



Pinal County Justice Courts, Arizona

How to...

COLLECT A MONEY JUDGMENT



Pinal County Justice Courts, Arizona

Your judgment entitles you to collect through various legal means. The court does not collect the judgment for you and the court cannot recommend a method of collection for you as the **court does not provide legal advice.**

You must decide which avenue of collection you will pursue. You will prepare and file the appropriate court forms. It is also your responsibility to obtain addresses or other information you may need as you pursue collection. The court will provide you with the forms and instructions. Any additional fees that may be incurred will be added to your judgment amount as accruing court costs.

Please **STOP:**

If there has not yet been a judgment rendered from the court.
If there is a satisfaction of judgment filed.

Please **PROCEED:**

If there has been a judgment rendered in your favor.

FORMS Needed:

Information for Collecting a Money Judgment

INSTRUCTIONS:

Read the Information for Collecting a Money Judgment.
Determine which action you want to take and ask the clerk for the appropriate packet for a garnishment, lien, writ or judgment debtor's examination.



Pinal County Justice Courts

INFORMATION FOR COLLECTING A MONEY JUDGMENT

A Judgment is enforceable for five (5) years from date of Judgment. The Judgment may be renewed prior to the expiration of the Judgment date for an additional five (5) years. The Judgment belongs to you, the Judgment Creditor. You may or may not collect. The Court provides a legal avenue to collect a judgment.

JUDGMENT CREDITOR: The party whom the Judgment was awarded.

JUDGMENT DEBTOR: The party whose judgment is against.

THE COURT'S ROLE:

- ~ Does not collect the Judgment for Creditor.
- ~ Provides legal procedures for Creditor to collect.

CREDITOR CAN:

- ~ Begin with sending a demand letter to debtor explaining intent to collect.
- ~ Enter into a payment agreement with the Debtor.
- ~ Chose one or more of several collection procedures.

CREDITOR IS RESPONSIBLE:

- ~ To assure that you have been given the correct forms.
- ~ Complete each form.
- ~ Please write clearly. *Remember who will gain by properly completing forms.*
- ~ You have addresses needed.
- ~ Pay fees for the issuance and service of the documents.

COURT FEES AND COSTS: Refer to the Court's posted schedule of fees NOTE: The fees are referred to as accruing costs that you are entitled to also collect. You may add additional fees in your collection documents. Note that the court need not issue an amended Judgment to include costs of collecting the Judgment. You should keep all receipts as the Debtor is entitled to know your accruing costs.

COLLECTION AGENCY: You may consider referring your Judgment to an agency who may charge you a percentage of what is collected. You may find an agency in a phone directory.

ATTORNEY: You may hire an attorney to collect for you in that case the attorney file documents for you and attend any court dates on your behalf.

SUPPLEMENTAL PROCEEDING (also known as a JUDGMENT DEBTOR EXAM (JDE)): The Supplemental Proceeding is held to obtain information about the assets and relevant information you need to help you in collecting. You may have the Debtor appear or a person (party) who has knowledge of the Debtors assets. IF the party is personally served and a description and DOB is provided by you the court may issue a Civil Arrest Warrant in the event of a failure to appear.

- ~ You complete the form take to the Court and pay a fee.
- ~ The Court issues a Court Date and time that you are also required to attend as **you will be asking the party questions who will be under oath regarding assets.**
- ~ **Serve person named by Process Service (this is an additional fee you can find a Process Company in a phone directory).**
- ~ **You may want to remind your process server:**
 - P Make personal service upon the named person.
 - P To get the person's physical description and DOB (necessary if the party fails to appear and issue Civil Warrant).

GARNISHMENT: This Process will enable you to collect money owed to the Debtor by others (most common: employment or bank).

EARNINGS: Wages.

NON-EARNINGS: Bank Account; monies due to Debtor by other parties.

GARNISHEE: The entity of the garnishment such as an employer or the Debtor's bank Note: for a bank account, if you do not know the debtor's account number the bank requires a search fee. You must know where the Debtor works and or where Debtor banks. You may garnish either at different times or at the same time.

- ~ You must provide correct names and addresses of the Garnishee.
- ~ After completing the Garnishment forms you file with the Court and pay an issuance fee.
- ~ The Court will issue the Writ of Garnishment.
- ~ Serve the Garnishee through a Process Server (this is an additional fee you can find a Process Company in a phone directory).
- ~ The Garnishee is required to file an Answer with you and the Court.

The individual Garnishment packets include more detailed instructions as to how to proceed with a Garnishment.

WRIT OF EXECUTION ARS 22-244, ARS 12-1551: This is a process where a Constable would take non-exempt personal property from the Judgment Debtor to satisfy a Judgment however, there are many exemptions to what a Constable can take. It is advisable that you contact the Constable before issuing a Writ of Execution. The Constable can better explain the exemptions.

