



INSTRUCTIONS for FORM 16 – REQUEST FOR HEARING (EARNINGS)

**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 16 IF:**

- You are a party to an earnings garnishment proceeding or you represent a party.
- You wish to request a hearing.

**TO COMPLETE FORM 16 YOU WILL NEED:**

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

**HOW TO COMPLETE FORM 16:**

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

- (1) 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 debtor 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.

*Lines 2 through 8 are known as the **caption**. You must complete this portion if not already filled in.*

- (2) Type or print the name and the address of the Justice Court precinct in which you are filing the Request for Hearing.
- (5) Type or print the petitioner/plaintiff's name as it appears on the Writ, mailing address and phone number(s). Check the box to indicate whether this party is the judgment creditor or judgment debtor as shown on the Writ.
- (6) Type or print the respondent/defendant's name as it appears on the Writ, mailing address and phone number(s). 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 garnishee's name as it appears on the Writ, mailing address, phone number(s) and attorney (if known).
- (8) Type or print the case number appearing on the Writ.
- (9) Check all boxes that apply.
- (10) Type or print your reason for requesting a hearing.
- (11) Do not complete this box if you are the judgment debtor. If you are the judgment creditor or garnishee, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment debtor.
- (12) Do not complete this box if you are the garnishee. If you are the judgment debtor or garnishee, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the garnishee.
- (13) Do not complete this box if you are the judgment creditor. If you are the judgment debtor or garnishee, complete the information in this box indicating the date and manner in which you will provide a copy of your Request for Hearing to the judgment creditor.
- (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 FORM:**

- ✓ File this form with the clerk at the filing counter.
- ✓ At the same time you must mail or deliver a copy of the Request for Hearing (FORM 16) to the other parties.