

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

WRITS OF EXECUTION

I. WHAT IS AN EXECUTION?

At the request of the Judgment-Creditor, the Court will issue a Writ of Execution which must be served on the Judgment-Debtor by a Constable or Sheriff. There are fees for this service. The Writ must be served and returned to the Court no later than 60 days after the Constable or sheriff receives it to serve (A.R.S. §22-244.C).

The Writ of Execution authorizes the Constable or Sheriff to seize non-exempt property from the Judgment-Debtor and sell it to satisfy the judgment against him/her. Property exempted from execution is listed in Section VII of this brochure.

A Special Execution directs the Constable or Sheriff to sell or deliver certain specific property to the party who the judge has decided is entitled to it (see A.R.S. §12-1552).

II. TYPES OF EXECUTIONS

There are two types of executions, which may be used by the Judgment-Creditor, depending on the type of judgment in the particular case.

A General Execution requires the Constable or Sheriff to seize non-exempt property belonging to the Judgment-Debtor and sell it and apply the proceeds to pay the judgment. A General Execution does not specify any particular piece of property to be seized and the Constable or Sheriff may seize any item or items believed to be able to satisfy the amount of the judgment when sold.

A Special Execution shall issue only when the judgment commands the sale or delivery of specific property (see A.R.S. §12-1554). A copy of the judgment should be attached to the Writ of Special Execution.

Real estate is NOT subject to seizure (A.R.S. §22-247).

III. ISSUING AND SERVING OF THE WRIT OF EXECUTION

Once the Judgment-Creditor has received a copy of the judgment from the Court informing him/her of the judgment awarded, the Judgment-Creditor may begin collection proceedings.

If the Judgment-Debtor is unwilling to voluntarily pay or satisfy the judgment, the Judgment-Creditor may begin the execution process by requesting the forms from the Justice Court's Customer Service Division and by paying an issuing fee to the Clerk.

If the Judgment-Creditor does not know what assets the Judgment-Debtor has, s/he may file a Supplemental Proceeding, or Debtor's Exam. The forms are available at the Court's Customer Service Division.

After the Writ of Execution is issued by the Clerk, it must be taken to the Constables' Office for service. There is a fee for serving the Writ which must be pre-paid and is subject to change from time to time. Contact the Constables' Office for their current fee information.

Once the Writ is issued and arrangements have been made for serving it, a Writ is valid for 60 days. The Constable or Sheriff is required by law to serve and return the Writ to the Court within 60 days of receiving it. It is important to remember that once a Writ has been issued, and if it is successful, the Judgment-Creditor may not receive any money from any sale for up to 60 days.

IV. POSSIBLE RESULTS OF SERVING THE WRIT OF EXECUTION

There are three possible results of the service of a Writ.

If the Writ is returned to the Court *unsatisfied*, that means that the Constable was unable to seize any cash in hand or property to sell.

If a Writ is returned the Court *partially satisfied*, that means that the Constable was able to seize some cash or some property, but not enough to pay the entire amount of the judgment. The Constable will notify both parties as to how much the sale netted.

If a Writ is returned *satisfied*, that means that the Constable or Sheriff was able to collect enough cash in hand or was able to collect enough money from the proceeds of a sale to pay the entire amount of the judgment. If the sale yields more money that was required to satisfy the judgment, the unused balance is returned to the Judgment-Debtor.

V. FILING THE SATISFACTION OF JUDGMENT:

When a Judgment-Creditor receives payment of the full amount due on the judgment after the levying of a Writ, s/he must file a document known as a Satisfaction of Judgment with the Court. This document tells the Court that the judgment has been fully collected and the case is over. Forms are available from the Court.

VI. PENALTIES FOR IMPEDING SERVICE OF A WRIT OF EXECUTION:

A.R.S. §12-1563 provides that anyone impeding the execution of a judgment by selling, concealing or disposing of property for the purpose of hindering or delaying the execution of a judgment is guilty of a class 6 felony.

VII. EXEMPTIONS (THINGS THAT MAY NOT BE TAKEN):

The following list are examples of property that may not be seized. The items listed only summarize the provisions of the Arizona Revised Statutes limitations on what may not be seized for execution of a judgment. For a complete list, consult A.R.S. §33-1121-1133 and any applicable pocket parts in the back of the book.

HOUSEHOLD FURNISHINGS (Total fair market value not to exceed \$4,000.00):

- 1 kitchen table, 1 dining room table with 4 chairs each, and 1 additional chair for each dependent living in the household (if more than 4 persons in number).
- 1 living room couch, 1 living room chair, plus 1 additional chair for each dependent of debtor residing in the house.
- 3 living room tables (coffee or end).
- 3 living room lamps.
- 1 living room rug or carpet.

- 2 beds, plus 1 additional bed for each dependent of debtor living in the house, and 1 bed-table and lamp for each bed allowed, bedding for each bed allowed.
- pictures, oil paintings, drawings, drawn by debtor or family portraits in necessary frames.
- 1 television, radio, or stereo.
- 1 radio alarm clock.
- 1 stove, 1 refrigerator, 1 washing machine, 1 clothes dryer, 1 vacuum cleaner.

