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JODI JERICH
Executive Director**COMMISSIONERS**
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITHPATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date October 21, 2014

TRINITY AIR MEDICAL, INC
60 E RIO SALADO PARKWAY #900
TEMPE, AZ 85281

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 10/20/2014 as agent for TRINITY AIR MEDICAL, INC:

Case caption: ARIZONA FEDERAL CREDIT UNION v. SETH J. BACON,
Case number: CV2011-092512 Court: MARICOPA COUNTY SUPERIOR COURT

- ☐ Summons
- ☐ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other APPLICATION FOR WRIT OF GARNISHMENT

Sincerely,

Lynda B. Griffin
Custodian of Records

Initials ML

File number -1702485-2



ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

Date: **October 21, 2014**

I, **MARY LEE** am an employee of the Arizona Corporation Commission ("ACC"). I hereby certify that on the **20TH** day of **OCTOBER**, **2014**, I received on behalf of the ACC service of the following documents upon the ACC as agent for **TRINITY AIR MEDICAL, INC.**

Case caption: **ARIZONA FEDERAL CREDIT UNION v. SETH J. BACON,**
Case number: **CV2011-092512**
Court: **MARICOPA COUNTY SUPERIOR COURT**

- | | |
|--|--|
| <input type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input checked="" type="checkbox"/> Other APPLICATION FOR WRIT OF GARNISHMENT | |

I hereby certify that on the **21ST** day of **OCTOBER**, **2014**, I placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to

TRINITY AIR MEDICAL, INC

at its last known place of business as follows:

**60 E RIO SALADO PARKWAY #900
TEMPE, AZ 85281**

OR

I hereby certify that I was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

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

Executed on this date: **October 21, 2014**

(signature) _____

Mary Lee

MARK A. KIRKORSKY, P.C.

Attorneys at Law
P.O. Box 25287
Tempe, Arizona 85285
(480) 551-2173

Mark A. Kirkorsky (#010029)
Tara K. Miller (#024742)
Alan Trampusch (#029755)
info@makcollections.com
Attorneys for Plaintiff

COPY

SEP 23 2014



MICHAEL K. JEANES, CLERK
P. ROE
DEPUTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

ARIZONA FEDERAL CREDIT UNION, a
federally chartered credit union,

Plaintiff/Judgment Creditor,

v.

SETH J. BACON, an individual,

Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

**APPLICATION FOR
WRIT OF GARNISHMENT**

(EARNINGS)

Applicant states:

1. Applicant is a party to this action to whom a money Judgment has been awarded (See Exhibit "A"; Judgment).
2. Applicant has made demand on the Judgment Debtor for payment of the amount adjudged due, but the Judgment Debtor has not paid that amount. Nor has the Judgment Debtor agreed and continued to pay the nonexempt portion of their wages until the Judgment is satisfied.

3. On the date of Application, Judgment Debtor owes \$10,038.44 (See Exhibit "B"; Statement of Account) together with accruing interest as of the date of this notice outstanding on the Judgment.
4. The Garnishee is believed to be an employer of the Judgment Debtor or otherwise owe or will owe to the Judgment Debtor disposable earnings.
5. The name and address of the Garnishee or its authorized agent is:

TRINITY AIR MEDICAL, INC.
Statutory Agent:
Attn: Payroll
60 E Rio Salado Parkway # 900
Tempe, AZ 85281
6. Applicant has not received notice of the Judgment Debtor's intent to enter into an agreement for debt scheduling with a qualified Consumer Credit Counseling Service; or of Applicant received such notice, Applicant made a written, timely objection to the Judgment Debtor participating in such an agreement; or, Applicant has been notified that an agreement for debt scheduling is no longer in effect.

DATED this 15 day of September, 2014.

MARK A. KIRKORSKY, P.C.

By: 

Mark A. Kirkorsky
Tara K. Miller
Alan Trampusch
Attorneys for Plaintiff

EXHIBIT "A"

MICHAEL R. JEANES, CLERK
BY *Presella*
FILED
SEP

11 OCT 24 AM 11:40

1 **MARK A. KIRKORSKY, P.C.**
2 **Attorneys at Law**
3 P.O. Box 25287
4 Tempe, Arizona 85285
5 (480) 551-2173

6 Mark A. Kirkorsky (#010029)
7 Tara K. Miller (#024742)
8 Bruce E. Gardner (#027715)
9 info@collectionstatus.com
10 Attorneys for Plaintiff

COPY FOR
CERTIFICATION

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 **ARIZONA FEDERAL CREDIT UNION, a**
14 **federally chartered credit union,**

Case No. CV2011-092512.

15 **Plaintiff,**

DEFAULT JUDGMENT

16 **vs.**

17 **SETH J. BACON, an individual,**

18 **Defendant(s).**

19 This cause comes before the Court on Plaintiff's Motion and Affidavit, pursuant to Rule
20 55(b)(1), Ariz.R.Civ.P., for Entry of Judgment by Default on Plaintiff's Complaint. The Court
21 finds that the Defendant, Seth J. Bacon was regularly and duly served with the Complaint filed in
22 this action that said Defendant's time to answer or otherwise respond has expired, and that their
23 default was regularly entered and notice of same provided to Defendant. The Plaintiff, Arizona
24 Federal Credit Union, is entitled to Judgment against Defendant, Seth J. Bacon as follows:

25 **IT IS ORDERED, ADJUDGED AND DECREED** granting Judgment in favor of
26 Plaintiff, Arizona Federal Credit Union and against Defendant, Seth J. Bacon, on **Count One** of
27 the Plaintiff's Complaint for the principal amount of \$15,271.95, plus accruing interest at the
28 contract rate of 7.24% per annum from October 1, 2009 until paid in full;

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED granting Judgment in
2 favor of Plaintiff, Arizona Federal Credit Union and against Defendant, Seth J. Bacon, on Count
3 Two of the Plaintiff's Complaint for the principal amount of \$181.75, plus accruing interest at
4 the contract rate of 14.00% per annum from July 2, 2010 until paid in full;

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED granting immediate
6 delivery and possession of the vehicle referenced in the Complaint, a 2005 Ford 150 vehicle
7 (VIN: 1FTPW14535FB51038).