- ~ Fee: Fees apply, plus other cost i.e. storage / auctions / advertising / misc. The Constable will inform you of additional costs.
- ~ Forms provided at the Court.
- ~ 2 types of Writs:
 - P **General:** Where a Constable tries to collect money or property.
 - P **Special:** Where you name specific property to be taken such as a car.
- ~ You must provide an address where the property is located - this location may be in another precinct in that case, the Constable of that precinct will be executing the writ.
- ~ You must provide a phone number where the Constable can reach you.
- ~ The Constable has **60 days** to execute (work on) the writ. If there is no property to levy, the writ will be returned unsatisfied.

NOTICE TO JUDGMENT CREDITORS: There are three statutes that allow a Constable to require a bond when executing a writ. In the event that a Constable determines that there is property to be levied upon or the plaintiff has identified property to be levied upon, then the Constable will require a bond of indemnity from the plaintiff on these writs of execution for twice the value of the judgment.

Title 12 - Courts and Civil Proceedings

Article 2 Attachment 12-1529. Execution of writ; indemnity bond for attaching officer

- A. The officer receiving the writ shall immediately execute it by levying upon so much property of defendant subject to levy under the writ and found within his county as is sufficient to satisfy the writ.
- B. The officer shall levy the writ at his own risk, but he may require the plaintiff in attachment to execute and deliver to him a bond of indemnity to secure him if it should afterward appear that the property levied upon does not belong to defendant.

Article 3 Execution of Judgments 12-1564. Indemnification of officer for levy; recovery of costs

If there is a reasonable doubt about the equity interest of a judgment debtor in any property or the liability for the seizure of the property on execution, the officer may require sufficient security from the judgment creditor to indemnify the officer. If security is not provided, the officer is not liable for failing to levy on the property. If the judgment creditor deposits sufficient security to indemnify the officer taking the property, he shall recover from the judgment debtor, together with the costs of the execution, the reasonable costs of the indemnity deposited.

Article 12 Replevin 12-1303. Bond; amount and conditions

The officer shall not take the property until plaintiff executes and delivers to him a bond payable to the defendant, in an amount not less than double the value of the property as stated in the affidavit, conditioned that plaintiff will prosecute the action to effect and without delay, and for the return of the property to defendant if return thereof is adjudged, and in default of such delivery that plaintiff will pay the assessed value of the property and all damages for its taking and detention, and costs in the action, including reasonable attorney's fees.

JUDGMENT LIENS ON REAL PROPERTY ARS 22-246 ARS 33-961: You can record the Judgment with the Recorder's Office however there are steps you must take before Recording:

- ~ You must obtain a certified copy of the Judgment from the Justice Court. There is a fee for certification.
- ~ You must take the certified copy to the Superior Court Clerk of the Court and pay for TJ (Transcript of Judgment) number pay for certification at the Superior Court.
- ~ Take the TJ case to Recorder's Office where Judgment Debtor has real estate property. If the Judgment Debtor has property in different counties you can record your Judgment with each County. NOTE: Fees apply.

FOREIGN JUDGMENT ARS 12-1702: If the Judgment Debtor lives in another state you must follow the laws of that state in order to collect the Judgment. The collection laws in Arizona only apply in Arizona.

- ~ You must obtain a certified copy of the Judgment from the Justice Court. There is a fee for certification.
- ~ You must contact the equivalent of our Superior Court in the state where the Judgment Debtor lives, ask how you would "domesticate" your Judgment with that state. In order to start collection process in that state.

RENEWAL OF JUDGMENT ARS 12-1611: The Judgment is active for 5 years, however you may renew your judgment for additional 5 years BEFORE THE EXPIRATION of the Judgment and renew every 5 years thereafter.

- ~ Within 90 days of the expiration of Judgment you can renew:
- ~ File Affidavit of Renewal of Judgment (form available at the Court) Fee applies.
- ~ The Court will mail you a Notice of Renewal of Judgment with a NEW expiration date.
- ~ You may renew a Judgment multiple times but be aware of the expiration renewal date, if you renew again it must be from this date.

TORT MOTOR (CAR ACCIDENT) JUDGMENT (Lien on Driver's License and Registration ARS 28-4071): If the Judgment is a result of a car accident you may have the Judgment Debtors license and registration suspended.

- ~ Creditor informs Court by filing the Certificate of Judgment Status form that the judgment has not been paid.
- ~ Court Certifies Judgment (no charge).
- ~ The Court will process the Certificate of Judgment Status form.
- ~ Court or Creditor may deliver to MVD.

SATISFACTION OF JUDGMENT ARS 33-964 C: After the Judgment Debtor has satisfied the judgment, the Judgment Creditor is obligated to file a Satisfaction of Judgment with the Court.

- ~ Judgment Creditor completes Satisfaction of Judgment form (form available at the Court, NO fee).
- ~ Judgment Creditor mails copy to Judgment Debtor.
- ~ If you have a TJ number you must also file a Satisfaction with the Clerk of Superior Court.
- ~ If you filed the Judgment with the County Recorder's Office, contact that office on how to file your Satisfaction of Judgment.
- ~ If you have filed with MVD on a Tort Motor (car accident) Judgment you must file a Satisfaction with that office.