

INSTRUCTIONS
FORM 8
REQUEST FOR HEARING ON GARNISHMENT (EARNINGS)
(A.R.S. §12-1598.16(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, including the judgment debtor.

USE FORM 8 IF:

- You are the judgment debtor or you represent a judgment debtor.
- You wish to request a hearing on garnishment for one of the reasons listed on FORM 8.

TO COMPLETE FORM 8 YOU WILL NEED:

- Information on the Writ of Garnishment and Summons (Earnings).

HOW TO COMPLETE FORM 8:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Request for Hearing on 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 appearing on the Writ.

Lines before and including 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 as it appears on the Writ. Check the box to indicate whether this party is the judgment creditor or judgment debtor as shown on the Writ.

(7) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant as it appears on the Writ. Check the box to indicate whether this party is the judgment debtor or judgment creditor as shown on the Writ.

(8) Type or print the name, mailing address, phone number and attorney (if known) of the person or company (garnishee) as it appears on the Writ.

(9) Check all boxes that apply.

- (10)** If you checked this box, type or print the reason you believe that the judgment creditor does not have a valid judgment against you. Attach additional sheets if necessary.
- (11)** If you checked this box, type or print the name of the debt counseling organization that set up your debt scheduling agreement.
- (12)** Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment creditor.
- (13)** Complete the information under this box indicating the date and manner in which you will provide a copy of your Request for hearing to the garnishee.
- (14)** The Court may need to contact you regarding your hearing. Provide a phone number where you can be contacted between 8 a.m. and 5 p.m.
- (15)** Date and sign the Request for Hearing form.

WHEN YOU HAVE COMPLETED THE HEARING REQUEST:

- File this form with the Clerk's office along with a Notice of Hearing on Garnishment (Earnings) (FORM 9).
- At the same time, you must mail or deliver a copy of the Request for Hearing (FORM 8) to the judgment creditor and the garnishee.