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED granting Judgment in
9 favor of Plaintiff, Arizona Federal Credit Union, and against Defendant, Seth J. Bacon, for
10 Plaintiff's attorney's fees in the amount of \$1525.00 and costs in the amount of \$383.50, plus
11 accruing interest on such fees and costs at the maximum legal rate of 4.25% per annum from
12 the date of Judgment until paid in full;

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED granting Judgment in
14 favor of Plaintiff, Arizona Federal Credit Union, and against Defendant, Seth J. Bacon, for post-
15 Judgment attorney's fees and costs which may be incurred as a result of the collection process;

16 IT IS FURTHER ORDERED that the Clerk of this Court enter this Judgment as a final
17 Judgment pursuant to Rule 54(b), Ariz. R. Civ. P., there being no just reason for further delay.
18

19
20 DATED this 24 day of Oct, 2011.

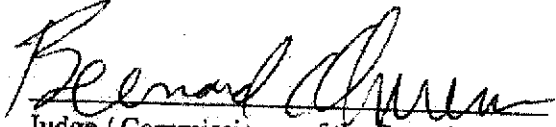
21
22 
23 Judge / Commissioner of the Superior Court
24 COMM. BERNARD C. OWENS
25
26
27
28

EXHIBIT "B"

Mark A. Kirkorsky, P.C.
1119 W. Southern Avenue
2nd Floor
Mesa, Arizona 85210
1-888-519-2173

9/15/2014

Client Information

Arizona Federal Credit Union
333 N. 44th Street

Debtor Information

SETH BACON

Phoenix, Arizona 85008-_____

Court Information

County: Maricopa

Judicial District:

Department:

Case No: CV2011-092512

Complaint Filed: 02/15/2011

Judgment Entered: 10/24/2011

Judgment Amount: \$15,271.95

Judgment Interest Date: 10/01/2009

Principal Interest Rate: 7.24%

Fees/Costs Interest Rate: 4.25%

Date	Type	Debit	Credit	(Principal)	(Fees)	(Interest)
10/01/2009	Judgment Principal	\$15,271.95				
10/24/2011	Attorney Fees	\$1525.00				
10/24/2011	Court Costs	\$383.50				
01/19/2012	Repo Proceeds - Billable		\$11439.00	\$8,878.10	\$0.00	\$2,560.90
Totals		\$17,180.45	\$11,439.00	\$8,878.10	\$0.00	\$2,560.90

Balance as of 9/15/2014 - **\$9,749.61**

Fees: \$1,908.50

Interest: \$4,008.16

Payments: \$11,439.00

Mark A. Kirkorsky, P.C.
1119 W. Southern Avenue
2nd Floor
Mesa, Arizona 85210
1-888-519-2173

9/15/2014

Client Information

Arizona Federal Credit Union
333 N. 44th Street

Debtor Information

SETH BACON

Phoenix, Arizona 85008-_____

Court Information

County: Maricopa
Judicial District:
Department:
Case No: CV2011-092512

Complaint Filed:

Judgment Entered: 10/24/2011
Judgment Amount: \$181.75
Judgment Interest Date: 07/02/2010
Principal Interest Rate: 14.00%
Fees/Costs Interest Rate: 0.00%

Date	Type	Debit	Credit	(Principal)	(Fees)	(Interest)
07/02/2010	Judgment Principal	\$181.75				
Totals		\$181.75	\$0.00	\$0.00	\$0.00	\$0.00

Balance as of 9/15/2014 - **\$288.83**

Fees: \$0.00

Interest: \$107.08

Payments: \$0.00

MARK A. KIRKORSKY, P.C.

Attorneys at Law

P.O. Box 25287

Tempe, Arizona 85285

(480) 551-2173

Mark A. Kirkorsky (#010029)

Tara K. Miller (#024742)

Alan Tramosch (#029755)

info@makcollections.com

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

ARIZONA FEDERAL CREDIT UNION, a
federally chartered credit union,

Plaintiff/Judgment Creditor,

v.

SETH J. BACON, an individual,

Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

**WRIT OF GARNISHMENT
AND SUMMONS**

(EARNINGS)

**THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY OTHER
OFFICER OF IN AND FOR THE COUNTY OF MARICOPA, WHO IS AUTHORIZED
TO SERVE PROCESS:**

JUDGMENT CREDITOR CLAIMS A DEBT OF \$10,038.44 together with accruing
interest and costs and other relief in this action against the following Judgment Debtor:

SETH J. BACON (SSN: XXX-XX-2215)

THEREFORE, you are commanded to summon and appear before this Court the Garnishee whose name and address appears below and who is believed to be within your county:

TRINITY AIR MEDICAL, INC.
Statutory Agent:
Attn: Payroll
60 E Rio Salado Parkway # 900
Tempe, AZ 85281

The Judgment Creditor states as follows:

1. The Judgment Creditor has a Judgment against the above-described Judgment Debtor in the amount of \$10,038.44 as of the date of issuance of this Writ of Garnishment.
2. The name and address of the Garnishee is:
TRINITY AIR MEDICAL, INC.
Statutory Agent:
Attn: Payroll
60 E Rio Salado Parkway # 900
Tempe, AZ 85281
3. The name and last known mailing address of the Judgment Debtor is:
SETH J. BACON
290 W CARDINAL WAY
CHANDLER, AZ 85286-4538
4. The Judgment Creditor's name and address is:
ARIZONA FEDERAL CREDIT UNION
c/o Mark A. Kirkorsky, P.C.
PO Box 25287
Tempe, Arizona 85285
5. The attorneys for Judgment Creditor are:
Mark A. Kirkorsky, P.C.
PO Box 25287
Tempe, Arizona 85285

