

GREEN VALLEY JUSTICE COURT

601 N. La Cañada Drive, Green Valley, AZ 85614 (520)222-0200

**PETITION AND AFFIDAVIT IN SUPPORT FOR SUPPLEMENTAL PROCEEDINGS
(JUDGMENT DEBTOR'S EXAM) - INSTRUCTIONS TO FILING PARTY**

The purpose of the Supplemental Proceedings (Debtor's Exam) is to obtain information about assets and other information relevant to the judgment debtor, or the person ordered to appear, that may aid you in collecting the judgment. The following forms will need to be filed with the court:

1. **PETITION AND AFFIDAVIT FOR SUPPLEMENTAL PROCEEDING (DEBTOR'S EXAM):**

- ❖ Fill in the case caption plaintiff and defendant
- ❖ Case number
- ❖ The blanks on the Petition with the information requested.
- ❖ Do not sign the Petition - Sign when you arrive at the court or in front of a Notary Public.
- ❖ The Judge will then sign the Petition and Order. A court date will be set in 30 days.
- ❖ The Petition and Exhibit A will be served on the defendant along with the civil subpoena.

2. **SUBPOENA IN A CIVIL CASE:**

- ❖ Fill in the case caption
- ❖ Case number
- ❖ Select one or more of the subpoena types.
 - For Attendance of Witnesses at Hearing or Trial
 - For Taking a Deposition
 - For Production of Documentary Evidence or Inspection of Premises.
- ❖ The Clerk will have the Judge sign the subpoena.

File the Petition, and Subpoena with the Court, you will need to pay a filing fee to the court. Once the Judge signs the Petition, and Subpoena they will need to be served by a constable or process server for a fee.

3. **SERVICE:** Personal service is required to give authority to issue a civil arrest warrant. The Petition and Subpoena are required to be served on the judgment debtor or on the person who has the information or documents concerning the assets of the judgment debtor. The service fee can be paid at the same time as the filing fee, if the Constable in JP7 is serving your documents.

4. **RETURN OF SERVICE:** The court should receive the original service document showing that the Judgment Debtor (Defendant) has been served.

IMPORTANT NOTE: Be sure to instruct the person serving the order to record on the Affidavit of Service the judgment debtor's, or the person ordered to appear, **physical description and date of birth**. Justice Court Rules of Civil Procedure, Rule 147 requires that the physical description be included on a civil arrest warrant, should it be necessary to issue one.

4. **THE HEARING:** The party whom the order was issued will be placed under oath and then you, or your attorney will conduct the examination. You may review "DEBTOR DOCUMENTS TO PRODUCE AT THE SUPPLEMENTAL PROCEEDINGS" form to assist you with your questions. The judgment debtor or the person ordered to appear, is required to bring the documents.

5. **FAILURE TO APPEAR:** On request, the court will issue a civil arrest warrant if the debtor, or the person ordered to appear, fails to appear after being personally served. Remember, a physical description and date of birth are required for the Sheriff's Office to execute and return the civil arrest warrant.

GREEN VALLEY JUSTICE COURT
601 N La Cañada Drive, Green Valley, AZ 85614, (520)222-0200

PLAINTIFF <small>(Name/Address/Phone)</small>	CASE NO. _____ PETITION AND AFFIDAVIT IN SUPPORT FOR SUPPLEMENTAL PROCEEDINGS (DEBTOR'S EXAM)	DEFENDANT <small>(Name/Address/Phone)</small>
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I am the Plaintiff Defendant in this action.

I am the Judgment Creditor herein or an agent of the Judgment Creditor and authorized to make this affidavit in his/her behalf, pursuant to ARS §12-1631, 12-1632, and JCRCP 127.

I believe and allege that the person(s) named below is the Judgment Debtor(s); or an officer of defendant corporation; or a person who has information or documents in their possession which state the assets of the Judgment Debtor:

Name of Person: _____

Indicate which applies: Judgment Debtor Corporate Officer Witness (has knowledge of debtors assets)

Address of above Named Person to be served: _____

I hereby request that the court issue an Order, requiring the person named to appear as directed; and to answer questions under oath concerning assets and property of the Judgment Debtor; and further order said person to bring such documents necessary to support any claims made concerning such assets and property.

I state under penalty of perjury that the foregoing is true and correct.

Date Plaintiff Signature Defendant Signature

NOTICE FOR APPEARANCE and ORDER DIRECTING SERVICE

The above named individual **IS ORDERED TO APPEAR** before this court on:

DATE: _____ TIME: _____ am / pm

Be in court at least 15 minutes before the scheduled hearing.

If an interpreter is needed, please contact the court immediately to ensure an interpreter is available at the hearing. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three (3) working days in advance of a scheduled court proceeding.

YOU MUST BE PREPARED to answer questions, under oath, concerning assets and property of the Judgment Debtor(s).

YOU ARE REQUIRED to bring with you all documents and records pertaining to the Judgment Debtor(s) which are attached. See "Exhibit A"

A COPY OF THIS NOTICE shall be served personally by Process Server upon the Judgment Debtor or the person named above at least 48 hours before the time scheduled for the examination. Personal services gives authority to issue an arrest warrant.

WARNING: Failure to appear as ordered or failure to bring the listed documents or records may result in a CIVIL ARREST WARRANT issued for your arrest, or SANCTIONS assessed against you.

