**(1)** Person Filing:

Mailing Address:

City, State, Zip Code:

Email Address:

Telephone Numbers(s):

Representing: [ ] Self [ ] Attorney [ ] Other

State Bar No. (if applicable):

**(2) [ ] JUSTICE COURT**  **, COUNTY OF**

**(3) [ ] MUNICIPAL COURT**  **, COUNTY OF**

**(4) [ ] ARIZONA SUPERIOR COURT, COUNTY OF**

|  |  |  |
| --- | --- | --- |
| **(5)** Petitioner/Plaintiff [ ] Judgment Creditor [ ] Judgment Debtor Name: Address: City, State, Zip Code: Email Address: Phone(s): **(6)** Respondent/Defendant [ ] Judgment Debtor [ ] Judgment Creditor Name: Address: City, State, Zip Code: Email Address: Phone(s): **(7)** Garnishee:Name: Address: City, State, Zip Code: Email Address: Phone(s): Attorney:  |  | **(8)** Case Number: **REQUEST FOR HEARING ON GARNISHMENT (EARNINGS)****(ARS § 12-1598.16(F))** |

**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 an appropriate motion with the Court that entered the judgment. (ARCP Rule 60 and JCRP Rule 141)

I am the judgment debtor (Defendant), or I represent the judgment debtor in this action. I want a hearing on this garnishment because:

**(9)** (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 Judgment Debtor has requested a hearing on the Garnishment (Earnings) on the claim of financial hardship AND if Judgment Creditor has no objection to reducing the percentage of non-exempt disposable earnings garnished to
 %, please provide a revised proposed form of Order of Continuing Lien and the Court may vacate the hearing. Judgment Creditor must contact the court to verify whether the hearing was vacated.

[ ] The amount claimed in the Writ of Garnishment is incorrect.

[ ] The judgment creditor does not have a valid judgment against me because this garnishment has been filed against the wrong person or because:

|  |
| --- |
| **(A)** |
|  |

[ ] The judgment has been paid in full.

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

[ ] I did not get a copy of the non-exempt 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 (Plaintiff) is subject to a qualified debt scheduling agreement:

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

**(B)**

[ ] Other: **(C)**

I provided a copy of this request to:

**(10)** Judgment creditor [ ] By mail [ ] Hand delivery Date:

**(11)** Garnishee [ ] By mail [ ] Hand delivery Date:

**(12)** Judicial officer [ ] By mail [ ] Hand delivery Date:

The Court can call me at **(13)** (phone) between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

**(14)**

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 business days after you receive Garnishee’s Answer, unless you show good reason for the delay.**