TO THE ABOVE-NAMED GARNISHEE:

GARNISHEE SHALL answer in writing, under oath, within ten (10) days after the service of the Writ of Garnishment upon you, all of the following questions:

1. Whether the Judgment Debtor(s) was employed by the Garnishee on the date the Writ was served.
2. Whether the Garnishee anticipates owning earnings within sixty (60) days after the date of service of the Writ.
3. If the Garnishee is unable to determine the identity of the Judgment Debtor(s) after making a good faith effort to do so, a statement of the effort made and reasons for such inability.
4. The dates of the next two (2) paydays occurring after the date of service of the Writ.
5. The pay period of the Judgment Debtor(s), whether weekly, biweekly, semimonthly, monthly or another specified period.
6. The amount of the outstanding Judgment now due and owing as stated in the Writ.
7. Whether the Judgment Debtor(s) is subject to an existing wage assignment, garnishment or levy, and if so, the name, address and telephone number of that Judgment Creditor.
8. The name, address and telephone number of the Garnishee.
9. The date and manner of delivery of a copy of the Answer to the Judgment Debtor(s) and Judgment Creditor.

FROM AND AFTER SERVICE OF THE WRIT OF GARNISHMENT, the Garnishee shall not pay to the Judgment Debtor(s) any earnings, which are not exempt.

IF IT APPEARS FROM THE ANSWER OF THE GARNISHEE that the Garnishee was indebted to the Judgment Debtor(s) for disposable earnings when the writ was served, the garnishment shall be continuous in nature as a lien against nonexempt earnings, A.R.S. § 12-1598.05.

AS TO DISPOSABLE EARNINGS, as defined in A.R.S. § 33-1131, a garnishment is continuing in nature, subject to the following conditions:

1. The garnishment constitutes a lien against nonexempt earnings.
2. The garnishment is the equivalent of a court ordered assignment, compelling the garnishee to remit the nonexempt earnings to the Plaintiff/Judgment Creditor, as they are earned, A.R.S. § 12-1598.10.
3. The garnishment shall survive until any of the following occurs:
 - a. The underlying judgment is satisfied in full, is vacated, or expires.
 - b. The Judgment Debtor(s) leaves the Garnishee's employ for more than sixty (60) days.
 - c. The Judgment Creditor releases the garnishment.
 - d. The proceedings are stayed by a court of competent jurisdiction, including the United States Bankruptcy Court.
 - e. The Judgment Debtor(s) has not earned any nonexempt earnings for at least sixty (60) days.
 - f. The Court orders that the garnishment be quashed.
4. Garnishment, levies and wage assignments that are not for the support of a person are inferior to wage assignments for the support of a person. Garnishments, which are not for the support of a person and levies, are inferior to garnishments for the support of a person.
5. If a Judgment Debtor's earnings become subject to more than one Writ of Garnishment, and because of the application of the priorities, a Judgment Creditor recovers no nonexempt earnings for two (2) consecutive paydays, the lien on earnings of such Judgment Creditor is invalid and of no force and effect, and the Garnishee shall notify the Judgment Creditor accordingly.

SUMMONS

In obedience to the attached and foregoing Writ of Garnishment, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing writ and in the manner prescribed by law within the times prescribed in said Writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the Writ or to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for which the Writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

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: _____

COPY

Clerk

SEP 23 2014

By:



MICHAEL K. JEANES, CLERK
P. ROE
DEPUTY CLERK

Deputy Clerk

MARK A. KIRKORSKY, P.C.

Attorneys at Law

P.O. Box 25287

Tempe, Arizona 85285

(480) 551-2173

Mark A. Kirkorsky (#010029)

Tara K. Miller (#024742)

Alan Tramosch (#029755)

info@makcollections.com

Attorneys for Plaintiff

INSTRUCTIONS TO GARNISHEE,
TRINITY AIR MEDICAL, INC.

GARNISHMENT OF EARNINGS

You have been served with two (2) copies of a Writ and Summons of Garnishment, a copy of the underlying Judgment, four (4) copies of an Answer form, two (2) copies of a Notice to Judgment Debtor, two (2) copies of a Request for Hearing form (after Second Notice to Judgment Debtor), one (2) copy of the Instructions, four (4) copies of Nonexempt Earnings Statements and four (4) copies of a Request for Hearing form (Nonexempt Earnings Statement).

The following definitions apply to the Writ of Garnishment and other documents served on you:

You are the **"Garnishee"**.

"Judgment Creditor" means a party who has a money judgment or an Order for Support of a person that is due and unpaid.

"Judgment Debtor" means a party against whom a money Judgment or Order for Support of a person has been awarded.

"Earnings" means compensation paid or payable for personal services, whether these payments are called wages, salary, commission, bonus or otherwise. Earnings include periodic payments pursuant to a pension or retirement program.

“Disposable earnings” means that amount remaining from the gross earnings for pay period after the deductions required by State and Federal law.

“Exempt earnings” means those earnings or that portion of earnings which, pursuant to State or Federal law, is not subject to judicial process including garnishment.

“Nonexempt earnings” means those earnings or that portion of earnings which is subject to judicial process including garnishment.

“Payday” means the fixed, regular day for payment of wages designated by an employer.

