



MARICOPA COUNTY JUSTICE COURTS

Information to...

OBTAIN A WRIT OF GARNISHMENT (Non-Earnings)



Maricopa County Justice Courts INTRODUCTION TO GARNISHMENTS

A Garnishment is a process to enable you to collect on your judgment by accessing monies owed to the judgment debtor by others. There are two types of garnishment proceedings:

1. Garnishment of earnings (wages the debtor is earning at a job).
2. Garnishment of non-earnings (such as bank accounts, etc.).

To initiate garnishment proceedings you need to know where the judgment debtor works, banks, etc. A written demand is required prior to garnishment of wages. After issuance, the writ must be served on the party or business holding the money (garnishee). The garnishee must then file an answer with the court. After an answer has been filed by the garnishee you must apply for an order to release (to you) any money being held. If the garnishee fails to answer, you may apply for a default judgment against the garnishee.

ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the judgment creditor.
A power of attorney does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

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

There are generally three parties to a garnishment proceeding:

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

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

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

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

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

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

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

Please STOP...

- If there is no judgment rendered in your favor.
- If there is a satisfaction of judgment filed.
- If you are seeking to garnish wages and you have not given the judgment debtor a written demand for payment.

Please PROCEED

- If you have a judgment in your favor that has not yet been satisfied.

FORMS Needed:

- Garnishment Packet (Earnings or Non-Earnings) – the court will provide the correct packet of forms upon request.

INSTRUCTIONS

- 1) Determine if you wish to pursue a garnishment of wages or a garnishment of non-wages (such as bank accounts).
- 2) Inform the court of the garnishment type you desire. The clerk will provide you with a garnishment packet containing required forms and detailed instructions.
- 3) Follow the instructions given with the garnishment packet for form completion.
- 4) File the completed forms with the court and pay the writ issuance fee.
- 5) Ask the court when the papers will be ready for you to pick up to have them served.
- 6) Arrange for service of the documents with your process server.
- 7) Give completed papers to the process server (for service) and pay the process service fees directly to your process server.

THE FEES WILL BE ADDED TO YOUR JUDGMENT AMOUNT AS ACCRUING COURT COSTS.

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS. A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at justicecourt.maricopa.gov for additional filing information and online forms.



Maricopa County Justice Courts

INSTRUCTIONS FOR FILING A GARNISHMENT (Non-Earnings)

WARNING!

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

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

Property that is not earnings may be subject to garnishment, however, not all property is subject to garnishment, and certain non-earnings property is protected (see [A.R.S. Title 33, Chapter 8](#)). For example, Arizona law provides that a judgment creditor who garnishes a bank account may only take the money that is in the account on the day the Writ of Garnishment is served on the bank. If additional funds are later deposited in the account, a new garnishment must be filed to collect them. In addition, the first \$300 held in a single bank account is protected from garnishment, with that exception being doubled to \$600 if the account holders are married. If persons other than the judgment debtor(s) is/are on the account, a hearing may be held to determine each person's share in the account ([A.R.S. § 12-1595](#)).

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 Non-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.

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

FORM 4 - 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 along with instructions (Form3) NE8150-053 to the garnishee.

FORM 7 - 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). You must provide this form to the garnishee.

FORM 8 - REQUEST FOR HEARING ON GARNISHMENT

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.

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 | Name of Non-Earnings Form |
|--------------|---|
| Original + 1 | FORM 1: Application for Writ of Garnishment |
| 2 | FORM 2: Writ of Garnishment and Summons |
| 1 | FORM 3: Instructions to Garnishee |
| 4 | FORM 4: Garnishee's Answer |
| 2 | FORM 7: Notice to Judgment Debtor of Garnishment |
| 2 | FORM 8: Request for Hearing on Garnishment |
| 1 | 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

(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 3: Instructions to Garnishee |
| 1 | FORM 4: Garnishee's Answer |
| 1 | FORM 7: Notice to Judgment Debtor of Garnishment |
| 1 | FORM 8: Request for Hearing on Garnishment |
| 2 | The Judgment awarding you money against the judgment debtor |

These documents can be served by certified mail, return receipt requested, or they can be served by a constable, deputy sheriff or other process server. If you use a constable, deputy sheriff or process server, you will have to pay a fee. You may be able to recover the amount of money you pay to serve these forms at the end of the proceeding.

