



# MARICOPA COUNTY JUSTICE COURTS

Information to...

# **OBTAIN A WRIT OF GARNISHMENT (Earnings)**



**Maricopa County Justice Courts**  
INSTRUCTIONS FOR FILING A GARNISHMENT (Earnings)

**WARNING!**

**ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the judgment creditor.**

This packet is for a judgment creditor who wishes to collect a money judgment from a judgment debtor's "earnings." The term "earnings" refers to compensation payable for work performed by the judgment debtor and not yet paid by the employer (see [A.R.S. § 12-1598.04](#)) for further information). Some examples of earnings include wages, salaries, commissions, bonuses or other compensation. Generally only 25% of a judgment debtor's disposable earnings may be garnished. If a judgment debtor proves extreme financial hardship, a judicial officer may reduce this percentage to not less than 15% (see [A.R.S. §§ 12-1598.10](#) and [33-1131](#) for more information).

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

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

To begin your garnishment action, read through these instructions and forms in the packet.

**STEP 1: Complete the forms outlined below that are included in the Garnishment Earnings Packet**

**FORM 1 - APPLICATION FOR WRIT OF GARNISHMENT:**

Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:

- (1) Enter the dollar amount of the money judgment, including interest and costs, minus any amounts you have already collected.
- (2) Enter the interest rate being applied to the outstanding debt. If the interest rate is not stated on the judgment or order, [A.R.S. § 44-1201](#) may apply. If you need help interpreting this statute or calculating the interest owed to you, please consult an attorney.
- (3) Check only the box that applies.

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

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

**FORM 2 - WRIT OF GARNISHMENT AND SUMMONS:**

Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:

- (1) Enter the name of the county in which the garnishee will be served.
- (2) Enter the name of the judgment debtor.
- (3) Enter the dollar amount of money that the judgment debtor owes to you, including interest and costs, minus any amount you have already collected.
- (4) Enter the interest rate (if applicable) being applied to the outstanding debt and check the appropriate box. If the interest rate is not stated on the judgment or order, [A.R.S. § 44-1201](#) may apply. If you need help interpreting this statute, please consult an attorney.

**FORM 5 - INSTRUCTIONS TO THE GARNISHEE** *This is the instruction sheet you must provide to the garnishee*

**FORM 6 - GARNISHEE'S ANSWER**

Complete the information in the header section in its entirety. The rest of the form is completed by the garnishee. You must provide this form to the garnishee.

**FORM 7 - INITIAL NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT**

Complete the information in the header section in its entirety and complete the form by filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:

- (1) Enter the date on which the judgment or support order you are seeking to collect was entered.  
*You must provide this form to the judgment debtor.*

**FORM 8 - REQUEST FOR HEARING ON GARNISHMENT**

Complete the information in the header section in its entirety. The rest of this form is to be completed by the judgment debtor. You must provide one copy this form to the judgment debtor and one copy to the garnishee once it is completed.

**FORM 10 - SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT**

Complete the information in the header section in its entirety. You must provide this form to the judgment debtor.

**FORM 11 - REQUEST FOR HEARING ON GARNISHMENT**

Complete the information in the header section in its entirety. The rest of this form is to be completed by the judgment debtor. You must provide this form to the judgment debtor.

**FORM 12 - GARNISHEE'S NONEXEMPT EARNINGS STATEMENT**

Complete the information in the header section in its entirety. The rest of the form is completed by the garnishee. You must provide this form to the garnishee.

**FORM 14 - REQUEST FOR HEARING ON NONEXEMPT EARNINGS STATEMENT**

Complete the information in the header section in its entirety. The rest of this form is to be completed by the judgment debtor. You must provide this form to the judgment debtor.

**STEP 2: Take your forms to the court for filing**

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

# of copies needed	Name of Earnings Form
Original + 1	FORM 1: Application for Writ of Garnishment
Original + 3	FORM 2: Writ of Garnishment and Summons
1	FORM 5: Instructions to Garnishee
1	FORM 6: Garnishee's Answer
1	FORM 7: Initial Notice to Judgment Debtor of Garnishment
2	FORM 8: Request for Hearing on Garnishment
1	FORM 10: Second Notice to Judgment Debtor of Garnishment
1	FORM 11: Request for Hearing on Garnishment
1	FORM 12: Garnishee's Nonexempt Earnings Statement
1	FORM 14: Request for Hearing on Nonexempt Earnings Statement
2	The Judgment awarding you money against the judgment debtor

