

Procedures: What to do with the motion to join a third party in a non-earnings garnishment

You can use this motion if...

- You have a Civil Judgment against a party; and
- You have filed a garnishment of the Defendant/Judgment Debtor's bank account in the Maricopa County Superior Court; and
- The bank (Garnishee) has filed its Answer which states that more than one person may have an interest in the bank account being garnished; and
- You want the Court to join the other person who has an interest in the bank account to the garnishment so that the Court can determine what money in the bank account belongs to the Defendant/Judgment Debtor.

STEP 1. Fill out the Motion and Order.

Fill in the Motion and Order. Where it says, "Name of Third Party," list the name of the party you are asking the Court to join to the Garnishment.

STEP 2: Copies and envelopes.

- Make four (4*) copies of the Motion. *Additional copies may be needed if more than one Defendant is involved with your case.
- Make five (5) copies of the Order and prepare three (3) pre-addressed stamped envelopes for the Defendant, Garnishee and yourself.

File the original motion with the Clerk of Superior Court and ask to have all copies stamped as well. These are called "conformed copies" and serve as proof that the original was filed.

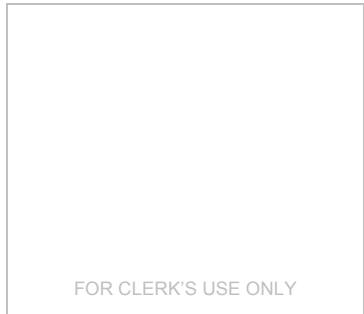
Processing your Motion. Give the following to the Commissioner assigned to the Garnishment:

- One (1) stamped (conformed) copy of the Motion; and
- The original plus two (2) copies of the Order and all the pre-addressed, stamped envelopes.

Mail or deliver a copy of the motion and proposed Order to the Defendant and Garnishee in your case and keep one (1) copy for your own records.

STEP 3: Wait to receive a ruling from the Court. The Court will mail a copy of the signed Order to you and the other parties. Once you receive the signed Order from the Court granting your Motion, you will need to personally serve the Order on the Third Party pursuant to Rules 4.1 or 4.2, Arizona Rules of Civil Procedure. See the form "How to serve notice as required by law" available on the Law Library Resource Center website: https://superiorcourt.maricopa.gov/llrc/civil_gn2/.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____



Representing Self, without a Lawyer, or Attorney for Plaintiff OR Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Plaintiff / Judgment Creditor

Case No. _____

Name of Defendant / Judgment Debtor

MOTION TO JOIN THIRD PARTY PURSUANT TO A.R.S. §12-1595

Name of Garnishee

Plaintiff / Judgment Creditor, _____, pursuant to A.R.S. § 12-1595,
(Name of Plaintiff)

moves this Court to join, _____, in this garnishment. Based upon
(Name of Third Party)

the Answer of the Garnishee, _____, may have an interest in the bank
(Name of Third Party)

account that has been garnished. Therefore, pursuant to A.R.S. § 12-1595, Plaintiff / Judgment

Creditor requests that _____ be joined to this garnishment action.
(Name of Third Party)

Respectfully submitted,

Date: _____

Signature of Plaintiff / Judgment Creditor

This page must be completed, signed, and attached to the LAST page of your Motion/Request.

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: _____
Month Day Year

I mailed/delivered a COPY of the attached document(s) to the **Judicial Officer** assigned to my case, Judge (or Commissioner): _____
(Judicial Officer assigned to your case)
on _____ (date).

I mailed/delivered a COPY of the attached document(s) to the **Defendant** and/or his/her Attorney on: _____ (date)

Name of Defendant

Name of Other Side's Lawyer

Address

Lawyer's address

City, State, Zip Code

City, State, Zip Code

I mailed/delivered a COPY of the attached document(s) to the **Garnishee** and/or his/her Attorney on: _____ (date)

Name of Garnishee

Name of Garnishee's Lawyer

Address

Lawyer's address

City, State, Zip Code

City, State, Zip Code

NOTE: If there is more than 1 opposing side/Attorney, you must use another sheet to identify in writing when, to whom, and how you sent the documents.

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the Judge in my case will not read the attached document.

Your Signature

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer, or Attorney for Plaintiff OR Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Plaintiff / Judgment Creditor

Case No. _____

Name of Defendant / Judgment Debtor

ORDER GRANTING MOTION TO JOIN THIRD PARTY PURSUANT TO A.R.S. §12-1595

Name of Garnishee

After reviewing Plaintiff / Judgment Creditor's Motion to Join Third Party Pursuant to A.R.S. § 12-1595 and the Answer of the Garnishee,

THE COURT FINDS that the Answer of the Garnishee states that _____
(Name of Third Party)
may have an interest in the bank account that is subject to the garnishment in this case.

IT IS HEREBY ORDERED AS FOLLOWS:

1. _____ is joined as a third party to this garnishment proceeding.
(Name of Third Party)

2. Unless _____ requests a hearing within twenty (20) days of the
(Name of Third Party)
date of service of this Order, the Court shall assume that the third party has no legal interest in the money held by the Garnishee. After twenty (20) days from the date of service of this Order has passed and the third party has not requested a hearing, the Plaintiff/Judgment Creditor can file a request that the money being held by the Garnishee be transferred to the Plaintiff/Judgment Creditor

by the Garnishee. The Court may grant this request and order the Garnishee to transfer the money in the bank account to the Plaintiff/Judgment Creditor.

3. The third party may request a hearing by filing a "Request for Hearing" and mailing a copy to the Court as well as to the Plaintiff/Judgment Creditor or Plaintiff's attorney.

DONE IN OPEN COURT this _____ day of _____, 20____.

Signature of Judge or Commissioner