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

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

STEP 4: Wait for garnishee's Answer

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

STEP 5: What to do if the garnishee does not file an Answer

Complete and file a Petition for Order to Show Cause Regarding Garnishee's Default (FORM 10). This is a request to the Court to order the garnishee to appear and answer. The Court may then order the garnishee to appear for a hearing and explain why no Answer was filed. If a hearing date is set, you must serve the Petition and the signed Order to Show Cause on the garnishee using one of the service methods listed in STEP 3 (service by process server, constable or deputy sheriff). You must also deliver a copy of the Petition and signed Order to Show Cause to the judgment debtor by mail or hand delivery. At the hearing, the Judge may order the garnishee to pay the judgment creditor up to the total amount owed by the judgment debtor.

FORM 10 - 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 6: If the garnishee files an Answer

If the garnishee claims to hold no property of the judgment debtor

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

If the garnishee claims to hold property of the judgment debtor

Wait ten (10) more business days to see whether the debtor files a Request for Hearing on Garnishment (FORM 8). If the judgment debtor does not request a hearing within ten (10) business days of the filing of the Garnishee's Answer, complete and file an Application for Garnishment Judgment (FORM 5). Also file a Garnishment Judgment (FORM 6) for the Judge to sign. Mail or personally deliver copies of these forms to the garnishee and to the judgment debtor before you file them with the Court. Once the Judge signs the Garnishment Judgment (FORM 6), the Court will send a copy of the signed version of this form to all parties.

FORM 5 - APPLICATION FOR GARNISHMENT JUDGMENT

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 date on which the judgment or the amount withheld by the garnishee you are seeking to collect was entered.
- (2) Enter the amount you are seeking to collect, if the Garnishee's Answer indicates the garnishee is holding at least this much money for the judgment debtor. If the garnishee is holding less than the amount you are seeking to collect, then enter the amount stated in item (1).
- (3) If you wish to have some or all of the property sold, enter a description of the nonexempt personal property identified as being held in the Garnishee's Answer.
- (4) Enter the amount you are seeking to collect if the Garnishee's Answer indicates the garnishee is holding property valuable enough to cover your judgment. If the property held by the garnishee is worth less than the amount you are seeking to collect, enter the value of the property to be sold.
- (5) If you wish to have some or all of the property transferred to you without being sold, enter a description of the nonexempt personal property identified on the Garnishee's Answer as the property being held which you want.
- (6) If the Garnishee's Answer indicates the garnishee is a corporation withholding shares of stock or other interest of the judgment debtor valuable enough to cover your judgment, enter the amount you are seeking to collect. If the shares or interest are not valuable enough to cover the amount owed to you, then enter the value of the shares or interest.
- (7) Enter the amount of money you paid to serve the Writ of Garnishment and Summons on the garnishee.
- (8) If there was a hearing for an order to show cause, enter the date on which the hearing was held.
- (9) Enter the total amount of the judgment you are seeking to collect from the judgment debtor.

FORM 6 - GARNISHMENT JUDGMENT

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. You must provide one copy this form to the judgment debtor and one copy to the garnishee once it is completed.

- (1) If you checked this box, provide a description of the personal property items or groups of items as they appear in the Garnishee's Answer. Attach a separate list if necessary.
- (2) If you checked this box, provide a description of the corporate interest or shares as they appear on the Garnishee's Answer.
- (3) through (9) **DO NOT FILL IN THESE BLANKS, THE COURT WILL ENTER THESE FIGURES.**
- (10) Enter the date the Writ of Garnishment was signed by the court.

WARNING

If the garnishee does not receive a signed copy of the Garnishment Judgment within 90 days of filing the Garnishee's Answer, you cannot get your money or property without filing a new Application for Writ of Garnishment and Summons (except under limited circumstances, see [A.R.S. § 12-1587](#)). If you do not receive the signed Garnishment Judgment from the Court within ten (10) days of filing, contact the Court.

