

INSTRUCTIONS
FORM 5
APPLICATION FOR GARNISHMENT JUDGMENT (NON-EARNINGS)
(A.R.S. §12-1584)

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 5 IF:

- You are the judgment creditor or you represent the judgment creditor, and
- You have received the Garnishee's Answer indicating the garnishee is holding property or money other than earnings belonging to the judgment debtor.
- The judgment debtor has not filed an Objection and Request for Hearing and notice of Hearing within 10 days of the filing of Garnishee's Answer, or
- The garnishee has not filed an Answer or filed an objection within the time required by law and a hearing was held on garnishee's failure to answer or object.

TO COMPLETE FORM 5 YOU WILL NEED:

- Information appearing on the Garnishee's Answer (if available).
- Information appearing on the Writ of Garnishment and Summons.
- To know the amount of money you paid to serve the Writ of Garnishment and Summons.

HOW TO COMPLETE FORM 5:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Application for Garnishment Judgment (Non-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 garnishee 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 by either 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 by the Court to this garnishment action.

(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 and, if known, phone number(s) of the person or company (garnishee) that is holding personal property or money other than wages belonging to the judgment debtor that you are seeking to collect in this lawsuit. Include the name of the person's attorney, if known.
- (9) Check all boxes that apply and fill in the blanks for each box checked.
- (10) If this statement applies to you, type or print the amount of stated in Garnishee's Answer as the amount of money being withheld pursuant to the Writ.
- (11) Type or print the amount you are seeking to collect, if the Garnishee's Answer indicated 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 type or print the amount stated in item (10).
- (12) If you wish to have some or all of the property sold, type or print a description of the nonexempt personal property identified as being held in the Garnishee's Answer.
- (13) Type or print 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, then type or print the value of the property to be sold.
- (14) If you wish to have some or all of the property transferred to you without being sold, type or print a description of the nonexempt personal property identified on the Garnishee's Answer as the property being held which you want.
- (15) Type or print the amount you are seeking to collect, if the Garnishee's Answer indicated the garnishee is a corporation withholding shares of stock or other interest of the judgment debtor valuable enough to cover your judgment. If the shares or interest are not valuable enough to cover the amount owed to you, then type or print the value of the shares or interest.
- (16) Type or print the amount of money you paid to serve the Writ of Garnishment and Summons on the garnishee.
- (17) If this statement applies to you, type or print the date on which the order to show cause hearing was held.
- (18) Type or print the total amount of the judgment you are seeking to collect from the judgment debtor.
- (19) Complete the information under this box indicating the date and manner in which you will provide a copy of your Application for Garnishment Judgment and a copy of the unsigned Garnishment Judgment to the judgment debtor.
- (20) Complete the information under this box indicating the date and manner in which you will provide a copy of your Application for Garnishment Judgment and a copy of the unsigned Garnishment Judgment to the garnishee.
- (21) Date and sign form where indicated.

WHEN YOU HAVE COMPLETED THIS APPLICATION FOR GARNISHMENT JUDGMENT:

- Complete the Garnishment Judgment form.
- Follow the steps on the Process Checklist.