**STEP 3: Serve the required forms on the garnishee**

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

# of copies	Name of Earnings Form
2	FORM 2: Signed Writ of Garnishment and Summons
1	FORM 5: Instructions to Garnishee
1	FORM 6: Garnishee's Answer
1	FORM 8: Request for Hearing on Garnishment
1	FORM 12: Garnishee's Nonexempt Earnings Statement
1	The Judgment awarding you money against the judgment debtor

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

**STEP 4: Deliver the following documents to the judgment debtor**

Within (3) three business days after the garnishee has been served under STEP 3, you must deliver the following documents to the judgment debtor by either first class mail, personal delivery, process server, constable, or deputy sheriff. Make sure to retain copies of all documents filed and/or served on the other parties for yourself.

# of copies needed	Name of Earnings Form
1	FORM 2: Signed Writ of Garnishment and Summons
1	FORM 7: Initial Notice to Judgment Debtor of Garnishment
1	FORM 8: Request for Hearing on Garnishment
1	FORM 10: Second Notice to Judgment Debtor of Garnishment
1	FORM 11: Request for Hearing on Garnishment
1	FORM 14: Request for Hearing on Nonexempt Earning Statement

### **STEP 5: File with the Court a certification of service on the judgment debtor**

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

#### **FORM 21 - CERTIFICATE OF SERVICE**

*Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s).*

### **STEP 6: Wait for garnishee to file an Answer**

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

### **STEP 7: What to do if the garnishee does not file an Answer**

If the garnishee does not file a Garnishee's Answer within the (10) ten day response time, then complete and file a Petition and Order to Show Cause Regarding Garnishee's Default (FORM 17). The court will then order the garnishee to appear for a hearing and explain why no Answer was filed. The Petition and Order to Show Cause must be served on the garnishee in the same manner as in STEP 3. At the hearing, the Judge may order the garnishee to pay the judgment creditor any portion of the total amount owed by the judgment debtor.

#### **FORM 17 - PETITION FOR ORDER TO SHOW CAUSE REGARDING GARNISHEE'S DEFAULT**

*Complete the information in the header section in its entirety and complete the form by filling in the blank(s).*

### **STEP 8: If the garnishee files an Answer**

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

(A) The garnishee is entitled to be released, if the Garnishee's Answer states that the garnishee:

- Did not employ the judgment debtor at the time the writ was served
- Would not owe earnings to the judgment debtor within 60 days after service of the writ on the garnishee
- Was unable to determine the identity of the judgment debtor after making a good faith effort to do so

If you object to the Answer, file a Request for Hearing - Earn (see FORM 16) to have your objection resolved by the court. If the garnishee is entitled to be released, the court may order you to pay for the garnishee's reasonable expenses related to responding to the Writ of Garnishment. Go to STEP 11 for information on releasing the garnishee.

(B) If the Garnishee's Answer indicates that the garnishee does employ the judgment debtor or will owe the judgment debtor earnings within the next 60 days, you must wait an additional period of time, as specified below, to give the judgment debtor an opportunity to file an objection to the Garnishee's Answer.

- If the Garnishee's Answer was personally delivered to the judgment debtor, the judgment debtor has (10) ten business days to object.
- If the Garnishee's Answer was delivered by mail, the judgment debtor has (15) fifteen days to object. The Garnishee's Answer should show the method of delivery.

#### **FORM 16 - REQUEST FOR HEARING**

*Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s).*

### **STEP 9: Objections**

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

(A) If no one objects to the Garnishee's Answer, and the appropriate amount of time has passed, promptly file your Application for Order of Continuing Lien (FORM 3) and submit an unsigned Order of Continuing Lien (Garnishment) (FORM 4). You must also deliver a copy of each document to the garnishee and the judgment debtor.

(B) If an objection is filed, the court will hold a hearing on the objection within (10) ten business days after the objection is filed. You must attend the hearing. If the garnishment is not quashed (dismissed) and the court does not enter an Order of Continuing Lien on your behalf, promptly complete and file your Application for an Order of Continuing Lien and submit an Order of Continuing Lien form (FORMS 3 & 4), before the 45 days expire. Deliver a copy of each document to the garnishee and the judgment debtor.

#### **FORM 3 - APPLICATION FOR ORDER OF CONTINUING LIEN**

*Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:*

(1) Enter the amount of money you paid to have the Writ issued and for cost of service by either a Constable, Deputy Sheriff, or private process server.

