

INSTRUCTIONS
FORM 1
APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS)
(A.R.S. §§12-1598 THROUGH – 1598.17)

WARNING!

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

USE FORM 1 IF:

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

TO COMPLETE FORM 1 YOU WILL NEED:

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

HOW TO COMPLETE FORM 1:

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

In the upper left top of form, type or print the name, mailing address and telephone numbers of the person filing this form. If you are representing yourself in this matter, check the box before "Self."

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

Type or print the case number assigned to the Judgment or Order.

Lines (1) through (5) are known as the caption. You must complete this portion if not already filled in.

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

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

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

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

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

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

(12) Check only the box that applies.

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

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

(13) Date and sign your name where indicated.

WHEN YOU HAVE COMPLETED THE APPLICATION:

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