

PIMA COUNTY CONSOLIDATED JUSTICE COURT
240 N. Stone Avenue, Tucson, AZ 85701 (520) 724-3171

**SUPPLEMENTAL PROCEEDINGS/DEBTOR'S EXAM
INSTRUCTIONS TO FILING PARTY**

Supplemental Proceedings/Debtor's Exams are used to bring the Judgment Debtor back into court on a date assigned by the Civil Clerk. The Judgment Debtor will be required to tell the Judge under oath about assets that may be used to satisfy the Judgment. This packet contains the following three forms:

- a PETITION (original and 3 copies)
- a CIVIL SUBPOENA (original and 1 copy)
- an ORDER/PRAECIPE (original)

1. **COMPLETE THE PETITION:** Fill in the case caption, case number, and the blanks on the Petition with the information requested. Sign the petition in front of a Notary Public or a Deputy Clerk of the Court.
2. **COMPLETE THE SUBPOENA:** On the Subpoena, fill in the case caption, case number, and the name of the person who is being subpoenaed in the space provided. The Civil Clerk will then fill in the hearing date on the documents and issue the Subpoena. Attach "Exhibit A" to the subpoena.
3. **COMPLETE THE ORDER:** Fill in the case caption, case number, and check the line in the menu to request that the Subpoena be issued. Sign the Order/Praecipe on the line that indicates which party you are.
4. **OBTAIN A HEARING DATE:** Take all completed paperwork to the Customer Service Windows and a hearing date will be assigned. The Clerk will issue the Subpoena and affix the Court seal to it. After this is done, the papers are ready to be served on the Judgment Debtor.
5. **ARRANGE FOR SERVICE OF THE PAPERS:** One set of papers is taken to either the Constable's office or to a process server for service on the other party. The other set is kept by the filing party.
 - a) **THE HEARING:** Appear before the Judge on the hearing date assigned.

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PLAINTIFF	CASE NO. PETITION FOR SUPPLEMENTAL PROCEEDINGS (DEBTOR'S EXAM)	DEFENDANT
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PETITIONER, being first duly sworn, upon his/her oath deposes and says:

1. That s/he is the Plaintiff/Defendant and Judgment Creditor in this action;
2. That judgment was entered on _____ in his/her favor in the sum of \$ _____, court costs in the sum of \$ _____, plus interest at _____% from _____;
3. That Petitioner believes the Debtor is/is not employed and/or is in possession of cash or other tangible personal property which could be used to satisfy the Judgment in this case;
4. That Petitioner believes that the Debtor may have in his/her possession records, books, documents and accounts that reflect liabilities and the disposition of property.

WHEREFORE, pursuant to Rule 147(b) Justice Court Rules of Civil Procedure and Rule 64.1, ARCP, Petitioner requests that the Judgment Debtor be subpoenaed to appear before this Court, bring the records, books, and documents listed on the attached page, and answer questions under oath concerning assets he/she may have to satisfy this judgment. If the Debtor fails to appear, Petitioner asks this Court to hold him/her in Contempt of Court and impose just and proper sanctions.

DATED: _____

Plaintiff/Defendant

VERIFICATION

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

I swear/affirm that I am the Judgment Creditor in this action, that I have read this Petition, and that the statements are true to the best of my knowledge.

Affiant

SUBSCRIBED AND SWORN to before me this date: _____
My Commission Expires: _____

Clerk/Notary Public

SUPPLEMENTAL PROCEEDINGS/DEBTOR'S EXAM HEARING
Please take notice that the Court has set this matter for hearing as follows:

DATE: _____ TIME: _____

This matter will not be postponed except for a good reason filed in writing with the Court.
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.

EXHIBIT "A"

LIST OF DOCUMENTS AND THINGS TO BE PRODUCED

1. Copies of your pay stubs or statement of earnings for you and your spouse's employment for the last six (6) months.
2. Bank or Savings and Loan statements on all checking and savings accounts belonging to you or your spouse for the last six (6) months.
3. Copies of your Federal and State Income Tax returns for the last two (2) years.
4. Copies of any quarterly estimates of Federal or State Income Tax filed by you.
5. All evidence of certificates of stock and bonds or statements that show evidence of stocks and bonds belonging to you or which you have any interest either alone or jointly with any other person for the last year.
6. All life insurance policies now in effect on your life or those naming you as a beneficiary.
7. All evidence of any and all notes, contracts, negotiable instruments receivable or accounts receivable whether due or not due belonging to you or in which you have any interest either alone or jointly with any other person for the last year.
8. All titles, deeds or contracts of sale for any real property owned, purchased or being purchased or sold, in which you have any interest either alone or jointly with any other person for the last year.
9. A complete list of all items of personal property owned by you whose value exceeds \$500, including but not limited to automobiles, boats, household fixtures, furnishings and appliances, whether they are paid for or not.

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

IN THE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

_____))
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 Pima County Consolidated Justice Court of the State of Arizona, in and for the County of Pima, at the place, date and time specified below to testify at 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:

_____.

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 JCRC.

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 superior court of the county in which the case is pending or in the superior court of the county 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 at least 3 working days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date _____

_____, CLERK

By: _____
Clerk

Certificate of Service:

Date Served: _____ Time Served: _____ Person Served: _____

Address of service:

I certify and declare under penalty of perjury that I served this subpoena; that I am not a party to this matter, and, that I am not less than 18 years of age.

Signature of person serving process

PIMA COUNTY CONSOLIDATED JUSTICE COURT
240 N. Stone Avenue, Tucson, AZ 85701 (520) 724-3171

PLAINTIFF (Name/Address/Phone):	CASE NO. _____ REQUEST (Processing fee may be required)	DEFENDANT (Name/Address/Phone):
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File this document in person or by mail at:

Pima County Consolidated Justice Court
Attn: Civil Unit Clerk
240 N. Stone Avenue
Tucson, Arizona. 85701-1130

REQUEST TO THE CLERK: (Please process the following action)

- Voluntary Dismissal: with prejudice without prejudice
- Writ of Restitution
- Writ of Execution
- MVD Lien
- Supplemental Proceedings/Debtors Exam
- Issue Subpoena(s)- Number: _____
- Certified Copy of Judgment _____
- Renewal of Judgment
- Non-Renewal of Judgment
- Satisfaction of Judgment
- Other: _____

Signature _____
 Plaintiff Authorized Agent Signature

Signature _____
 Defendant Authorized Agent Signature

ISSUED this date: _____

Clerk