#### **FORM 4 - ORDER OF CONTINUING LIEN**

*Complete the information in the header section in its entirety. DO NOT FILL IN ANY UNNUMBERED BLANKS. THE COURT WILL COMPLETE THE REMAINING ITEMS.*

### **STEP 10: Report money received**

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

(Earnings) at each of the following intervals:

(A) As long as the balance due is greater than \$500, within 21 days after the end of each calendar quarter, in other words:

- For the quarter ending March 31, no later than April 21
- For the quarter ending June 30, no later than July 21
- For the quarter ending September 30, no later than October 21
- For the quarter ending December 30, no later than January 21

(B) As long as the balance due is less than \$500, before the 10th day of each month.

(C) The first time the balance due is less than double the sum received in the last two pay periods. To know when you have reached this point, each time you receive a Nonexempt Earnings Statement:

- Add the amount of money you received with that particular statement (this figure may be \$0) with the amount of money you received with the prior statement.
- Multiply this sum by 2 and compare the total with the balance due.
- If the total is more than the balance due, you must provide written notice to the garnishee and the judgment debtor. You may use the Creditor's Garnishment Report (Earnings) (FORM 15) for this purpose.

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

#### **FORM 15 - CREDITOR'S GARNISHMENT REPORT**

Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es) and filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:

(1) Enter the total outstanding balance due on the judgment as of the ending date of this reporting period. (Line 1 - line 2 + line 3)

#### **STEP 11: Release the garnishee**

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

#### **FORM 19 - PETITION FOR ORDER DISCHARGING GARNISHEE**

Complete the information in the header section in its entirety and complete the form by checking the appropriate box(es).

#### **FORM 20 - ORDER DISCHARGING GARNISHEE**

Complete the information in the header section in its entirety. **DO NOT CHECK ANY OF THE BOXES, THE COURT WILL COMPLETE THE REMAINDER OF THE FORM.**

#### **STEP 12: File a Satisfaction of Judgment**

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

#### **FORM 22 - SATISFACTION OF JUDGMENT**

Complete the information in the header section in its entirety and be sure to sign the form.

### **WHAT COULD AFFECT YOUR REQUEST FOR A WAGE GARNISHMENT**

#### **Grounds for termination or expiration of the Order of Continuing Lien**

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

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

#### **If the judgment debtor is a public employee**

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

#### **The judgment debtor may object to wage garnishment**

The judgment debtor may object to statements in the Application for Writ of Garnishment, the Garnishee's Answer or any Garnishee's Nonexempt Earnings Statement. The judgment debtor may argue that the underlying judgment has been paid in full, or the judgment debtor might object to statements made in the Garnishee's Answer or Nonexempt Earnings Statement about the amount of wages being paid. Other common objections are lack of notice, extreme financial hardship, lack of jurisdiction, lack of responsibility for the debt, or garnishment of exempt earnings. If the judgment debtor proves to the court that the proposed garnishment of wages will cause the judgment debtor or the judgment debtor's family to suffer extreme financial hardship, the court has authority to reduce the amount of wages being withheld from the judgment debtor by the garnishee from 25% to not less than 15% of the judgment debtor's "disposable earnings" (see [A.R.S. § 12-1598.10\(f\)](#) for more information).

#### **You may object**

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

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

Person Filing: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: (       )       -       \_\_\_\_\_  
 Representing:  Self  Attorney  Other       State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS) ([A.R.S. § 12-1598 thru 1598.17](#))

\_\_\_\_\_  
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Petitioner / Plaintiff    Judgment Creditor    Judgment Debtor    Name / Address / Email / Phone  
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Garnishee Name / Address / Email / Phone

1. I am the judgment creditor. I was awarded a money judgment or order against the judgment debtor.
2. I have asked the judgment debtor to pay, and the judgment debtor has not paid.
3. The amount of the outstanding balance on the judgment or order, including accrued interest and allowable costs, is **(1)** \$ \_\_\_\_\_. Interest accrues at the rate of **(2)** \_\_\_\_\_ %  daily  weekly  monthly  annually. The cost of serving the Writ of Garnishment will be shown on the Affidavit of Service and may be added to the Judgment along with allowable costs.
4. I believe garnishee employs judgment debtor or owes or will owe judgment debtor disposable earnings within 60 days.
5. I have provided garnishee name and address above.
6. The statement checked below is true: **(3)** *(check one)*
  - I have not been notified that judgment debtor intends to sign an agreement for debt scheduling.
  - I was notified that judgment debtor intends to sign an agreement for debt scheduling, but I objected timely in writing, therefore I am not subject to the debt scheduling.
  - Judgment debtor signed an agreement for debt scheduling, but I was notified that the agreement is not good anymore.
7. I have attached a completed Writ of Garnishment and Summons form and ask that the Writ be issued.

