

RECEIVED

WILLCOX JUSTICE COURT NO. 4

DEC 15 2024

TIME: 10:30
BY: [Signature]

PETER M. BALSINO, # 012049
BRIAN STALEY, # 031319
DAVID BACKER, # 036812
EMILY E. SCHMIDT, # 034882
PO BOX 13428
TEMPE, AZ 85284
Telephone: (800) 875-7159
Facsimile: (877) 411-6864
IL_AZ@mcmcg.com
Attorneys for Plaintiff

**IN THE WILLCOX JUSTICE COURT
COCHISE COUNTY, ARIZONA
450 S. HASKELL, WILLCOX, AZ 85643**

MIDLAND CREDIT MANAGEMENT, INC.
Plaintiff/Judgment Creditor,

vs.

DAVID W BROWN AND JANE/JOHN DOE
BROWN, Spouses,
Defendant(s)/Judgment Debtor,
and

COCHISE ELEMENTARY SCHOOL
DISTRICT 26
Garnishee

Case No. 4CV202100118

**APPLICATION FOR WRIT OF
GARNISHMENT OF EARNINGS**

(Earnings)

The undersigned, upon his/her oath states as follows:

1. I am one of the attorneys for the above-named Judgment Creditor and authorized to make this Application.
2. Judgment Creditor obtained a Judgment in this case against Judgment Debtor, DAVID W BROWN. The Judgment was signed on June 28, 2022.
3. As of the date of this Application, the outstanding balance due on the Judgment is \$3,869.39.
4. Judgment Creditor has made demand upon Judgment Debtor for payment of the amount due on the Judgment, but Judgment Debtor has not paid the amount and has not agreed to pay the non-exempt portion of his/her wages until the Judgment is satisfied.

5. Garnishee COCHISE ELEMENTARY SCHOOL DISTRICT 26, is believed to be an employer of the Judgment Debtor or otherwise owes or will owe to the Judgment Debtor disposable earnings..

6. The address for Garnishee or its authorized agent is:

COCHISE ELEMENTARY SCHOOL DISTRICT 26
ATTN: PAYROLL
5025 N BOWIE AVE
PHOENIX AZ 85066

7. I have not received notice of the Judgment Debtor's intent to enter into an agreement for debt scheduling with a qualified consumer credit counseling service and, if such notice has been received, that either I or my client has timely objected, in writing, to the Judgment Debtor's participation in such an agreement or have been notified that the agreement is no longer effective.

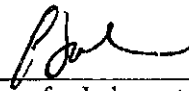
WHEREFORE, Plaintiff requests issuance of a Writ of Garnishment against Garnishee.

Plaintiff further requests that the cost of service and issuing of the Writ be taxed against the Judgment Debtor.

Sworn to under penalty of perjury pursuant to A.R.C.P Rule 80(i).

NOV 26 2024

Respectfully submitted on _____, 2024.



Attorneys for Judgment Creditor
PETER M. BALSINO
BRIAN STALEY
DAVID BACKER
EMILY E. SCHMIDT

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**WRIT OF GARNISHMENT OF
EARNINGS AND SUMMONS**

(Earnings)

**THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY OTHER
OFFICER OF COCHISE COUNTY, WHO IS AUTHORIZED BY LAW TO SERVE
PROCESS.**

**YOU ARE COMMANDED TO IMMEDIATELY SUMMON THE GARNISHEE
TO APPEAR BEFORE THE ABOVE-ENTITLED COURT TO ANSWER THIS WRIT
OF GARNISHMENT WITHIN THE TIME SPECIFIED.**

1. The name and address of the Garnishee or Garnishee's authorized agent is:

COCHISE ELEMENTARY SCHOOL DISTRICT 26
ATTN: PAYROLL
5025 N BOWIE AVE
PHOENIX AZ 85066

2. The name and address of the Judgment Creditor or its attorney is:

PETER M. BALSINO
BRIAN STALEY
DAVID BACKER
EMILY E. SCHMIDT
Attorneys for Judgment Creditor
PO BOX 13428
TEMPE, AZ 85284

3. The outstanding balance due on the Judgment as of the date of the issuance of this Writ, including accrued interest and allowable costs, is \$3,869.39.

4. The last mailing address of the Judgment Debtor known to the Judgment Creditor is:

DAVID W BROWN
640 W CALLE UTAH
COCHISE AZ 856068696
SSN: XXX-XX-6851

GARNISHEE SHALL ANSWER WITHIN TEN (10) DAYS, EXCLUSIVE OF THE DATE OF SERVICE, ACCORDING TO THE INSTRUCTIONS SERVED HEREWITH.

The Answer of the Garnishee shall set forth the following:

1. Whether the Judgment Debtor was employed by the Garnishee on the date the Writ was served;
2. Whether the Garnishee anticipates owing earnings within sixty (60) days after the date of service of the Writ;
3. If the Garnishee is unable to determine the identity of the Judgment Debtor after making a good faith effort to do so, a statement of the effort made and reasons for such inability; the dates of the next two pay days occurring after the date of service of the Writ; the pay period of the Judgment Debtor, whether weekly, bi-weekly, semi-monthly or other specified period;
4. The amount of the outstanding Judgment now due and owing as stated in the Writ;

5. Whether the Judgment Debtor is subject to an existing wage assignment, garnishment or levy, and if so, the name, address and telephone number of that creditor;
6. The name, address and telephone number of the Garnishee;
7. The date and manner of delivery of a copy of the Answer to the Judgment Creditor and Judgment Debtor.

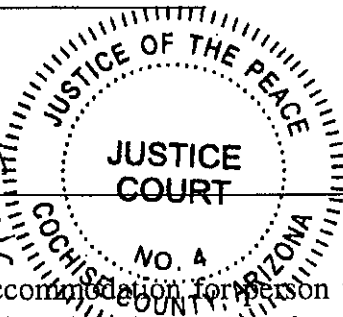
NOTICE AND SUMMONS

In obedience to the forgoing Writ of Garnishment, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing Writ in the manner prescribed by law within the time prescribed in said Writ, and you are hereby notified that in case you fail to answer, the Court may issue an order requiring you to appear, before the Court at a time and place specified in order to answer the Writ. In the event you fail to appear after service of the order requiring you to appear, in person, judgment by default may be rendered against you for the full amount of the Judgment against the Judgment Debtor, plus an award for attorney's fee incurred by Judgment Creditor pursuant to A.R.S. § 12-1598.13.

SIGNED AND SEALED this date: 12/11/24

[Handwritten Signature]

~~Justice of the Peace~~
COURT CLERK



YOU ARE HEREBY NOTIFIED that requests for reasonable accommodation for person with disabilities must be made to the court, judge or commissioner assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.

YOU ARE HEREBY NOTIFIED that requests for an interpreter for person with limited English proficiency must be made to the court, judge or commissioner assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

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