If the Judgment Debtor is employed by you, or you otherwise owe earnings to the Judgment Debtor, the Writ and Summons of Garnishment is a lien on the nonexempt earnings of the Judgment Debtor from the date of service of the Writ. **You must start to withhold nonexempt earnings of the Judgment Debtor each payday as of that time although you are not liable to the Judgment Creditor for failing to withhold earnings from a Judgment Debtor if those earnings are paid to a Judgment Debtor on a payday falling within three days, not including weekends and holidays, after the date of the service of the Writ of Garnishment.**

Within ten (10) days of being served with the Writ and Summons of Garnishment, you must file an Answer to the Garnishment (must be notarized) with the Clerk of the Court that issued the Garnishment. The Answer shall be in writing, signed by you, true and under oath. If there is more than one Judgment Debtor, you must answer as to each Judgment Debtor named in the Writ of Garnishment. The Answer may be filed without representation by an attorney. **At the time of filing the Answer, you must hand deliver, serve, or mail by regular first class mail, a copy of the Answer to the Judgment Creditor or the Judgment Creditor’s attorney (Mark A. Kirkorsky’s Law Office) if the Judgment Creditor is represented by an attorney. At the same time, you must hand deliver, serve, or mail by regular first class mail to the Judgment Debtor (Employee) a copy of the Answer and a copy of the Notice to Judgment Debtor, and a Request for Hearing form.** You shall state the time and manner of delivery to the Judgment Creditor and Judgment Debtor in the Answer. The Answer shall contain the information which is set forth in the Answer form provided you and you may use that form. The case number and the names of both the Judgment Creditor and

Judgment Debtor must be inserted in the appropriate spaces on the Answer. Use the case number and the names that appear on the Writ of Garnishment.

If it appears from the Answer you file that the Judgment Debtor was employed by you, or that you otherwise owed earnings to the Judgment Debtor when the Writ was served, or earnings would be owed within sixty (60) days thereafter and there is no timely written objection to the Writ or your Answer, on application by the Judgment Creditor, the Court will order that the nonexempt earnings withheld by you after service of the Writ be transferred to the Judgment Creditor who is entitled to such monies subject to the Judgment Debtor's right to objection and hearing. The Court will order that the garnishment is a continuing lien against the nonexempt earnings of the Judgment Debtor. The Judgment Creditor will deliver a copy of this Order of Continuing Lien to you. When you receive this Order, you are to immediately send all of the earnings withheld since service of the Writ of Garnishment to the Judgment Creditor or the Judgment Creditor's attorney if represented by an attorney. Furthermore, you are to withhold and send to the Judgment Creditor or his attorney the nonexempt earnings of the Judgment Debtor each succeeding payday until the occurrence of any of the following:

1. The underlying Judgment is satisfied in full or is vacated or expires.
2. The Judgment Debtor leaves your employ for more than sixty (60) days.
3. The Judgment Creditor releases the garnishment.
4. The proceedings are stayed by a Court of competent jurisdiction, including the United States Bankruptcy Court.
5. The Judgment Debtor has not earned any nonexempt earnings for at least sixty (60) days.
6. The Court orders that the garnishment be quashed.

If no objections are filed to your Answer to the Writ and Summons of Garnishment and the above mentioned Order of Continuing Lien is not entered within forty-five (45) days after the filing of your Answer, any earnings held by you shall be released to the Judgment Debtor and you will be discharged from any liability on the garnishment.

You have been provided with four (4) copies of Nonexempt Earnings Statements.

Beginning with the pay period during which the Writ was served, and while the Order of Continuing Lien remains in effect, for each pay period you must do the following:

1. Complete the Nonexempt Earnings Statement.
2. Hand deliver, serve or mail by regular first class mail the Nonexempt Earnings Statement to the Judgment Debtor with his exempt earnings for that pay period.
3. At the same time hand deliver, serve or mail by regular first class mail a copy of the Nonexempt Earnings Statement to the Judgment Creditor or his attorney.

NEITHER THE ORIGINAL NOR A COPY OF THE NONEXEMPT EARNINGS STATEMENT SHALL BE FILED WITH THE COURT UNLESS AN OBJECTION TO THE AMOUNT WITHHELD IF ANY, IS TIMELY FILED BY A PARTY. NOR SHOULD YOU SEND ANY WITHHELD EARNINGS TO THE COURT.

The Judgment Creditor must deliver to you sufficient copies of the appropriate Nonexempt Earnings Statement and Request for Hearing forms so that you are able to comply with these requirements unless the Judgment Creditor is advised that you will supply your own forms.

While a continuing lien is in effect you may deduct from the nonexempt earnings of the Judgment Debtor the amount of \$5.00 each payday as a fee for preparing and delivering the Nonexempt Earnings Statement.

If a party has an objection to the Writ and Summons of Garnishment, your Answer to the Writ and Summons of Garnishment, or a Nonexempt Earnings Statement, they may file a written objection and Request for Hearing form. A hearing must be requested no later than ten (10) days after receipt of the Answer or Nonexempt Earnings Statement objected to unless good cause for filing the request later is shown. At the time of filing the Request for Hearing form, the party filing the objection shall mail by regular first class mail or hand deliver or serve a copy of the

form to all parties to the Writ. A hearing will then be held within ten (10) days of the filing of an objection, the Court will enter an Order, and a copy of the Order will be delivered to you.

You may conclusively rely on and you are not liable to the Judgment Debtor for acting in reliance on the validity and authenticity of a garnishment, which is regular on its face. **However, for noncompliance with your responsibilities set forth in these Instructions**, the garnishment law provides as follows:

If you fail to answer the Writ and Summons of Garnishment within ten (10) days, the Judgment Creditor may petition the Court for the issuance of an Order requiring you to appear before the Court at a time and place specified in the Order to answer the Writ or to file and serve a copy of the Answer on the Judgment Creditor or on his attorney at least five (5) days before the appearance date. If you fail to appear or file and serve the Answer after the service of the Order requiring the appearance in person or Answer upon you, the Court may render Judgment by Default against you for the full amount of the Judgment against the Judgment Debtor. The Court may award a reasonable attorney's fee to the Judgment Creditor and against you if the Writ was not answered within ten (10) days of service and a petition requiring you to appear or answer was filed.

Furthermore, A.R.S. § 12-1598.13 provides for **contempt** proceedings as follows:

- A. If a garnishee fails after written notice to deliver nonexempt earnings to the Judgment Creditor within thirty days after the ending date of the pay period, or fails after written notice to deliver the Nonexempt Earnings Statement to the Judgment Debtor with the exempt earnings, the Judgment Debtor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine if such failure, if any, was willful or the result of gross negligence. If the Court determines that the failure was willful or the result of gross negligence, the Court shall find the garnishee in contempt and shall award the Judgment Debtor all of the following:

1. ~~An amount to compensate for actual losses, if any, caused by the failure to~~ comply.
2. Reasonable attorney's fees, if the Judgment Debtor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Debtor an additional amount not to exceed \$400.00.