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Judgment Creditor or Authorized Agent



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Petitioner / Plaintiff Judgment Creditor Judgment Debtor Name / Address / Email / Phone

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Respondent / Defendant Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

TO THE SHERIFF, CONSTABLE OR OTHER AUTHORIZED PROCESS SERVER IN (1) \_\_\_\_\_ COUNTY: You are commanded to summon garnishee named above, who is believed to be in your county, to answer the following claims:

### STATEMENTS OF THE JUDGMENT CREDITOR

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

### TO THE GARNISHEE

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

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

### SUMMONS

A Writ of Garnishment has been issued, naming you as garnishee. You are required to answer this Writ in writing, under oath, and file the answer with the court within (10) ten business days after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ, and a default judgment may be entered against you. If a default judgment is entered against you, you may be ordered to pay the full amount shown on this Writ, plus the costs of this action along with attorney fees.

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

Date: \_\_\_\_\_  
Justice of the Peace

### NOTICE TO GARNISHEE

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



**Maricopa County Justice Courts**

**INSTRUCTIONS TO THE GARNISHEE (EARNINGS) ([A.R.S. § 12-1598.04\(c\)](#))**

**WARNING! ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY.**  
Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The court may issue an order for monetary penalties against any party who does not proceed properly. If you, the garnishee, fail to meet your responsibilities in this garnishment proceeding you run the risk that the court may order you to pay the judgment creditor's attorney fees, costs and even the amount of money which the judgment debtor owes the judgment creditor.  
*This can happen even if you do not owe the judgment debtor any wages.*

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

# of copies	Name of Earnings Form
2	FORM 2: Signed Writ of Garnishment and Summons
1	FORM 5: Instructions to Garnishee
1	FORM 6: Garnishee's Answer
1	FORM 8: Request for Hearing on Garnishment
1	FORM 12: Garnishee's Nonexempt Earnings Statement
1	The Judgment awarding you money against the judgment debtor

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

**STEP 1: Respond to the Writ of Garnishment and Summons within (10) ten business days**

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

(A) If you do not and will not owe earnings to the judgment debtor within (10) ten business days after you receive the paperwork listed above, fill out a Garnishee's Answer (Earnings: FORM 6) and file it with the court. Even if you have never owed the judgment debtor any earnings you must respond to the Writ of Garnishment by filing a Garnishee's Answer.

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

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

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

(B) If you do owe or will owe earnings to the judgment debtor within 60 days. If you employ the judgment debtor or otherwise owe the judgment debtor earnings at the time you are served with the Writ or will owe the judgment debtor earnings within 60 days thereafter, you must now begin withholding nonexempt earnings from the judgment debtor's pay. You must complete and file a Garnishee's Answer with the court within (10) ten business days after you receive the paperwork listed above.

**FORM 6 - GARNISHEE'S ANSWER**

Complete the form by checking the appropriate box(es) and filling in the blank(s); some options have numbers listed next to them which coincide with the explanation(s) below:

- (1) If this statement applies to you, enter a description of the efforts you made to identify the judgment creditor and why they were unsuccessful. For example, the judgment debtor has never worked for you. Attach an additional sheet if necessary.
- (2) Enter the amount of money you request to cover your costs for preparation and filing of the Garnishee's Answer (not to exceed \$50.00).

**STEP 2: Deliver copies of documents to the other parties**

Also within (10) ten business days of receiving the Writ of Garnishment and Summons (Earnings), you must deliver or mail a copy of FORM 6: Garnishee's Answer (completed) to the judgment creditor and the judgment debtor.

**STEP 3: Complete the Nonexempt Earnings Statement and withhold the proper amount from the judgment debtor's pay**

The Writ of Garnishment and Summons is an order from the court requiring you to immediately withhold nonexempt earnings from the judgment debtor.

**FORM 12 - GARNISHEE'S NONEXEMPT EARNINGS STATEMENT**

Please make copies of this form before completing for use in future pay periods. For each pay period or each time your employee is paid, you must complete this form by checking the appropriate box(es) and filling in the blank(s) to determine the amount to withhold.

