

JUDGMENTS

Q. I filed a debt collection case against a person. After that, the person filed for bankruptcy. How will the bankruptcy case affect my case against that person?

A. The answer to this question can be complicated. It requires legal advice, which court personnel cannot provide. From a procedural standpoint, the filing of bankruptcy generally suspends (“stays”) the court proceedings. The party may consult with an attorney as to how the bankruptcy might affect the party’s claim.

Q. If I file bankruptcy will my debts go away?

A. Court personnel cannot speculate about how bankruptcy laws would apply in a particular case. In addition, bankruptcy is a complicated area of the law. A party may seek advice from an attorney.

Q. Once a judgment is obtained, how long before I get my money?

A. A judgment gives the winning party a lien against the losing party, but the judgment and lien do not guarantee voluntary payment. The winning party may pursue collection through various legal forms of execution, but these can be complicated. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

Q. For how long is my judgment good?

A. Judgments are usually good for five (5) years, but refer to the applicable statute for information specific to the case.

Q. How do I obtain garnishment?

A. Court personnel may provide appropriate forms that are available for this process and point out where information should be placed on the forms, but court personnel may not give advice as to how the garnishment should be pursued. The party should read the instructions carefully.

Q. How many garnishments can I file on a person at once?

A. The party may only place one garnishment on a debtor at a time.

Q. How do I find out where the defendant works?

A. This information could be obtained through a debtor examination after a judgment has been obtained and the judgment creditor has unsuccessfully attempted an execution on that judgment. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

Q. I tried an execution, but it didn’t work. What do I do now?

A. This information could be obtained through a debtor examination after a judgment has been obtained. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

Q. What is a debtor's exam?

A. This is a process available to someone who has obtained a judgment against another party and has attempted an execution on the judgment, but the judgment debtor still has not paid the debt. In this situation the winning party may file a request for a debtor's exam. Both parties will have to appear in court where the winning party may question the judgment debtor under oath regarding the amount and location of the judgment debtor's assets (e.g., bank accounts, real property).

Q. Can the losing party make installment payments on the judgment?

A. The winning party may accept partial payments, but the losing party may seek advice from an attorney as to whether the winning party, who has accepted partial payments, will be prevented from seeking accelerated collection of the judgment through other legal means.

Q. Do I get accruing court costs?

A. This answer depends on how the judgment is worded. Also, the party may want to consult with an attorney to determine if accruing court costs may be added to the judgment.

Q. The other party paid me just the judgment and not court costs. How do I collect the court costs?

A. If the judgment required the defendant to pay court costs, the judgment lien does not have to be released until those costs are paid. Court personnel may provide an "if you win packet" for more information. The party may want to contact an attorney, as there could be more options available.

Q. Why can't the judicial officer just put the defendant in jail?

A. Jail is usually not a legal remedy available in civil proceedings. The party may wish to consult an attorney to explore other available options.

Q. I paid my judgment in full and the plaintiff has not released it. How do I get the judgment released?

A. Refer to the Arizona Rules of Civil Procedure, file proof and a motion with the court to satisfy the judgment, or speak with an attorney to find other options.

Q. I paid my judgment, so why don't you satisfy it?

A. The winning party is responsible for satisfying the judgment, not court personnel.

Q. How do I stop a garnishment?

A. The party may request a hearing. A hearing will be set within ten (10) days.

Q. How do I file a mechanic's lien?

A. This is done in the recorder's office. Due to potential complications concerning questions of law and notice, the party may want to consult with an attorney.

Q. Are there any liens on my property?

A. Court customers may search the records themselves in the recorder's office, or have a title company or an attorney conduct a search for them. Court personnel do not provide this service.

Q. How long do I have to file a mechanic's lien?

A. In most cases a contractor/subcontractor who is owed money for products or services must file for a mechanic's lien within 90 days after the last of the materials were furnished or the last of the labor was performed.

Q. How long do I have to file an action to enforce a mechanic's lien?

A. An action to enforce a mechanic's lien may be brought within two years from the expiration of the 90 days for filing a claim for the mechanic's lien. Since the determination of the 90-day filing period may involve complicated legal issues, the party may consult an attorney as to the application of these code sections to the party's case.