- B. While an Order of Continuing Lien pursuant to § 12-1598.10 is in effect, if the garnishee fails to deliver to the Judgment Creditor the nonexempt earnings of the Judgment Debtor, if any, and the copy of the Nonexempt Earnings Statement within fourteen days of the end of the pertinent pay period, and the Judgment Creditor thereafter delivers a written demand for the nonexempt earnings and statements, and the garnishee does not comply within fourteen days of the receipt of the written demand, the Judgment Creditor may petition the Court for relief. The Court shall, after notice, hold a hearing to determine whether the failure to comply with the written demand within fourteen days of receipt, if any, was willful or the result of gross negligence. If the Court determines that the failure was willful or the result of gross negligence, the Court shall find the garnishee in contempt and shall award the Judgment Creditor all of the following:

1. An amount to compensate for actual losses, if any, caused by the failure to comply.
2. Reasonable attorney's fees, if the Judgment Creditor was represented by an attorney at such hearing.
3. Court costs.

The Court may award the Judgment Creditor an additional amount not exceeding \$400.00.

~~In the event you have already been served, or are hereafter served,~~ with a Garnishment, Wage Assignment, or Levy, A.R.S. § 12-1598.14 provides for priority as follows:

- A. Except as provided in subsections B and C, conflicting Wage Assignments, Garnishments and Levies rank according to priority in time of service.
- B. Garnishments, Levies and Wage Assignments, which are not for the support of a person, are inferior to Wage Assignments for the support of a person. Garnishments, which are not for the support of a person and Levies, are inferior to Garnishments for the support of a person.
- C. If a Judgment Debtor's earnings become subject to more than one Writ of Garnishment pursuant to this Article, and because of the application of the priorities set forth subsections A and B, a Judgment Creditor recovers no nonexempt earnings for two consecutive paydays, the lien on earnings of such Judgment Creditor is invalid and of no force and effect, and the garnishee shall notify the Judgment Creditor accordingly.

Within ten (10) days of being served with the Writ and Summons of Garnishment, **you must file an Answer** to the Garnishment with the Clerk of the Court that issued the Garnishment.

Maricopa County Justice Courts

Whitetank (Buckeye Precinct)	100 N. Apache Rd., Suite C	Buckeye	AZ	85326
Encanto (Central Phoenix Precinct)	620 West Jackson Street	Phoenix	AZ	85003
San Marcos (Chandler Precinct)	201 E. Chicago Street, Suite #103	Chandler	AZ	85225
East Mesa Precinct	4811 E. Julep, Suite 128	Mesa	AZ	85205
Downtown (East Phoenix #1 Precinct)	620 West Jackson Street	Phoenix	AZ	85003
Arcadia Biltmore (East Phoenix #2 Precinct)	4109 N. 12 th Street	Phoenix	AZ	85014
University Lakes (East Tempe Precinct)	201 E. Chicago Street, Suite #101	Chandler	AZ	85225
Ironwood (Gila Bend Precinct)	209 E. Pima Street	Gila Bend	AZ	85337
Manistee (Glendale Precinct)	14264 W. Tierra Buena Lane	Surprise	AZ	85374
Maryvale Precinct	4622 W. Indian School Road	Phoenix	AZ	85031
North Mesa Precinct	1837 South Mesa Drive, Ste. B103	Mesa	AZ	85210
North Valley Precinct	14264 W. Tierra Buena Lane	Surprise	AZ	85374
Dreamy Draw (N.E Phoenix Precinct)	18380 N. 40 th Street	Phoenix	AZ	85032
Moon Valley (Northwest Phoenix Precinct)	18380 N. 40 th Street	Phoenix	AZ	85032
Lake Pleasant (Peoria Precinct)	14264 W. Tierra Buena Lane	Surprise	AZ	85374
McDowell Mountain (Scottsdale Precinct)	18380 N. 40 th Street	Phoenix	AZ	85032
San Tan (South Mesa/Gilbert Precinct)	201 E. Chicago Street, Suite 102	Chandler	AZ	85225
South Mountain (South Phoenix Precinct)	620 West Jackson Street	Phoenix	AZ	85003
Agua Fria (Tolleson Precinct)	9550 W. Van Buren, #6	Tolleson	AZ	85353
West Mesa Precinct	2050 W. University Drive	Mesa	AZ	85201
West McDowell (West Phoenix Precinct)	620 West Jackson Street	Phoenix	AZ	85003
Kyrene (West Tempe Precinct)	201 E. Chicago Street, Suite #104	Chandler	AZ	85225
Hassayampa (Wickenburg Precinct)	14264 W. Tierra Buena Lane	Surprise	AZ	85374

Maricopa County Superior Court

Maricopa County Superior	201 W. Jefferson Street	Phoenix	AZ	85003
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Pinal County Superior Court

Pinal County Superior	971 Jason Lopez Circle, Bldg. A	Florence	AZ	85232
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Pinal County Justice Courts

Florence Precinct #1	400 S. Central Ave.	Florence	AZ	85232
Casa Grande Precinct #2	820 E. Cottonwood Ln.	Casa Grande	AZ	85222
Eloy Precinct #3	801 N. Main Street P.O. Box 586 Phone: (520) 466-9221 Fax: (520) 466-4473	Eloy	AZ	85231
Mammoth Precinct #4	116 S. Catalina P.O. Box 117 Phone: (520) 487-2262 Fax: (520) 487-2585	Mammoth	AZ	85618
Oracle Precinct #5	1470 N. Justice Drive Phone: (520) 896-9250 Fax: (520) 896-2867	Oracle	AZ	85623
Superior Precinct #6	60 East Main Street Phone: (520) 689-5871 Fax: (520) 689-2369	Superior	AZ	85273
Apache Junction Precinct #7	575 N. Idaho Road, Suite 200 Phone: (520) 982-2921 Fax: (520) 982-9472	Apache Junction	AZ	85219
Maricopa Precinct #8	44625 W. Garvey Ave. P.O. Box 201 Phone: (520) 568-2451 Fax: (520) 568-2924	Maricopa	AZ	85239

Pima Consolidated Justice Court

Pima Consolidate Justice	115 North Church Ave. Phone: (520) 740-4150	Tucson	AZ	85701
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Tara K. Miller (#024742)

Alan Trampusch (#029755)

info@makcollections.com

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

ARIZONA FEDERAL CREDIT UNION, a
federally chartered credit union,

Plaintiff/Judgment Creditor,

v.