STEP 7: If a request for hearing is filed to object to the garnishment

If the judgment debtor objects to the garnishment and files a Request for Hearing (FORM 8), the Court should set a hearing date within five (5) days after the request is filed. The Judge may not sign the Garnishment Judgment (FORM 6) until the hearing has been held. Some of the more common objections include: lack of notice, lack of jurisdiction, invalid or satisfied judgment, exempt money is being garnished (\$150.00 in bank account, welfare, worker's compensation, child support or other potentially exempt monies), or exempt property is being garnished. There may be other reasons as well. Additional information concerning exemptions can be found at [A.R.S. §§ 33-1101-1130](#). It is important for the judgment creditor to attend this hearing.

STEP 8: If you do not agree with claims made in the Garnishee's Answer or do not receive any property from the garnishee

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

FORM 14 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); some options have numbers listed next to them which coincide with the explanation(s) below:

- (1 & 2) If you are the judgment creditor or garnishee, complete the information in these boxes indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment debtor.
- (3) If you are the judgment creditor or judgment debtor, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.

STEP 9: If you desire to release the garnishee and/or judgment debtor from the garnishment

To release the garnishee who turns over property in response to the Writ of Garnishment or in other appropriate circumstances, complete and file the Petition for Order Discharging Garnishee (FORM 13) and the Order Discharging Garnishee (FORM 14). Once you have filed these forms, mail a copy to the garnishee, the judgment debtor, and any other creditor who has asked to be notified. This can be done even if the garnishee's payment does not completely satisfy the judgment debtor's debt.

FORM 12 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) and filling in the blank(s).

FORM 13 - ORDER DISCHARGING GARNISHEE

Complete the information in the header section in its entirety.

STEP 10: If the judgment has been satisfied

If you are the judgment creditor or you represent the judgment creditor, and the judgment you sought to collect through garnishment has been paid in full or otherwise satisfied, complete and file a Satisfaction of Judgment (FORM 16). Once you have filed this form, mail a copy to the judgment debtor.

FORM 16 - SATISFACTION OF JUDGMENT

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).

Frequently Asked Questions

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

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

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

Maybe. There are certain kinds of money or property that may be exempt from collection. Additional information concerning exemptions can be found at [A.R.S. §§ 33-1101-1130](#).

3. What are "Earnings"?

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

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

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
 (NON-EARNINGS)
 (A.R.S. § 12-1572 thru 1597)**

 Judgment Creditor Name / Address / Email / Phone

 Judgment Debtor Name / Address / Email / Phone

 Garnishee Name / Address / Email / Phone

1. I am the judgment creditor. I was awarded a money judgment or order against the judgment debtor.
2. 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.
3. I believe the statements checked below are true: *(Check all that apply)*
 - Garnishee owes judgment debtor money which was not earned by judgment debtor for personal services.
 - Garnishee is holding money for judgment debtor which is not exempt from collection.
 - Garnishee has personal property which belongs to judgment debtor and is not exempt from collection.
 - Garnishee is a corporation and judgment debtor owns shares or other interest in the corporation.
4. I have provided garnishee's name and address in the caption above.
5. 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 (NON-EARNINGS) (A.R.S. § 12-1571 thru 1574)

Judgment Creditor Name / Address / Email / Phone

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) _____ % 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.
- Judgment creditor believes that garnishee holds nonexempt property or money other than wages owed or belonging to judgment debtor.
- The names and addresses of all parties are listed above.

TO THE GARNISHEE

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

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

SUMMONS

A WRIT OF GARNISHMENT has been issued, naming you as garnishee. You are required to answer this Writ in writing, under oath, and file the answer with the Court within ten (10) days (excluding weekends and holidays) after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ, 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 attorney fees and costs.

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

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 FORM 3 - INSTRUCTIONS TO THE GARNISHEE (NON-EARNINGS)

(for the garnishee who owes money other than wages, or holds personal property belonging to the judgment debtor)

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 have any of the judgment debtor's property or do not owe the judgment debtor any money.

