOR
(Earnings)

AVISO

El tribunal ha ordenado que su empleador tome una parte de su salario o sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y esté pagada la deuda. En conformidad con la ley, su acreedor tiene derecho a "sólo una parte" de su salario. A continuación figura una explicación de sus derechos. Se puede obtener una traducción española del tribunal.

To collect his Judgment against you the Judgment Creditor has asked this court to issue a Writ of Garnishment (see copy of Writ attached). Information about the Judgment and the name and address of the Judgment Creditor and Garnishee are stated in the Writ and the copy of the Judgment, which is attached.

The Writ of Garnishment is a court order requiring the Garnishee to withhold a certain amount from your earnings and to continue to withhold a portion of your earnings until the judgment is satisfied or the Writ is quashed by the court or released by the Judgment Creditor.

Initial Notice to Judgment Debtor
(Earnings)

The law provides that a certain amount of each paycheck or other earnings is exempt from collection by a Writ of Garnishment. 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.

Within ten (10) days after the date the Garnishee was served with the Writ of Garnishment, he is required to deliver to you the following documents:

1. Answer of Garnishee.
2. Notice to Judgment Debtor, which explains your rights and the procedures in the Garnishment process.
3. Request for Hearing form, which you can use to request a hearing if you believe that the amount withheld from your earnings is greater than the law allows or that the Garnishment is invalid.

On each normal payday you should receive some earnings (paycheck) for the amount the Garnishee calculates is protected by law. That calculation is made on a Nonexempt Earnings Statement, a copy of which should accompany your paycheck. If you do not receive a paycheck, or if a copy of the Nonexempt Earnings Statement does not accompany your paycheck, you may request a hearing.

To request a hearing for the reasons described above, fill out the attached Request for Hearing form and deliver it to this Court's clerk's office. At the same time you must deliver a copy (photocopy or handwritten) of the Request for Hearing to the Garnishee and to the Judgment Creditor, or his attorney, at the address stated on the Writ of Garnishment.

You will also be given the opportunity to request a hearing after you receive the Answer of Garnishee. A request for hearing can be made no later than ten (10) days after you receive the Answer of Garnishee, unless good cause is shown why the request was filed later.

If you request a hearing, the Court will set the hearing within ten (10) days of the date you submitted your Request for Hearing, and the Court will notify you, the Judgment Creditor and the Garnishee of the date, time and place of the hearing.

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

REQUEST FOR HEARING
ON GARNISHMENT OF
EARNINGS

I REQUEST A HEARING BECAUSE:

- On my normal payday I received no earnings (paycheck).
- A copy of the Nonexempt Earnings Statement did not accompany my paycheck.
- The Judgment Creditor does not have a valid Judgment or that Judgment has been paid in full.
- My employer has not delivered to me the Notice to Judgment Debtor, Answer of Garnishee (Employer) and Request for Hearing forms within fifteen (15) days.

Name of Judgment Debtor (Print)

.....
Signature of Judgment Debtor

Date

Mailing Address

City, State, Zip Code

Telephone Number

Request for Hearing
on Garnishment of Earnings

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

NOTICE TO JUDGMENT
DEBTOR
(Earnings)

This is your second notice that a Writ of Garnishment has been issued in this case. The Writ is a court order requiring the Garnishee to withhold a certain amount from your earnings and to continue to withhold a portion of your earnings until the Judgment is satisfied or the Writ is quashed.

The law provides that a certain amount of each paycheck or other periodic earnings is exempt from collection by a Writ of Garnishment. In some cases of very low income, no amount can be Garnished except for an Order for Support of a Person.

If you believe that too much of your earnings have been withheld from your paycheck, or that no amount should be withheld, you may request a hearing before this Court.

Among the reasons for requesting a hearing are:

1. The Judgment Creditor does not have a valid Judgment against you or the Judgment has been paid in full.
2. The Garnishee's Answer is incorrect.
3. Your earnings are already subject to a Writ of Garnishment or are subject to a court ordered Assignment for Payment of Support.

Notice to Judgment Debtor
(Earnings)

To request a hearing, deliver the Request for Hearing form (attached), or a substantially similar form to the Clerk of this Court. You must mail or deliver a copy of the Request for Hearing to the Garnishee and to the Judgment Creditor or his attorney at the address on the Writ of Garnishment.