SETH J. BACON, an individual,

Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

ANSWER OF GARNISHEE

(EARNINGS)

JUDGMENT DEBTOR: SETH J. BACON (SSN: XXX-XX-2215)

MUST BE ORIGINAL - PLEASE COMPLETE IN BLACK INK

1. I am the above named Garnishee or am authorized by the Garnishee to make this affidavit on his behalf, regarding the Writ of Garnishment served on Garnishee on this date: _____

2. Is Judgment Debtor employed by the Garnishee on the date the Writ was served?

_____ Yes _____ No

3. Does the Garnishee anticipate owing earnings to the Judgment Debtor within sixty (60) days after the date of service of the Writ?

_____ Yes _____ No

4. If the Garnishee is unable to determine the identity of the Judgment Debtor after making a good faith effort to do so, the following is a statement of the Garnishee's effort made and the reasons for that inability:

5. State the dates of the Judgment Debtor's next two (2) paydays occurring after the date of service of the Writ:

5a. _____ 5b. _____

6. Is Judgment Debtor employed by the Garnishee currently?

_____ Yes _____ No

If yes, Judgment Debtor is paid (check which apply):

_____ daily _____ bi-weekly _____ monthly
_____ weekly _____ semi-monthly other: _____
(Specify)

7. What is the amount of the outstanding Judgment now due and owing as stated in the Writ?

Judgment Balance \$ _____

8. Is the Judgment Debtor subject to an existing Wage Assignment, Garnishment or Levy?

_____ Yes _____ No

If yes, give the name, address and telephone number of that Judgment Creditor:

9. Did the Garnishee answer "YES" to either question #2 or #3?

_____ Yes _____ No

If yes, copies of this Answer and copies of the Notice to Judgment Debtor, Request for Hearing and Non-exempt Earnings Statement were delivered to the Judgment Debtor on _____ (DATE REQUIRED)

State Method of Delivery: (REQUIRED)

By: _____ hand delivery;

_____ regular first class mail to the address determined to be best calculated to reach the Judgment Debtor in a timely manner;

_____ service pursuant to the Rules of Civil Procedure applicable to a Summons

10. Copies of this Answer and Non-Exempt Earnings Statement were delivered on _____ **(DATE REQUIRED)** to the Judgment Creditor, or his attorney, if applicable, at the following address:

State Method of Delivery: **(REQUIRED)**

By: _____ hand delivery;

_____ regular first class mail;

_____ service pursuant to the Rules of Civil Procedure applicable to a Summons.

11. Garnishee's (Employer's) name, address, telephone, email address and fax number is:

12. I have read the foregoing document and know of my own knowledge that the facts stated therein are true and correct.

WHEREFORE, Garnishee prays that Garnishee be discharged on this Answer and that the Court award Garnishee reasonable compensation in the amount of \$_____.

~~**MUST BE NOTARIZED (REQUIRED)**~~

Garnishee or Authorized Agent

STATE OF _____)
 _____) ss.
 County of _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

Notary Public

My Commission Expires:

MUST BE NOTARIZED (REQUIRED)

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Tempe, Arizona 85285

(480) 551-2173

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Tara K. Miller (#024742)

Alan Tramosch (#029755)

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Attorneys for Plaintiff

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Plaintiff/Judgment Creditor,

v.

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Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

**SECOND NOTICE TO JUDGMENT
DEBTOR**

(EARNINGS)

AVISO

El tribunal ha ordenado que su empleador tome una parte de su salario o sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y este pagada la deuda. En conformidad con la ley, su acreedor tiene derecho a "solo una parte" de su salario. A continuacion figura una explicacion de sus derechos. Se puede obtener una traduccion espanola del tribunal.

This is your second notice that a Writ of Garnishment has been issued in this case. The Writ is a court order requiring the garnishee to withhold a certain amount from your earnings and

to continue to withhold a portion of your earnings until the Judgment is satisfied or the Writ is quashed.

The law provides that a certain amount of each paycheck or other periodic earnings is exempt from collection by a Writ of Garnishment. In some cases of very low income no amount can be garnished except for an Order for Support of a Person.

If you believe that too much of your earnings have been withheld from your paycheck or that no amount should be withheld you may request a hearing before this court. Among the reasons for requesting a hearing are:

1. The Judgment Creditor does not have a valid judgment against you or the judgment has been paid in full.
2. The garnishee's answer is incorrect.
3. Your earnings are already subject to a writ of Garnishment or are subject to a court ordered assignment for payment of support.
4. The Judgment Creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified Consumer Credit Counseling Service.

To request a hearing, deliver the request for hearing form attached to the Clerk of this Court. You must mail or deliver a copy of the Request for Hearing to the Garnishee and to the Judgment Creditor or his attorney at the address on the Writ of Garnishment.

If you do not deliver the Request for Hearing form to this Court within ten (10) days after the date you receive this notice and the Answer of the Garnishee, your Request for Hearing will be denied, unless good cause for the delay is shown. You must check a box or state your reasons for disputing the claim in the space provided on the form.

If you request a hearing, it will be conducted no later than ten (10) days after your request is received by the Court. The Court will you notice of the date, time and place.