You have been served with a Writ of Garnishment and Summons in which you are named as the "garnishee". The person or company that filed this court action (the "judgment creditor") is attempting to collect payment from an individual or organization named as the "judgment debtor". You are involved in this proceeding because the judgment creditor believes you either owe the judgment debtor money, other than "earnings" (for example, lother than wages, salary, commissions, bonus, pension or retirement payments), or are in possession of personal property owned by the judgment debtor. The judgment creditor should have served you with the following documents:

| # of copies | Name of Non-Earnings Form |
|-------------|---|
| 2 | FORM 2: Signed Writ of Garnishment and Summons |
| 1 | FORM 3: Instructions to Garnishee |
| 1 | FORM 4: Garnishee's Answer |
| 2 | FORM 7: Notice to Judgment Debtor of Garnishment |
| 2 | FORM 8: Request for Hearing on Garnishment |
| 2 | The Judgment awarding you money against the judgment debtor |

STEP 1: Deliver documents to the judgment debtor within three (3) business days

You must deliver one copy of the following documents to the judgment debtor within three (3) business days. These documents can be delivered personally by you, by first class mail, or they can be served by a constable, deputy sheriff or other process server. If you use a constable, deputy sheriff or process server, you will have to pay a fee.

| # of copies | Name of Non-Earnings Form |
|-------------|---|
| 1 | FORM 2: Signed Writ of Garnishment and Summons |
| 1 | FORM 7: Notice to Judgment Debtor of Garnishment |
| 1 | FORM 8: Request for Hearing on Garnishment |
| 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 money or property.

STEP 2: 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. Complete the Garnishee's Answer (FORM 4) and file it with the Court. Send a copy to the judgment debtor and the judgment creditor (by mail or by personal delivery). **This must be done within ten (10) business days.**

FORM 4 - 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) Enter the amount of money you owed the judgment debtor on the date you received the Writ of Garnishment and Summons.
- (2) Enter the amount of money that you currently owe the judgment debtor and have not yet paid.
- (3) Enter the amount of money you provided to the judgment debtor after receiving the Writ of Garnishment and Summons.
- (4) Enter your explanation as to why you did not retain the money described in item (3). Attach list if necessary.
- (5) Enter a description of each item of personal property or group of items belonging to the judgment debtor that you had in your possession on the date you received the Writ of Garnishment.
- (6) Enter a description of each item or group of items belonging to the judgment debtor that you currently have in your possession.
- (7) Enter a description of the corporate shares or interests belonging to the judgment debtor.
- (8) Enter the name of any other person or organization of which you are aware that owes money to the judgment debtor or is in possession of personal property belonging to the judgment debtor.
- (9) Enter the amount of money you want to receive for preparation and filing of the Answer.
- (10) Enter the information in this box as to how and when you will provide a copy of your Answer, Writ of Garnishment, and Notice to Judgment Debtor forms to the judgment debtor.
- (11) Enter the information in this box as to how and when you will provide a copy of your Answer to the judgment creditor.

STEP 3: Hold on to whatever property or money you have that belongs to the judgment debtor until further notice from the Court

The Writ of Garnishment and Summons tells you, the garnishee, to maintain control over any of the judgment debtor's property in your possession on the day the Writ was received.

- Some types and amounts of property are not subject to garnishment. A list of these is shown on the Request for Hearing (FORM 8). You should review this list. An attorney can help determine how much of the debtor's property is exempt.
- Corporate garnishees should not transfer any shares or interest belonging to the judgment debtor until further court order.

STEP 4: Await the Court's ruling

The Court may issue a Garnishment Judgment directing the release of the debtor's funds or other property to the judgment creditor after any objections to the garnishment are considered. The judgment creditor will send you an unsigned copy of the Garnishment Judgment at the time it is filed with the Court. After the judge has signed this form, the Court will send you a signed version of the Garnishment Judgment informing you of how to proceed. Do not proceed until you have received the signed Judgment.

If you are holding money or other property of the judgment debtor and you do not receive a signed Garnishment Judgment within 90 days of the date on which the Garnishee's Answer was filed, you must then return the property to the judgment debtor ([A.R.S. § 12-1587](#)). Before returning the property, contact the Court or the judgment creditor to verify that the Court has not in fact signed a Garnishment Judgment in your case.

What to do if the judgment debtor objects to the Garnishment or the Garnishee's Answer

The judgment debtor has ten (10) business days after receiving the Garnishee's Answer to file a Request for Hearing on Garnishment. The judgment debtor is responsible for sending a copy of the Request for Hearing to you. The Court will notify you of the hearing date. You may attend this hearing.

