

# ADMINISTRATIVE PROCEDURES



Procedure Number: 22-74

Effective Date: 12/06/2011

Revision Date: \_\_\_\_\_

*C. Deebauy*  
County Administrator

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SUBJECT: **JUDGMENTS**

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DEPARTMENT RESPONSIBLE: **Department of Finance and Risk Management**

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## 1. PURPOSE

This Administrative Procedure defines judgments and it sets forth procedures for the collection of judgments.

### STATEMENT

Pima County often obtains judgments against other parties when Pima County files suit to collect unpaid fees and fines, or has been successful in defending against a lawsuit.

## 2. DEFINITIONS

Judgment – a judgment is a final and official ruling by a court ordering money to be paid to another party. A judgment is binding and enforceable by the court that issued the ruling.

Judgment Creditor – A judgment creditor is the party in whose favor a money judgment was issued (i.e., the party that the money is to be paid to). The judgment creditor is entitled to enforcement of the judgment through liens, execution and levy.

Judgment Debtor – A judgment debtor is the party who is ordered in the judgment to pay money to the judgment creditor.

Judgment Lien – A lien is a charge, security or encumbrance on a piece of property. A judgment creditor may be able to place a lien on both the real and personal property of the judgment debtor. When property subject to a lien is sold, either a portion of the proceeds are used to satisfy the outstanding lien or the property is sold subject to the lien. Recorded liens expire after five years after the date of the judgment and should be renewed until the debt is satisfied.

Execution and Levy – Execution and levy is a legal process of enforcing the money judgment by seizure and subsequent sale of the property owned by the judgment debtor.

Wage garnishment – A form of execution and levy which is a legal process of enforcing a money judgment by directing the employer of a judgment debtor to pay a portion of judgment debtor's wages directly to the judgment creditor.

### 3. **PROCEDURE**

Judgments are issued by the court having jurisdiction to perform those acts in Pima County. After a judgment has been issued in favor of Pima County, a certified copy of the judgment should be forwarded to the Revenue and Collections Section of the Revenue Management Division of the Finance and Risk Management Department.

### 4. **REVENUE AND COLLECTIONS**

The Revenue and Collections Section's objective is to increase collection of revenues due Pima County. This objective is accomplished by:

- Providing a centralized function for performing collection efforts on delinquent departmental accounts.
- Utilizing collection practices to increase the likelihood of collection, such as seeking to obtain judgments.
- Contacting customers and making payment arrangements when payment-in-full cannot be obtained immediately.
- Negotiating settlements when collection efforts have not produced results.

### 5. **RECORDING THE JUDGMENT; SATISFACTION OF JUDGMENT**

Revenue Management will have the judgment recorded with the Pima County Recorder's office, once the judgment has been received. A recorded judgment is in full force for five years from the date of the judgment (not the date of recording the judgment). If satisfaction of the judgment has not occurred within five years, then Pima County Revenue Management shall, prior to the fifth anniversary of the date of the judgment, renew the judgment for an additional five year period if there is a reasonable probability of collection. There is no limit as to how many times a judgment can be renewed. When a judgment has been paid, an appropriate satisfaction of judgment shall be recorded in compliance with Arizona Revised Statutes (A.R.S.) § 33-964(C).

### 6. **COLLECTIONS**

Once the judgment has been recorded, the Revenue and Collections Section will commence collection efforts which will initially consist of a request for payment. If no response is received from the judgment debtor to the request for payment, the Revenue and Collections Section will begin appropriate collection remedies authorized in Chapter 9 of Title 12, Arizona Revised Statutes (A.R.S. § 12-1501 through 12-1708). Such actions may require the judgment debtor to be deposed in order to obtain asset information. The Revenue and Collection Section will coordinate with the Pima County Attorney's Office if a deposition is required.

### 7. **SETTLEMENTS**

In certain circumstances Pima County may enter into settlement agreements of certain judgments based on a variety of factors such as age of account, circumstances of judgment debtor, etc. Settlement of claims less than the full judgment amount shall follow Administrative Procedure 22-75, Accounts Receivable.