FOOD, FUEL, AND PROVISIONS:

- ❖ All food, fuel and provisions actually provided for the debtor's individual or family use for six months are exempt from process.
- ❖ Wearing apparel not in excess of a fair market value of \$500.00.
 - Musical instruments belonging to debtor and family, not in excess of a total fair market value of \$250.00.
 - Domestic pets, horses, milk cows, and poultry not in excess of a total fair market value of \$500.00.
 - Engagement and wedding rings not in excess of a total fair market value of \$1,000.00.
 - Books (library) not to exceed a total fair market value of \$250.00.
 - Watch, not in excess of a total fair market value of \$100.00.
 - 1 typewriter, 1 bicycle, 1 sewing machine, a family bible, a burial plot, and 1 gun, not in excess of a total fair market value of \$500.00.
- ❖ One motor vehicle not in excess of a fair market value of \$5,000.00. If the debtor is physically disabled, the fair market value of the motor vehicle shall not exceed \$10,000.00.
 - Professional prescribed prostheses for the debtor or dependents, including a wheelchair.

MONEY BENEFITS OR PROCEEDS:

- ❖ Money payable to surviving spouse or child due to death of spouse or parent, not in excess of \$20,000.00.
- ❖ All monies received by or payable to a person entitled to receive child support or spousal maintenance pursuant to a court order.
 - Earnings of a minor child for any debt not incurred for the special benefit of the child.
- ❖ Insurance benefits from health, accident, or disability.
- ❖ All money arising from any claim for the destruction of, or damage to, exempt property and all proceeds or benefits of any kind arising from fire or other insurance upon any property.
- ❖ The cash surrender value of life insurance policies which, for a continuous unexpired period of two years, the policies have been owned by the debtor and have named the debtor's surviving spouse, child, parent, brother or sister, or any other dependent family member as beneficiary, in the proportion that the policy names any such beneficiary, not to \$25,000.00 in cash surrender value, except that, subject to the statute of limitations, the amount of any premium paid in fraud of creditors, including interest, shall cause the debtor to benefit from such cash surrender value. In this paragraph "dependent" means a family member who is dependent upon the insured debtor for not less than half support.

- ❖ Any claim for damages recoverable by any person by reason of any levy upon or sale under an execution of his exempt personal property or by reason of the wrongful taking or detention of such property by any person, and the judgment recovered for the damages.
- ❖ \$150.00 in a single account in a financial institution.

**TOOLS, EQUIPMENT USED IN COMMERCIAL ACTIVITY, TRADE, BUSINESS, OR PROFESSION
(total fair market value not to exceed \$2,500.00):**

- This does not include a motor vehicle used for transportation to and from work.
- Farm machinery, implements feed, seed, grain, and animals not in excess of \$2,500.00 if one's primary income derives from farming.
- ❖ Arms, uniforms, and accoutrements required by law to be kept by debtor.
- ❖ The library and philosophical and chemical or other apparatus belonging to a debtor and used for the instruction of youth in any university, college, seminary of learning, or school.

IT IS IMPORTANT TO REMEMBER that if the debt is owed jointly by a married couple, each of the spouses can claim these exemptions, either combined, or in separate property.

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

PLAINTIFF (Name/Address/Telephone)	CASE NO. WRIT OF EXECUTION	DEFENDANT (Name/Address/Telephone)
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THE STATE OF ARIZONA TO THE SHERIFF OR ANY CONSTABLE IN _____ COUNTY:

On _____, Judgment in this action was entered against the: Plaintiff Defendant
for the following amount, plus accruing costs and the costs of this Writ:

- \$ _____ Original judgment
- \$ _____ Accrued interest from date of judgment
- \$ _____ Accrued court costs
- \$ _____ Less set offs, if any (payments made or credits allowed)
- \$ _____ Total Sum due

GENERAL EXECUTION

YOU ARE COMMANDED to make diligent effort to satisfy the judgment by executing on the stated sum of money of the defendant's, or to levy on and sell such non-exempt personal property of the defendant's as is necessary to satisfy this judgment.

The property is believed to be located at:

SPECIAL EXECUTION

YOU ARE COMMANDED to make diligent effort to levy on and sell the following described non-exempt personal property:

Property is believed to be located at:

Make execution and return of this Writ within (60) days, and to notify the judgment debtor of such return.

DATED: _____
Justice of the Peace

CERTIFICATE OF SERVICE

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

I received this Writ from the court on _____, and executed same as follows:

Date/Time of Service: _____

Person Served: _____

Executed at: _____

- No property found to levy on
- Sum of money levied on. \$ _____ delivered to judgment debtor.
- Personal property levied on. A list is attached.

Date: _____
Constable

STATEMENT OF COSTS: Service Fee \$ _____; Mileage Fee \$ _____; Other \$ _____; TOTAL \$ _____

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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