- Even if no monies were earned by the judgment debtor in the pay period, you must still complete the Nonexempt Earnings Statement.
- You must deliver a copy of the Nonexempt Earnings Statement to the judgment debtor with their paycheck even if the amount withheld is \$0.
- You may claim a \$5.00 fee on each Nonexempt Earnings Statement that you complete.
- Do not send any Nonexempt Earnings Statements to the court.
- Keep the original Nonexempt Earnings Statements in your file.
- Deliver a copy of the Nonexempt Earnings Statement to the judgment creditor,
- Do not deliver any withheld earnings to the judgment creditor until you receive a signed Order of Continuing Lien.



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

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

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

**STEP 4: Await receipt of the Order of Continuing Lien, then pay the Judgment Creditor**

Do not pay the judgment debtor's nonexempt earnings to the judgment creditor until you receive the Order of Continuing Lien signed by the court. Once you receive the Order, send the judgment creditor any nonexempt earnings you have withheld from the judgment debtor. For every pay period in which the Order of Continuing Lien is in effect, you must:

- Complete a Nonexempt Earnings Statement
- Withhold the nonexempt earnings from the judgment debtor
- Pay the nonexempt earnings you withheld to the judgment creditor
- Deliver a copy of the completed Nonexempt Earnings Statement and a blank Request for Hearing form (FROM 8) to the judgment debtor
- Deliver a copy of the completed Nonexempt Earnings Statement to the judgment creditor
- Keep the original Nonexempt Earnings Statement for your files
- Do not send any Nonexempt Earnings Statements to the court

**Notice: Deadlines apply to this process. See [A.R.S. § 12.1598.13 \(b\)&\(c\)](#) for more information.**

**ADDITIONAL INFORMATION**

**If the Judgment Debtor or Judgment Creditor objects to the Garnishment, the Garnishee's Answer, or a Nonexempt Earnings Statement**

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

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

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

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: ( ) - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## GARNISHEE'S ANSWER (EARNINGS) [\(A.R.S. §§ 12-1598.08\)](#)

Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

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

- I am the garnishee or I am authorized by the garnishee to complete and file this Answer. Garnishee's name, address and phone are as listed above. I was served with the Writ on \_\_\_\_\_.
- The statements checked below are true: *(Check all boxes that apply and fill in blanks for each box checked)*
  - A. The judgment debtor was not employed by me on the date the Writ and Summons were delivered to me. The judgment debtor's last workday was \_\_\_\_\_.
  - B. I will not owe judgment debtor earnings within 60 days after service of the Writ and Summons.
  - C. The judgment debtor was employed by me on the date the Writ and Summons were delivered to me.
  - D. I will owe judgment debtor earnings within 60 days after service of the Writ and Summons.
  - E. I took the following steps to try to identify the judgment debtor, but was not able to do so for the reasons stated here:  
(1) \_\_\_\_\_
- According to the Writ and Summons, the total amount owed the judgment creditor is \_\_\_\_\_
- The judgment debtor's next two payday's are \_\_\_\_\_ and \_\_\_\_\_
- The pay period is: *(check the box that applies)*
  - Daily  Weekly  Every two weeks
  - Monthly  Twice per month  Other: *(explain)* \_\_\_\_\_
- I have attached copies of any existing garnishments, wage assignments or levies against judgment debtor which are known to me.
- I request an answer fee in the amount of **(2)** \$ \_\_\_\_\_, *(not to exceed \$50.00)* as a reasonable amount for the preparation and filing of this Answer.

A copy of Garnishee's Answer, Second Notice to Judgment Debtor, Request for Hearing form, and Notice of Hearing on Garnishment (Earnings) form were provided to judgment debtor on:  
Date: \_\_\_\_\_ By:  Mail  Hand delivery

A copy of Garnishee's Answer was provided to judgment creditor on:  
Date: \_\_\_\_\_ By:  Mail  Hand delivery

**OATH OR AFFIRMATION: I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.**

Date: \_\_\_\_\_  
Signature of Garnishee or Authorized Agent



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## INITIAL NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Petitioner / Plaintiff Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Respondent / Defendant Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

### NOTICE TO JUDGMENT DEBTOR

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

Court name: \_\_\_\_\_

Court location: \_\_\_\_\_

Case number: \_\_\_\_\_ Date: **(1)** \_\_\_\_\_

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

The Writ directs the garnishee to start taking out part of the money the garnishee owes you. If ordered by the court, the garnishee will pay that money to the judgment creditor. This will happen with every paycheck until the judgment is paid or until the court orders garnishee to stop. Garnishee will withhold only part of each paycheck, if any, depending on how much you earn. In some cases of very low income, no amount can be garnished except for an order for support of a person. Different exemption rights may apply to the collection of taxes. On each payday, you will get a statement that shows how much can be taken out, which is set by state and federal law. An attorney can assist you in determining what part of your pay is exempt. A comprehensive listing of exemptions is available from the website for the U.S. Bankruptcy Court for the District of Arizona, [http://www.azb.uscourts.gov/sites/default/files/Arizona\\_Exemptions.pdf](http://www.azb.uscourts.gov/sites/default/files/Arizona_Exemptions.pdf)

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

If you request a hearing, it should be held no later than (10) ten business days after your request is received by the court. The court will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney.