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
 (NON-EARNINGS)
 (A.R.S. §§ 12-1578.01 & -1579)**

 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.

1. I am the garnishee or I am authorized by the garnishee to complete and file this Answer. The word 'money' as used in this Answer does not refer to wages. Garnishee's name, address and phone are above.

2. The statements checked below were true at the time the Writ was served:
 (Check all boxes that apply and fill in blanks for each box checked)

- A. I was not holding personal property or money belonging to judgment debtor.
- B. I owed judgment debtor **(1)** \$ _____. I am withholding **(2)** \$ _____ pursuant to the Writ.
- C. I released **(3)** \$ _____ because **(4)** _____
- D. I was in possession of the following personal property belonging to the judgment debtor: **(5)** _____

 (attach list if necessary). I am holding **(6)** _____

 (attach list if necessary) pursuant to the Writ.

E. Garnishee is a corporation in which the judgment debtor owns these shares or interest: **(7)** (attach list if necessary)

3. The following person/organization holds personal property or money which belongs to judgment debtor: **(8)**

4. Garnishee requests an answer fee in the amount of **(9)** \$ _____, as a reasonable amount for the preparation and filing of this Answer.

(10)

(11)

Copies of the Answer, Writ of Garnishment and Summons, Notice to Judgment Debtor of Garnishment, Notice of Hearing form, Request for Hearing form and a copy of the underlying judgment were provided to judgment debtor on:
 Date: _____
 By: Mail Hand delivery
 Constable, Deputy Sheriff or Process Server

Copy of the Answer provided to judgment creditor on:
 Date: _____
 By: Mail Hand delivery
 Constable, Deputy Sheriff or Process Server

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: _____

NOTICE TO JUDGMENT DEBTOR ON GARNISHMENT (NON-EARNINGS)

Judgment Creditor Name / Address / Email / Phone

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

NOTICE TO JUDGMENT DEBTOR ON GARNISHMENT

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:

Court name: _____

Case number: _____ on (date of judgment or order) _____. A copy of the judgment or order is attached.

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

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

Within ten (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 that are being withheld by the garnishee may be exempt monies. The following are examples that may be exempt monies:
 - (a) One hundred fifty dollars in a bank, savings and loan association or credit union account. (*\$300.00 for married account holders.*)
 - (b) Temporary assistance for needy families
 - (c) Supplemental security income (SSI)
 - (d) Social security benefits (SSA)
 - (e) Veteran's administration benefits (VA)
 - (f) Certain pension benefits and retirement funds
 - (g) Worker's 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 \$5,000 equity value for each owner of a car or truck. (\$10,000 equity value if the owner is physically disabled).
 - (c) Wearing apparel, musical instruments, televisions or stereos and other personal items.
 - (d) Tools and equipment used in a commercial activity, trade, business or profession.

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

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 request for hearing form enclosed, or a substantially similar form to the Court. 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.

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

Judgment Creditor Name / Address / Email / Phone

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

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

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

I am the judgment debtor or I represent the judgment debtor in this action. I want a hearing on this garnishment because:
(Check all that apply)

The 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*).

Exempt money is being garnished:

\$300 (*\$600/married*) in a bank, savings and loan or credit union.

Temporary assistance for needy families, social security, supplemental security income or veteran's benefits.

Other pension or retirement benefits.

Worker's compensation or other insurance benefits.

Other: _____

Exempt personal property is being garnished:

Household goods, furnishings or appliances.

A car or truck with equity under \$6,000 (\$12,000 if owner is disabled).

Personal items.

Tools and equipment of a trade.

Other: _____

Garnishee's Answer is not correct because _____

No answer was received within 15 days.