The nonexempt portion of your earnings will continue to be withheld by the garnishee and delivered to the Judgment Creditor until the Judgment is paid in full, or the garnishment is ordered to stop. Whether or not you request a hearing at this time, if you believe too much money is withheld from your earnings pursuant to this garnishment at some time in the future, you will have the same opportunity to request a hearing at that time.

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Plaintiff/Judgment Creditor,

v.

SETH J. BACON, an individual,

Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

**REQUEST FOR HEARING ON
GARNISHMENT OF EARNINGS**

(EARNINGS)

I REQUEST A HEARING BECAUSE:

_____ On my normal payday I received no earnings (paycheck).

_____ A copy of the nonexempt earnings statement did not accompany my paycheck.

_____ The Judgment Creditor does not have a valid judgment against me or that judgment has been paid in full.

_____ My employer has not delivered to me the Notice to Judgment Debtor, Answer of Garnishee (employer) and Request for Hearing forms within fifteen (15) days.

_____ The Debt of the Judgment Creditor is subject to an effective agreement for debt scheduling between me and a qualified Consumer Credit Counseling Service.

DATED this _____ day of _____, 20____.

Name (print)

Signature

Address

City, state, zip code

Telephone number

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Plaintiff/Judgment Creditor,

v.

SETH J. BACON, an individual,

Defendant(s)/Judgment Debtor(s).

TRINITY AIR MEDICAL, INC.,

Garnishee.

Case No. CV2011-092512

**REQUEST FOR HEARING ON
GARNISHMENT OF EARNINGS**

(Nonexempt Earnings Statement)
(EARNINGS)

If you believe that the amount of your nonexempt earnings has been incorrectly calculated for this pay period or that no amount should be withheld because the garnishment or underlying judgment is invalid, satisfied or superseded, you may request a hearing within ten days after receiving the attached nonexempt earnings statement by completing the form below and delivering the request for hearing to the court or justice of the peace. You must deliver a copy of your request for hearing to the judgment creditor and the garnishee.

The court will notify you and the other parties of the date and time for the hearing. A hearing will be set within ten days of your request.

I REQUEST A HEARING FOR THE FOLLOWING REASON:

_____ The nonexempt earnings statement is incorrectly filled out.

_____ Other: _____

DATED this _____ day of _____, 20____.

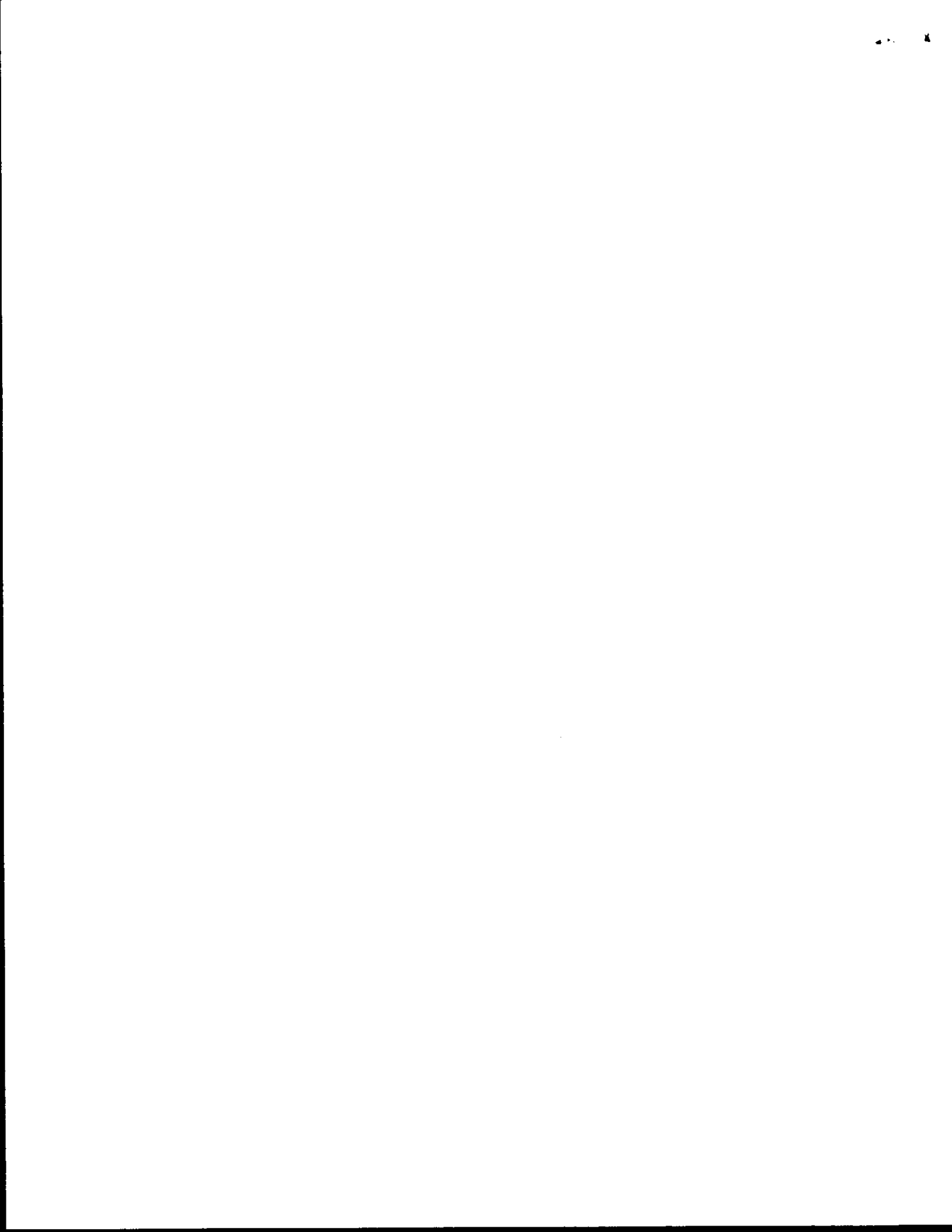
Name (print)

Signature

Address

City, state, zip code

Telephone number



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Attorneys for Plaintiff

NONEXEMPT EARNINGS STATEMENT

JUDGMENT DEBTOR: SETH J. BACON (SSN: XXX-XX-2215)

JUDGMENT CREDITOR: ARIZONA FEDERAL CREDIT UNION

GARNISHEE: TRINITY AIR MEDICAL, INC.