**WARNING:** If you want a hearing, the court must receive your completed Request for Hearing on Garnishment (Earnings) form within (10) ten business days after you receive the Garnishee's Answer. If you do not file the hearing request on time, you will not get a hearing unless the court determines that there is a very good reason why you are late.

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: ( ) - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

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

I am the judgment debtor or I represent the judgment debtor in this action. I want a hearing on the garnishment of earnings from this garnishee because: *Check all that apply*

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

**ATTENTION JUDGMENT CREDITOR: If the Judgment Debtor has requested a hearing on the Garnishment (Earnings) on the claim of financial hardship AND if the Judgment Creditor has no objection to a reduction to 15% of the non-exempt disposable earnings, which is the minimum garnishment permitted by ARS §12-1598.10(F), please provide a revised proposed Order of Continuing Lien at the 15% rate and the Court will vacate the hearing.**

- The judgment creditor does not have a valid judgment against me because

- The judgment has been paid in full.

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

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

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

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

- My debt to this judgment creditor is subject to a qualified debt scheduling agreement with:

*If you checked this box, enter the name of the debt counseling organization that set up your debt scheduling agreement.*

I CERTIFY that a copy of this document has been or will be provided on \_\_\_\_\_ to:  Court  
 Creditor  at the above address  in court  Creditor's attorney  at the above address  in court  
 Debtor  at the above address  in court  Debtor's attorney  at the above address  in court  
 Garnishee  at the above address  in court  Garnishee's attorney  at the above address  in court

Date: \_\_\_\_\_ Clerk \_\_\_\_\_

The Court can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date \_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor or Authorized Agent

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



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

### NOTICE TO JUDGMENT DEBTOR

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

The garnishee will withhold only part, if any, of each paycheck, depending on how much you earn. The rest must be paid to you. On each payday, you will get a Nonexempt Earnings Statement that shows how much can be taken out, which is set by state and federal law. A comprehensive list of exemptions is available from the website for the U.S. Bankruptcy Court for the District of Arizona, [http://www.azb.uscourts.gov/sites/default/files/Arizona\\_Exemptions.pdf](http://www.azb.uscourts.gov/sites/default/files/Arizona_Exemptions.pdf)

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

If you ask for a hearing it will be held no later than (10) ten business days after your request is received by the court. The court will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. Even if you do not request a hearing at this time, if you think that the garnishee is taking too much money out of your pay pursuant to this garnishment at some time in the future, you can ask for a hearing at that time.

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

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

I am the judgment debtor or I represent the judgment debtor in this action. I want a hearing on the garnishment of earnings from this garnishee because: *Check all that apply*

The judgment creditor does not have a valid judgment against me because

The judgment has been paid in full.

Garnishee's Answer is incorrect.

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

Other: \_\_\_\_\_

Copy provided to judgment creditor on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Copy provided to garnishee on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

The Court can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date \_\_\_\_\_  
Judgment Debtor or Authorized Agent

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



# Maricopa County Justice Courts, Arizona

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

**Garnishee:**

**Please make copies of this form before completing for use in future pay periods.  
Each time your employee is paid, you must complete and mail a copy of this form to the Plaintiff and Defendant.  
Even if no monies were earned by the judgment debtor in this pay period, you must still complete the Withholding Worksheet.**

1. This Nonexempt Earnings Statement covers the following pay period: \_\_\_\_\_ to \_\_\_\_\_
2. Do you currently employ the judgment debtor?  Yes  No
3. If no, what was the last date on which the judgment debtor worked for you? \_\_\_\_\_
4. Is the judgment debtor owed any earnings for this pay period?  Yes  No