If you do not deliver the Request for Hearing form to this Court within ten (10) days after the date you receive this Notice and the Answer of the Garnishee, your request for hearing will be denied, unless good cause for the delay is shown. You must check a box or state your reasons for disputing the claim in the space provided on the form.

If you request a hearing, it will be conducted no later than ten (10) days after your request is received by the Court. The Court will send you notice of the date, time and place.

The nonexempt portion of your earnings will continue to be withheld by the Garnishee and delivered to the Judgment Creditor until the Judgment is paid in full, or the Garnishment is ordered to stop. Whether or not you request a hearing at this time, if you believe too much money is withheld from your earnings pursuant to this Garnishment at some time in the future, you will have the same opportunity to request a hearing at that time.

**WARNING: YOU WAIVE YOUR RIGHT TO A HEARING
ON THE MONIES WITHHELD IN THIS PAY PERIOD
UNLESS YOU FILE THIS REQUEST FOR HEARING
WITHIN TEN DAYS AFTER RECEIVING THE GARNISHEE'S
ANSWER OR SHOW GOOD CAUSE FOR FILING THE
REQUEST LATE.**

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.
REQUEST FOR HEARING
ON GARNISHMENT OF
EARNINGS

I REQUEST A HEARING BECAUSE:

- 1. The Judgment Creditor does not have a valid Judgment against me.
- 2. The Judgment has been paid in full.
- 3. The Garnishee's Answer is incorrect.
- 4. My earnings are already subject to a Writ of Garnishment or court ordered Assignment for Payment of Support.
- 5. Other: _____

Name of Judgment Debtor
(Print)

.....
Signature of Judgment Debtor

Date

Mailing Address

City, State, Zip Code

Telephone Number

WARNING: YOU WAIVE YOUR RIGHT TO A HEARING ON THE MONIES WITHHELD IN THIS PAY PERIOD UNLESS YOU FILE THIS REQUEST FOR HEARING WITHIN TEN DAYS (10) AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW GOOD CAUSE FOR FILING THE REQUEST LATE.

IN THE JUSTICE COURT, _____ PRECINCT
COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor

vs.

Defendant(s)/Judgment Debtor(s)

Garnishee:

NO.

ANSWER OF GARNISHEE
(Earnings-Continuing
Lien)

1. I am the above named Garnishee or am authorized by the Garnishee to make this affidavit on his behalf, regarding the Writ of Garnishment served on Garnishee on this date: _____.

2. Was Judgment Debtor employed by the Garnishee on the date the Writ was served?

Yes No

3. Does the Garnishee anticipate owing earnings to the Judgment Debtor within sixty (60) days after the date of service of the Writ?

Yes No

4. If the Garnishee is unable to determine the identity of the Judgment Debtor after making a good faith effort to do so, the following is a statement of the Garnishee's effort made and the reasons for that inability:

5. State the dates of the Judgment Debtor's next two (2) paydays occurring after the date of service of the Writ:

5a. _____ 5b. _____

Answer of Garnishee
(Earnings-Continuing Lien)

6. Is Judgment Debtor employed by the Garnishee currently?

Yes No

If yes, Judgment Debtor is paid (check which apply):

daily bi-weekly monthly
 weekly semi-monthly other: _____

(Specify)

7. What is the amount of the outstanding Judgment now due and owing as stated in the Writ?

Judgment Balance \$ _____.

8. Is the Judgment Debtor subject to an existing Wage Assignment, Garnishment or Levy?

Yes No

If yes, give the name, address and telephone number of that Judgment Creditor:

9. Did Garnishee Answer "Yes" to either question #2 or #3?

Yes No

If yes, copies of this Answer and copies of the Notice to Judgment Debtor, Request for Hearing and Non-exempt Earnings Statement were delivered to the Judgment Debtor on _____

By: hand delivery;

regular first class mail to the address determined to be best calculated to reach the Judgment Debtor in a timely manner;

service pursuant to the Rules of Civil Procedure applicable to a Summons.