Date Justice of the Peace

EXHIBIT "A"

DEBTOR DOCUMENTS TO PROCEED AT THE SUPPLEMENTAL PROCEEDING
DEBTOR'S EXAM

1. PAY STUBS for the last two periods.
2. FEDERAL and STATE INCOME TAX RETURNS for the year preceding the date of this order and any quarterly estimates of Federal and State income tax filed by you this year.
3. BANK STATEMENTS for CHECKING and/or SAVINGS ACCOUNTS from any bank, savings and loan associations or credit union, belonging to you or in which you have any interest, either along or jointly with any other person or persons.
4. CERTIFICATES of any STOCKS or BONDS belonging to you or in which you have any interest, either along or jointly with any other person or persons.
5. LIFE INSURANCE POLICIES upon your life or naming you as a beneficiary.
6. NOTES, CONTRACTS, NEGOTIABLE INSTRUMENTS or ACCOUNTS RECEIVABLE, whether due or not, belonging to you or in which you have any interest, either alone or jointly with any other person or persons.
7. REAL PROPERTY: TITLE TO REAL ESTATE, DEEDS or CONTRACTS OF SALE OF PROPERTY owned, purchased or bring purchased or sold, either along or jointly with any other person or persons.
8. PERSONAL PROPERTY: TITLE, BILLS OF SALE or CONTRACTS OF SALE upon, but not limited to automobiles, boats, household goods, miscellaneous furniture and fixtures belonging to you or in which you have any interest, either alone or jointly with any other person or persons.

Name: _____
Address: _____
City: _____
State: _____
Phone: _____

IN THE GREEN VALLEY JUSTICE COURT OF THE STATE OF ARIZONA
PIMA COUNTY

_____))
Plaintiff) Case No.: _____
vs.))
_____)) SUBPOENA IN A CIVIL CASE
Defendant))
_____)

TO: _____
(Name of Recipient)

[Select one or more of the following, as appropriate:]

For Attendance of Witnesses at Hearing or Trial

YOU ARE COMMANDED to appear in the Green Valley Justice Court at the place, date and time specified below to testify at a a hearing trial in the above cause:

Judicial Officer: _____

Courtroom: _____

Address: _____

Date: _____

Time: _____

For Taking of Depositions

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above cause:

Place of Deposition: _____

Address: _____

Date: _____

Time: _____

Method of Recording: _____

For Production of Documentary Evidence or Inspection of Premises

YOU ARE COMMANDED, to produce and permit inspection, copying, testing, or sampling of the following designated documents, electronically stored information or tangible things, or to permit the inspection of premises:

_____.

[designation of documents, electronically stored information or tangible things, or the location of the Premises to be inspected] at the place, date, and time specified below:

Place of Production or Inspection: _____

Address: _____

Date: _____

Time: _____

Your Duties in Responding To This Subpoena

Attendance at a Trial. If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. *See* Rule 137 of the Justice Court rules of Civil Procedure (JCRC). *See also* “Your Right To Object To This Subpoena” section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See* Rule 137 of the JCRC.

Attendance at a Hearing or Deposition. If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either: (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or (2) you are not a party or a party’s officer and this subpoena commands you to travel to a place other than: (a) the county in which you reside or you transact business in person; or (b) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order. *See* Rule 137 of the JCRC. *See also* “Your Right To Object To This Subpoena” section below.

Production of Documentary Evidence or Inspection of Premises. If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 137 of the JCRC. *See also* “Your Right To Object To This Subpoena” section below. Similarly, if this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 137 of the JCRC. *See also* “Your Right to Object to This Subpoena” section below.

You should note that a command to produce certain designated materials, or to permit the inspection of premises, *may* be combined with a command to appear at a trial, hearing or deposition. *See* Rule 137 of the JCRC. You do not, however, need to appear in person at the place of production or inspection unless the subpoena *also* states that you must appear for and give testimony at a hearing, trial or deposition. *See* Rule 137 of the JCRC.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. *See* Rule 137 of the JCRC.

Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The superior court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule 137 of the JCRCP.

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition. If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. See Rules 137 of the JCRCP. The motion must be filed in the Justice Court in which the case is pending or from which the subpoena was issued. See Rule 137 of the JCRCP.

The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. See Rule 137 of the JCRCP. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena. See Rules 137 of the JCRCP.

The court *must* quash or modify a subpoena:

- (1) if the subpoena does not provide a reasonable time for compliance;
- (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than: (a) the county in which you reside or transact business in person; (b) the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order; or
- (3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) if the subpoena subjects you to undue burden.

See Rule 137 of the JCRCP.

The court *may* quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- (2) if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
- (3) if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
- (4) if the court determines that justice requires the subpoena to be quashed or modified.

See Rule 137 of the JCRCP.

In these last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if: (1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. See Rule 137 of the JCRCP.

Procedure for Objecting to Subpoena For Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to: (1) producing, inspecting, copying, testing or sampling any or all of the materials designated in the subpoena; (2) inspecting the premises; or (3) producing electronically stored information in the form or forms requested. You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. See Rule 137 of the JCRCP.

If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 137 of the JCRCP.

If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 137 of the JCRCP.

If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 137 of the JCRCP.

Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena. See Rule 137 of the JCRCP. The procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."

If the subpoena *also* commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. See Rule 137 of the JCRCP. If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." See Rule 137 of the JCRCP.

ADA Notification. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties as soon as possible in advance of a scheduled court proceeding.

Civil Arrest Warrant. On motion of a party or on its own motion, the court may issue a civil arrest warrant if it finds that the person for whom the warrant is sought: (2) Has been personally served with a subpoena to appear at a specific time and location that includes a warning that failure to appear may result in the issuance of a civil arrest warrant, and has failed to appear as the subpoena commanded. See Rule 145(b)(2).

SIGNED AND SEALED this date _____

By: _____
Justice of the Peace