**WITHHOLDING WORKSHEET**

5. Judgment debtor's gross earnings (*pre-tax*) for this pay period . . . . . \$ \_\_\_\_\_
6. Judgment debtor's disposable earnings (*gross minus deductions required by law*) . . . . . \$ \_\_\_\_\_
7. 25% of line 6 (*or other percentage ordered by the Court*) . . . . . \$ \_\_\_\_\_
8. Judgment debtor's pay period: *check one*  
 Weekly (factor = 30)     Biweekly (factor = 60)     Semimonthly (factor = 65)     Monthly (factor = 130)
9. Current federal minimum wage: \$ \_\_\_\_\_ /hr.
10. Line 9 multiplied by factor selected in line 8 . . . . . \$ \_\_\_\_\_
11. Line 6 minus line 10 . . . . . \$ \_\_\_\_\_
12. Amount from line 7 or line 11, whichever is smaller . . . . . \$ \_\_\_\_\_
13. Amount withheld for other court-ordered assignment for support of a person or other garnishment or levy for collection of taxes . . . . . \$ \_\_\_\_\_
14. Line 12 minus line 13, this is the amount withheld . . . . . \$ \_\_\_\_\_
15. Line 14 minus employer's \$5.00 processing fee . . . . . \$ \_\_\_\_\_

**The amount shown on line (14) is the amount you should withhold for this pay period.**

**The amount shown on line (15) is the amount you deliver to the judgment creditor.**

Copy provided to judgment debtor on:
Date: _____
By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery

Copy provided to judgment creditor on:
Date: _____
By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery

Date: \_\_\_\_\_  
Garnishee or Authorized Agent

Person Filing: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: (        )        -        \_\_\_\_\_  
 Representing:  Self  Attorney  Other    State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## REQUEST FOR HEARING ON NONEXEMPT EARNINGS STATEMENT (A.R.S. § 12-1598.16(j)&(k))

Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

- The Nonexempt Earnings Statement is incorrectly filled out.
- Other: *Enter your reason for believing either that no amount of money should have been withheld from your paycheck for this pay period, or that the garnishment or underlying judgment is invalid, satisfied or superseded, or some other reason for objecting to the Nonexempt Earnings Statement.*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Copy provided to judgment creditor on:  
 Date: \_\_\_\_\_  
 By:  Mail  Hand delivery

Copy provided to garnishee on:  
 Date: \_\_\_\_\_  
 By:  Mail  Hand delivery

The Court can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Judgment Debtor or Authorized Agent

**WARNING TO JUDGMENT DEBTOR: To request a hearing, this document, or one similar, must be received by the court within (10) ten business days after you receive the Garnishee's Nonexempt Earning Statement, unless you show good reason for the delay.**



Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: ( ) - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## CERTIFICATE OF SERVICE

Petitioner / Plaintiff Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent / Defendant Judgment Creditor Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

On \_\_\_\_\_, I: *check all boxes that are true*

- Mailed by regular mail (*postage prepaid*)
- Mailed by Certified mail (*return receipt attached*)
- Hand-delivered by (*name of person*) \_\_\_\_\_

a copy of the following documents:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

to the following person(s):

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
_____	_____	_____

Date: \_\_\_\_\_  
Signature of Creditor or Authorized Agent

State of Arizona )  
County of \_\_\_\_\_ ) ss.

Subscribed and sworn or affirmed before me on \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
Notary Public or Clerk of the Court

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: (        )        -        \_\_\_\_\_  
Representing:  Self  Attorney  Other    State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

### PETITION

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

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

Date \_\_\_\_\_  
\_\_\_\_\_  
Signature of Judgment Creditor or Authorized Agent

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## REQUEST FOR HEARING (EARNINGS)

\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

1. I am the: *Check one*

- Judgment creditor or authorized representative
- Judgment debtor or authorized representative
- Garnishee or authorized representative

2. The reason I am requesting a hearing is because: *Attach additional sheets if necessary*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copy provided to judgment debtor on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Copy provided to garnishee on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Copy provided to judgment creditor on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

The Court can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date \_\_\_\_\_  
Signature \_\_\_\_\_

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

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) - \_\_\_\_\_  
Representing:  Self  Attorney  Other State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

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

*Date* *Date*
3. It appears from Garnishee's Answer that: *(Check all boxes 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 the Writ was served.
4. I am entitled to **(1)** \$ \_\_\_\_\_ for the cost of issuing the Writ and \$ \_\_\_\_\_ for cost of serving the Writ as stated on the affidavit of service.
5. No timely written objections have been filed or any objections have been overruled.