10. Copies of this Answer and Non-Exempt Earnings Statement were delivered on _____ to the Judgment Creditor, or his attorney, if applicable, at the following address:

Answer of Garnishee
(Earnings-Continuing Lien)

By: hand delivery;
 regular first class mail;
 service pursuant to the Rules of Civil
Procedure applicable to a Summons.

11. Garnishee's name, address and telephone number is:

12. I have read the foregoing document and know of my own knowledge that the facts stated therein are true and correct.

WHEREFORE, Garnishee prays that Garnishee be discharged on this Answer and that the Court award Garnishee reasonable compensation in the amount of \$_____.

STATE OF ARIZONA)
) ss.
County of _____)

.....
Signature of Garnishee or
Authorized Agent

SUBSCRIBED AND SWORN this date: _____

Notary Public

Commission Expiration Date

INSTRUCTIONS TO GARNISHEE: _____

GARNISHMENT OF EARNINGS

You have been served with two (2) copies of a Writ and Summons of Garnishment, a copy of the underlying Judgment, four (4) copies of an Answer form, two (2) copies of a Notice to Judgment Debtor, two (2) copies of a Request for Hearing form, two (2) copies of these Instructions, and four (4) copies of Nonexempt Earnings Statements.

The following definitions apply to the Writ of Garnishment and other documents served on you:

You are the "Garnishee".

"**Judgment Creditor**" means a party who has a money Judgment or an Order for Support of a person that is due and unpaid.

"**Judgment Debtor**" means a party against whom a money Judgment or Order for Support of a person has been awarded.

"**Earnings**" means compensation paid or payable for personal services, whether these payments are called wages, salary, commission, bonus or otherwise. Earnings include periodic payments pursuant to a pension or retirement program.

"**Disposable earnings**" means that amount remaining from the gross earnings for a pay period after the deductions required by State and Federal law.

"**Exempt earnings**" means those earnings or that portion of earnings which, pursuant to State or Federal law, is not subject to judicial process including garnishment.

"**Nonexempt earnings**" means those earnings or that portion of earnings which is subject to judicial process including garnishment.

"**Payday**" means the fixed, regular day for payment of wages designated by an employer.

If the Judgment Debtor is employed by you, or you otherwise owe earnings to the Judgment Debtor, the Writ and Summons of Garnishment is a lien on the nonexempt earnings of the Judgment Debtor from the date of service of the Writ. You must start to withhold nonexempt earnings of the Judgment Debtor each payday as of that time although you are not liable to the Judgment Creditor for failing to withhold earnings from a Judgment Debtor if those earnings are paid to a Judgment Debtor on a payday falling within three days, not including weekends and holidays, after the date of the service of the Writ of Garnishment.

Within ten (10) days of being served with the Writ and Summons of Garnishment, you must file an Answer to the Garnishment with the Clerk of the Court that issued the Garnishment. The Answer shall be in writing, signed by you, true and under oath. If there is more than one Judgment Debtor, you must answer as to each Judgment Debtor named in the Writ of Garnishment. The Answer may be filed without representation by an attorney. At the time of filing the Answer, you must hand deliver, serve, or mail by regular first class mail, a copy of the Answer to the Judgment Creditor or the Judgment Creditor's attorney if the Judgment Creditor is represented by an attorney. At the same time, you must hand deliver, serve, or mail by regular first class mail to the Judgment Debtor a copy of the Answer and a copy of the Notice to Judgment Debtor, and a Request for Hearing form. You shall state the time and manner of delivery to the Judgment Creditor and Judgment Debtor in the Answer. The Answer shall contain the information which is set forth in the Answer form provided you and you may use that form. The case number and the names of both the Judgment Creditor and Judgment Debtor must be inserted in the appropriate spaces on the Answer. Use the case number and the names that appear on the Writ of Garnishment.