COURT CASE NO.: CV2011-092512

PAY PERIOD: _____ TO _____
(Beginning Date) (Ending Date)

ANSWER ALL PERTINENT QUESTIONS

1. The Judgment Debtor is an employee or is
otherwise owed earnings: _____ Yes _____ No

If the answer is "NO", enter the Judgment
Debtor's last date of employment by your firm or
the last date for which earnings are owed.

1. \$ _____

2. For the earnings of the Judgment Debtor for this pay period enter all of the following:

a. Gross Earnings. 2a. \$ _____

b. Disposable Earnings
(Gross earnings less deductions required by law). 2b. \$ _____

c. Enter twenty-five percent (25%) of line 2b. 2c. \$ _____

3. The current federal minimum wage is \$7.25 per hour. Enter one of the following using an appropriate pay period: weekly (thirty times minimum wage), bi-weekly (sixty times minimum wage), semimonthly (sixty-five times minimum wage), monthly (one hundred thirty times minimum wage). 3. \$ _____

4. Subtract line 3 from line 2b and enter. 4. \$ _____

5. Enter the amount from line 2c or line 4, whichever is smaller. 5. \$ _____

6. Enter the amount withheld from the Judgment Debtor's earnings because of a court ordered Assignment for Support of a Person or a Garnishment or Levy for the collection of taxes. 6. \$ _____

7. Subtract line 6 from line 5 and enter here. **THIS
IS THE AMOUNT OF NONEXEMPT
EARNINGS YOU ARE TO WITHHOLD AND
FORWARD TO THE JUDGMENT
CREDITOR'S ATTORNEY ALONG WITH
STATEMENT.**

7. \$ _____

Tag Messenger

1027 E Washington St. Suite 100

Phoenix, AZ 85034

Ph: (602)254-3900

Superior Court of Arizona - Maricopa County

201 W Jefferson, Phoenix, AZ 85003

Arizona Federal Credit Union, a federally
chartered credit union

Plaintiff,

NO. CV 2011-092512

vs.

CERTIFICATE OF NON -
SERVICE

Seth J. Bacon, an individual

Defendant,



285761

The undersigned certifies under penalty of perjury:

I received: Application for Writ of Garnishment; (2) Writ of Garnishment & Summons (Earnings); (2) Instructions to Garnishee (Earnings); (4) Garnishee's Answer (Earnings); (4) Notice of Hearing on Garnishment (Earnings); (2) Notice to Judgment Debtor of Garnishment (Earnings); (2) Request for Hearing on Garnishment (Earnings); (4) Garnishee's Nonexempt Earnings Statement; (4) Request for Hearing on Nonexempt Earnings Statement; (1) Judgment from Mark A Kirkorsky, P.C. and have been unable to effect service upon

Trinity Air Medical, Inc

The following attempts at service were made:

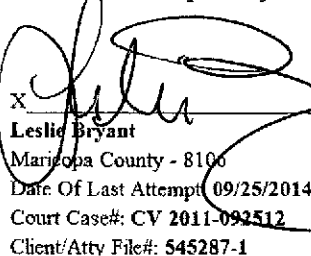
Date/Time - License Plates	Address	Remarks
Thursday 09/25/2014- 1:42 PM	60 E Rio Salado Pkwy #900 Tempe, AZ 85281	Spoke to Jay, receptionist for Executive Suites at this address. He stated that the company has the location listed down as a physical address but Stat Agent/Seth Bacon never comes in and does not work out of location.

Comments/Prev. Attempts: Attempted to serve Stat Agent/Seth Bacon at the only address listed for him or the business on the ACC; Receptionist stated that the company/agent have an office at this address but never comes in and does not operate out of this address;

Geostamp: Thursday 09/25/2014- 1:42 PM - Longitude: -111.92553159791224 - Latitude: 33.41210075657201

Location Type: Business

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

X 
Leslie Bryant
Maricopa County - 8100
Date Of Last Attempt 09/25/2014
Court Case#: CV 2011-092512
Client/Atty File#: 545287-1

Fees:
Service of Process \$50.00
TOTAL: \$50.00

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: MLEE
Invoice No.: 4606450

Check Batch:
Invoice Date: 10/20/2014
Date Received: 10/20/2014
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
----------	-------------	--------

1	SERVICE OF PROCESS -1702485-2 TRINITY AIR MEDICAL, INC.	\$25.00
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Total Documents: \$		25.00
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PAYMENT	CHECK	2218	\$25.00
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Balance Due: \$		0.00
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Corporate Inquiry

10/20/2014

State of Arizona Public Access System

12:25 PM

File Number: -1702485-2

Corp. Name: TRINITY AIR MEDICAL, INC.

Domestic Address

60 E RIO SALADO PARKWAY #900

TEMPE, AZ 85281

Second Address

Agent: SETH BACON

Status: APPOINTED 08/05/2011

Mailing Address:

60 E RIO SALADO PARKWAY
#900

TEMPE, AZ 85281

Agent Last Updated: 03/27/2013

*** SEE COMMENTS ***

Business Type: HEALTH CARE

Domicile: ARIZONA

County: MARICOPA

Corporation Type: BUSINESS

Life Period: PERPETUAL

Incorporation Date: 08/05/2011

Approval Date: 08/30/2011

Last A/R Received: 8 / 2013

Date A/R Entered: 09/11/2013

Next Report Due: 08/05/2014

INVALID KEY FUNCTION. (A058)

PAUL CONTI