Copy provided to judgment debtor on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Copy provided to judgment garnishee on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Date \_\_\_\_\_  
Signature of Judgment Creditor or Authorized Agent



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

**ORDER OF CONTINUING LIEN  
(EARNINGS)  
([A.R.S. § 12-1598.10](#))**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Petitioner / Plaintiff Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent / Defendant Judgment Creditor Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Garnishee Name / Address / Email / Phone

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

**(Hardship exception only)** The judgment debtor is subject to the "maximum disposable earnings" provision of [A.R.S. § 33-1131](#), and there is clear and convincing evidence that the judgment debtor or the debtor's family would suffer extreme economic hardship as a result of the garnishment. The amount of nonexempt earnings to be withheld and transferred to the creditor is reduced to \_\_\_\_\_ % (not less than 15%).

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

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

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

\$ \_\_\_\_\_ for the cost of service, and

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

Date: \_\_\_\_\_  
Justice of the Peace



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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

\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

This report covers the period from \_\_\_\_\_ to \_\_\_\_\_ .

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

<u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

- 1. Judgment balance at beginning of period . . . . . \$ \_\_\_\_\_
- 2. Total credited to the judgment balance this period . . . . . \$ \_\_\_\_\_
- 3. Interest accrued during this period *on outstanding balance* . . . . . \$ \_\_\_\_\_
- 4. Total outstanding balance at end of period. . . . . **(1)** \$ \_\_\_\_\_ *(Line 1, minus line 2, and line 3)*

The following statements apply: *check all that apply*

- Balance due is \$500.00 or less.
- Balance due is less than double the amount received in the last two pay periods.
- Garnishee should stop withholding earnings.

Copy provided to judgment debtor on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Copy provided to garnishee on:

Date: \_\_\_\_\_

By:  Mail  Hand delivery

Date: \_\_\_\_\_  
Judgment Creditor or Authorized Agent

Person Filing: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: (        )        -        \_\_\_\_\_  
 Representing:  Self  Attorney  Other    State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## PETITION FOR ORDER DISCHARGING GARNISHEE (EARNINGS)

\_\_\_\_\_  
 Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Garnishee Name / Address / Email / Phone

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

- The Garnishment Judgment has been satisfied.
- The Garnishment Judgment has not been satisfied.

Copy provided to judgment debtor on: Date: _____ By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery
---

Copy provided to judgment garnishee on: Date: _____ By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery
--

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Judgment Creditor or Authorized Agent



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

\_\_\_\_\_  
Attorney for Representative Name / Address / Email / Phone

## ORDER DISCHARGING GARNISHEE (Earnings)

- It appears from the answer of the garnishee,
  - That at the time the Writ was served, Judgment Debtor was not employed by the Garnishee.
  - That the garnishee would not owe earnings to the judgment debtor within sixty days after service of the Writ.
  - That the Garnishee is unable to determine the identity of the judgment debtor after making a good faith effort to do so.
  - That forty-five or more days have passed since the filing of garnishee's answer and an order of continuing lien has not been entered within the time allowed.
- And, no written objection has been timely filed.

### IT IS ORDERED,

- That the garnishment be quashed
- Discharging Garnishee
- That any earnings held by the garnishee be released to the judgment debtor
- Other: \_\_\_\_\_

Date: \_\_\_\_\_  
Justice of the Peace

I CERTIFY that I delivered / mailed a copy of this document to:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Creditor at the above address | <input type="checkbox"/> Debtor at the above address | <input type="checkbox"/> Garnishee at the above address |
| <input type="checkbox"/> Creditor's attorney           | <input type="checkbox"/> Debtor's attorney           | <input type="checkbox"/> Garnishee's attorney           |

Date: \_\_\_\_\_

By \_\_\_\_\_  
Clerk





# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## ORDER DISCHARGING GARNISHEE (EARNINGS)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

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

Date: \_\_\_\_\_  
Justice of the Peace

I CERTIFY that I delivered / mailed a copy of this document to:

Creditor at the above address

Debtor at the above address

Garnishee at the above address

Creditor's attorney

Debtor's attorney

Garnishee's attorney

Date: \_\_\_\_\_

By \_\_\_\_\_  
Clerk

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: (        )        -        \_\_\_\_\_  
Representing:  Self  Attorney  Other    State Bar No. \_\_\_\_\_



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

## SATISFACTION OF JUDGMENT (EARNINGS GARNISHMENT)

\_\_\_\_\_  
Judgment Creditor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Judgment Debtor Name / Address / Email / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Garnishee Name / Address / Email / Phone

PLEASE TAKE NOTICE THAT:

The Judgment entered in this action has been satisfied.

Date \_\_\_\_\_  
Signature of Judgment Creditor or Authorized Agent \_\_\_\_\_