If it appears from the Answer you file that the Judgment Debtor was employed by you, or that you otherwise owed earnings to the Judgment Debtor when the Writ was served, or earnings would be owed within sixty (60) days thereafter and there is no timely written objection to the Writ or your Answer, on application by the Judgment Creditor, the Court will order that the nonexempt earnings withheld by you after service of the Writ be transferred to the Judgment Creditor who is entitled to such monies subject to the Judgment Debtor's right to objection and hearing. The Court will order that the garnishment is a continuing lien against the nonexempt earnings or the Judgment Debtor. The Judgment Creditor will deliver a copy of this Order of Continuing Lien to you. When you receive this Order, you are to immediately send all of the earnings withheld since service of the Writ of Garnishment to the Judgment Creditor or the Judgment Creditor's attorney if represented by an attorney. Furthermore, you are to withhold and send to the Judgment Creditor or his attorney the nonexempt earnings of the Judgment Debtor each succeeding payday until the occurrence of any of the following:

1. The underlying Judgment is satisfied in full or is vacated or expires.
2. The Judgment Debtor leaves your employ for more than sixty (60) days.
3. The Judgment Creditor releases the garnishment.
4. The proceedings are stayed by a Court of competent jurisdiction, including the United States Bankruptcy Court.

5. The Judgment Debtor has not earned any nonexempt earnings for at least sixty (60) days.
6. The Court orders that the garnishment be quashed.

If no objections are filed to your Answer to the Writ and Summons of Garnishment and the above mentioned Order of Continuing Lien is not entered within forty-five (45) days after the filing of your Answer, any earnings held by you shall be released to the Judgment Debtor and you will be discharged from any liability on the garnishment.

You have been provided with four (4) copies of Nonexempt Earnings Statements. Beginning with the pay period during which the Writ was served, and while the Order of Continuing Lien remains in effect, for each pay period you must do the following:

1. Complete the Nonexempt Earnings Statement.
2. Hand deliver, serve or mail by regular first class mail the Nonexempt Earnings Statement to the Judgment Debtor with his exempt earnings for that pay period.
3. At the same time hand deliver, serve or mail by regular first class mail a copy of the Nonexempt Earnings Statement to the Judgment Creditor or his attorney.

NEITHER THE ORIGINAL NOR A COPY OF THE NONEXEMPT EARNINGS STATEMENT SHALL BE FILED WITH THE COURT UNLESS AN OBJECTION TO THE AMOUNT WITHHELD, IF ANY, IS TIMELY FILED BY A PARTY. NOR SHOULD YOU SEND ANY WITHHELD EARNINGS TO THE COURT.

The Judgment Creditor must deliver to you sufficient copies of the appropriate Nonexempt Earnings Statement and Request for Hearing forms so that you are able to comply with these requirements unless the Judgment Creditor is advised that you will supply your own forms.

While a continuing lien is in effect you may deduct from the nonexempt earnings of the Judgment Debtor the amount of \$5.00 each payday as a fee for preparing and delivering the Nonexempt Earnings Statement.

If a party has an objection to the Writ and Summons of Garnishment, your Answer to the Writ and Summons of Garnishment, or a Nonexempt Earnings Statement, he may file a written objection and Request for Hearing form. A hearing must be requested no later than ten (10) days after receipt of the Answer or Nonexempt Earnings Statement objected to unless good cause for filing the request later is shown. At the time of filing the Request for Hearing form, the party filing the objection shall mail by regular first class mail or hand deliver or serve a copy

of the form to all parties to the Writ. A hearing will then be held within ten (10) days of the filing of an objection, the Court will enter an Order, and a copy of the Order will be delivered to you.

You may conclusively rely on and you are not liable to the Judgment Debtor for acting in reliance on the validity and authenticity of a garnishment which is regular on its face. **However, for noncompliance with your responsibilities set forth in these Instructions, the garnishment law provides as follows:**

If you fail to answer the Writ and Summons of Garnishment within ten (10) days, the Judgment Creditor may petition the Court for the issuance of an Order requiring you to appear before the Court at a time and place specified in the Order to answer the Writ or to file and serve a copy of the Answer on the Judgment Creditor or on his attorney at least five (5) days before the appearance date. If you fail to appear or file and serve the Answer after the service of the Order requiring the appearance in person or Answer upon you, the Court may render Judgment by Default against you for the full amount of the Judgment against the Judgment Debtor. The Court may award a reasonable attorney's fee to the Judgment Creditor and against you if the Writ was not answered within ten (10) days of service and a petition requiring you to appear or answer was filed.

