



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

HB 2170: writs of garnishment; attorney fees
Sponsor: Representative Blackman, LD 6
Committee on Judiciary

Overview

Allows accrued attorney fees to be added to the application for a writ of garnishment.

History

A writ of garnishment must be issued if a judgment creditor does not receive monies from the judgment debtor voluntarily. The judgment creditor may apply for a writ of garnishment containing the following information:

- 1) The amount of the outstanding balance due on the judgment that includes interest;
- 2) The name and address of the garnishee or garnishee's agent, judgment creditor and creditor's attorney; and
- 3) The last mailing address of the judgment debtor known to the judgment creditor. ([A.R.S § 12-1574](#)).

An award of attorney fees is not chargeable to the judgment debtor unless the judgment debtor is found to have objected solely for delay or harassment. ([A.R.S. § 12-1598.07](#))

If a timely objection to a writ of garnishment is filed, the court shall conduct a hearing and make the following determinations:

- 1) Whether the writ is valid against the judgment debtor;
- 2) The amount outstanding when the writ was served, plus accruing costs;
- 3) Whether the judgment debtor was employed by the garnishee at the time the writ was served;
- 4) Whether earnings were owed or would be owed by the garnishee to the judgment debtor within 60 days after the service of the writ; and
- 5) If the debt was subject to an effective agreement for debt scheduling between the judgment debtor and a qualified debt counseling organization ([A.R.S § 12-1598.10](#)).

Provisions

1. Adds accrued attorney fees, including fees for garnishment, if allowed by judgment or contract, to the application for a writ of garnishment to be paid with interest. (Sec.1)
2. Adds accrued *attorney fees* to information required on the writ of garnishment. (Sec. 2)
3. States that the *award of attorney fees incurred due to the objection* shall not be assessed against the judgment debtor unless specific conditions apply. (Sec. 3)
4. States unless there is written objection to the writ of garnishment, then the attorney fees will be taxed against the judgment debtor. (Sec. 4)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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5. Requires a writ of garnishment to be issued after the judgment creditor makes a written application stating the amount of the outstanding balance, *including the accrued attorney fees*, for garnishment. (Sec. 5)
6. Requires the court to conduct a hearing and determine the amount outstanding on the judgment at the time the writ was served, plus accruing attorney fees and costs. (Sec. 8).
7. States attorney fees accrued during a reporting period must be included in the judgment creditor's monthly report. (Sec. 9).
8. Permits the attorney fees to be charged to the debtor if there is no written objection. (Sec. 10).
9. Contains technical and conforming changes. (Sec.1, 3, 4, 5, 6, 7, 9, 10)