Other: _____

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

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
(NON-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. 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 the judgment against the judgment debtor and why the garnishee should not pay costs of this Petition and attorney's fees. The 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: _____

APPLICATION FOR GARNISHMENT JUDGMENT (NON-EARNINGS) (A.R.S. § 12-1584)

() - _____
 Judgment Creditor

() - _____
 Judgment Debtor

() - _____
 Garnishee

I am or I represent the judgment creditor in this action. I want the court to order judgment against garnishee as shown below:
(Check all boxes that apply and fill in blanks for each box checked)

- The Answer states garnishee withheld money belonging to the judgment debtor from which my claim can be paid. The amount withheld is **(1)** \$ _____. I request judgment in the amount of **(2)** \$ _____.
- The Answer states garnishee is holding nonexempt personal property belonging to judgment debtor.
(Check all that apply and fill in the blank for each box checked)
 - I request that the following property be sold **(3)** _____
 and that I receive **(4)** \$ _____ from the sale proceeds.
 - I request that the following property be transferred to me **(5)** _____
- The Answer states judgment debtor owns shares or other interest in garnishee corporation. I request that these shares or other interest be sold, and that I receive **(6)** \$ _____ from the sale proceeds.
- I am entitled to **(7)** \$ _____ for service of the Writ and other allowable costs as stated on the affidavit of service to be taxed against the judgment debtor.
- Neither an Answer nor objection was filed by the garnishee within the time required by law.
 A hearing was held on **(8)** _____. Therefore, I request judgment against the garnishee for the entire balance due me on the underlying judgment in the amount of **(9)** \$ _____.

Copy of the Application for Garnishment Judgment and the unsigned Garnishment Judgment provided to judgment debtor on:
 Date: _____
 By: Mail Hand delivery

Copy of the Application for Garnishment Judgment and the unsigned Garnishment Judgment provided to garnishee on:
 Date: _____
 By: Mail Hand delivery

Date: _____
 Signature of Judgment Creditor or Authorized Agent



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

GARNISHMENT JUDGMENT (NON-EARNINGS)

Judgment Creditor Name / Address / Email / Phone

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

This court issued a Writ of Garnishment to garnishee for \$ _____ and the following is shown from the Answer:
(Check all boxes that apply and fill in the blanks for each box checked)

Garnishee owes judgment debtor \$ _____

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

Garnishee has the following nonexempt property belonging to judgment debtor: **(1)** *(attach list if necessary)*

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

Judgment debtor owns this stock or interest in garnishee corporation: **(2)** _____

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

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

THEREFORE, IT IS ORDERED that creditor have judgment against garnishee for **(3)** \$ _____ and attorney fees of **(4)** \$ _____.

IT IS FURTHER ORDERED awarding Garnishee the sum of **(5)** \$ _____ for reasonable compensation for answering the Writ, said sum to be paid by **(6)** _____ or withheld by Garnishee from the funds subject to garnishment.

IT IS FURTHER ORDERED taxing the cost of the application for the Writ in the amount of **(7)** \$ _____ and the cost of service of the Writ in the amount of **(8)** \$ _____ against **(9)** _____.

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

THEREFORE, IT IS ORDERED that garnishee is discharged.

Upon filing the satisfaction of this judgment, garnishee is released from the Writ of Garnishment issued on **(10)** _____

Date: _____
Justice of the Peace

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 (NON-EARNINGS)

Judgment Creditor Name / Address / Email / Phone

Judgment Debtor Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

- I am the: *(Check one)*
 - Judgment creditor or authorized representative
 - Judgment debtor or authorized representative
 - Garnishee or authorized representative
- My request for hearing is based on the following: *(Check all that apply)*
 - The Writ of Garnishment is incorrect because _____

 - The Answer is incorrect because _____

 - Garnishee has not turned over money or property.
 - Other reason(s) why I am requesting a hearing: _____

(1)

Copy provided to judgment debtor on:
 Date: _____
 By: Mail Hand delivery

(2)

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

(3)

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 _____
 Signature _____

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 (NON-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. I request that the garnishee be discharged.

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

| |
|---|
| Copy provided to 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: _____

ORDER DISCHARGING GARNISHEE (NON-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:

- | | | |
|--|--|---|
| <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

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

 Judgment Creditor Name / Address / Email / Phone

 Judgment Debtor Name / Address / Email / Phone

 Garnishee Name / Address / Email / Phone

PLEASE TAKE NOTICE THAT:

I am the judgment creditor or authorized agent of the judgment creditor in this action. The Judgment entered in this action has been satisfied.

Date _____

 Signature of Judgment Creditor or Authorized Agent

(10)

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

(11)

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