Furthermore, A.R.S. § 12-1598.13 provides for contempt proceedings as follows:

B. If a garnishee fails after written notice to deliver nonexempt earnings to the Judgment Creditor within thirty days after the ending date of the pay period, or fails after written notice to deliver the Nonexempt Earnings Statement to the Judgment Debtor with the exempt earnings, the Judgment Debtor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine if such failure, if any, was wilful or the result of gross negligence. If the Court determines that the failure was wilful or the result of gross negligence, the Court shall find the garnishee in contempt and shall award the Judgment Debtor all of the following:

1. An amount to compensate for actual losses, if any, caused by the failure to comply.
2. Reasonable attorney's fees, if the Judgment Debtor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Debtor an additional amount not to exceed \$400.00.

C. While an Order of Continuing Lien pursuant to § 12-1598.10 is in effect, if the garnishee fails to deliver to the Judgment Creditor the nonexempt earnings of the Judgment Debtor, if any, and the copy of the Nonexempt Earnings Statement within fourteen days of the end of the pertinent pay period, and the Judgment Creditor thereafter delivers a written demand for the nonexempt earnings and statement, and the garnishee does not comply within fourteen days of the receipt of the written demand, the Judgment Creditor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine whether the failure to comply with the written demand within fourteen days of receipt, if any, was wilful or the result of gross negligence. If the Court determines that the failure was wilful or the result of gross negligence, the Court shall find the garnishee in contempt and shall award the Judgment Creditor all of the following:

1. An amount to compensate for actual losses, if any, caused by the failure to comply.
2. Reasonable attorney's fees, if the Judgment Creditor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Creditor an additional amount not to exceed \$400.00.

In the event you have already been served, or are hereafter served, with a Garnishment, Wage Assignment, or Levy, A.R.S. § 12-1598.14 provides for priority as follows:

- A. Except as provided in subsections B and C, conflicting Wage Assignments, Garnishments and Levies rank according to priority in time of service.
- B. Garnishments, Levies and Wage Assignments which are not for the support of a person are inferior to Wage Assignments for the support of a person. Garnishments which are not for the support of a person and Levies are inferior to Garnishments for the support of a person.
- C. If a Judgment Debtor's earnings become subject to more than one Writ of Garnishment pursuant to this Article, and because of the application of the priorities set forth in subsections A and B, a Judgment Creditor recovers no nonexempt earnings for two consecutive paydays, the lien on earnings of such Judgment Creditor is invalid and of no force and effect, and the garnishee shall notify the Judgment Creditor accordingly.

**NONEXEMPT EARNINGS STATEMENT
(JUDGMENT NOT FOR SUPPORT)**

JUDGMENT DEBTOR: _____ JUSTICE COURT

JUDGMENT CREDITOR: _____ CASE NO. _____

PAY PERIOD _____ TO _____
(Beginning Date) (Ending Date)

(ANSWER ALL PERTINENT QUESTIONS)

1. The Judgment Debtor is an employee or is otherwise owed earnings: [] YES [] NO

If the answer is "NO", enter the Judgment Debtor's last date of employment by your firm or the last date for which earnings are owed.

1. _____
(Date)

2. For the earnings of the Judgment Debtor for this pay period enter all of the following:

2a. Gross Earnings. 2a. \$ _____

2b. Disposable Earnings (Gross Earnings less deductions required by law). 2b. \$ _____

2c. Enter twenty-five percent (25%) of line 2b. 2c. \$ _____

3. The current federal minimum wage is \$ _____ per hour. Enter one of the following using an appropriate pay period: weekly (thirty times minimum wage), bi-weekly (sixty times minimum wage), semimonthly (sixty-five times minimum wage), monthly (one hundred thirty times minimum wage).

3. \$ _____

4. Subtract line 3 from line 2b and enter.

4. \$ _____

5. Enter the amount from line 2c or line 4, whichever is smaller.

5. \$ _____

6. Enter the amount withheld from the Judgment Debtor's earnings because of a court ordered Assignment for Support of a Person or a Garnishment or Levy for the Collection of Taxes.

6. \$ _____

7. Subtract line 6 from line 5 and enter here. **THIS IS THE AMOUNT OF NONEXEMPT EARNINGS YOU ARE TO WITHHOLD AND FORWARD TO THE JUDGMENT CREDITOR WITH THIS STATEMENT.**

7. \$ _____

Garnishee's Name

.....
Garnishee's Signature

(Date)

Mailing Address

City, State, Zip Code

Telephone Number

**NONEXEMPT EARNINGS STATEMENT
(JUDGMENT FOR SUPPORT)**

JUDGMENT DEBTOR: _____ JUSTICE COURT

JUDGMENT CREDITOR: _____ CASE NO. _____

PAY PERIOD _____ TO _____
(Beginning Date) (Ending Date)

(ANSWER ALL PERTINENT QUESTIONS)

1. The Judgment Debtor is an employee or is otherwise owed earnings: [] YES [] NO

If the answer is "NO", enter the Judgment Debtor's last date of employment by your firm or the last date for which earnings are owed.

1. _____
(Date)

2. For the earnings of the Judgment Debtor for this pay period enter all of the following:

2a. Gross Earnings. 2a. \$ _____

2b. Disposable Earnings (Gross earnings less deductions required by law). 2b. \$ _____

2c. Enter fifty percent (50%) of line 2b. 2c. \$ _____

3. Enter the amount withheld from the Judgment Debtor's earnings because of a court ordered Assignment for the Support of a Person or a Garnishment or Levy for the collection of taxes. 3. \$ _____

Nonexempt Earnings Statement
(Judgment for Support)

4. Subtract line 3 from line 2c and enter here. **THIS IS THE AMOUNT OF NONEXEMPT EARNINGS YOU ARE TO WITHHOLD AND FORWARD TO THE JUDGMENT CREDITOR WITH THIS STATEMENT.**

4. \$ _____

Garnishee's Name (Print)

.....
Garnishee's Signature

(Date)

Mailing Address

City, State, Zip Code

Telephone Number

NONEXEMPT EARNINGS STATEMENT
(JUDGMENT FOR COLLECTION OF TAXES)

JUDGMENT DEBTOR: _____ JUSTICE COURT

JUDGMENT CREDITOR: _____ CASE NO. _____

PAY PERIOD _____ TO _____
(Beginning Date) (Ending Date)

(ANSWER ALL PERTINENT QUESTIONS)

1. The Judgment Debtor is an employee or is otherwise owed earnings: YES NO

If the answer is "NO", enter the Judgment Debtor's last date of employment by your firm or the last date for which earnings are owed.

1. _____
(Date)

2. For the earnings of the Judgment Debtor for this pay period enter all of the following:

2a. Gross Earnings. 2a. \$ _____

2b. Deductions Required by Law. 2b. \$ _____

2c. Net Disposable Income (Subtract line 2b from line 2a). 2c. \$ _____

2d. Enter amount withheld pursuant to a Garnishment or court ordered Assignment for Collection for Support of a Person. 2d. \$ _____

2e. Enter amount withheld pursuant to a Garnishment or Levy served before this Garnishment that was not for the support of a person.

2e. \$ _____

2f. Add lines 2d and 2e.

2f. \$ _____

2g. Subtract line 2f from line 2c. **THIS IS THE AMOUNT YOU ARE TO WITHHOLD AND FORWARD TO THE JUDGMENT CREDITOR WITH THIS STATEMENT.**

2g. \$ _____

Garnishee's Name (Print)

.....
Garnishee's Signature

(Date)

Mailing Address

City, State, Zip Code

Telephone Number

IN THE JUSTICE COURT, _____ PRECINCT
 COUNTY OF _____, STATE OF ARIZONA

Plaintiff/Judgment Creditor)	
vs.)	NO.
Defendant(s)/Judgment Debtor(s))	REQUEST FOR HEARING
Garnishee:)	
_____)	

If 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 Garnishment or underlying Judgment is invalid, satisfied or superseded, you may request a hearing within ten (10) days after receiving the attached Nonexempt Earnings Statement by completing this Request for Hearing and delivering it to the Court. Deliver a copy of your Request for Hearing to the Judgment Creditor and the Garnishee.

The Court will notify you and the other parties of the date and time for the hearing. A hearing will be set within ten (10) days after your request.

I request a hearing for the following reason.

The Nonexempt Earnings Statement is incorrectly filled out.

Other: _____.

_____
Name of Judgment Debtor (Print)	Signature of Judgment Debtor

_____	_____
Date	Mailing Address

 City, State, Zip Code

 Telephone Number