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JODI JERICH
Executive DirectorPATRICIA L. BARFIELD
Director
Corporations Division

COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

**ARIZONA CORPORATION COMMISSION**

Date 05/14/2015

RADIANT SKIN LLC
7155 W CAMPOBELO DR A-11
GLENDALE, AZ 85308

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 05/14/2015 as agent for RADIANT SKIN LLC:

Case caption: CAVALRY SPV I LLC v. EFFIE F MAGOULAS,
Case number: CC2014-101095 Court: MARICOPA COUNTY NORTH VALLEY JUSTICE COURT

- ☒ Summons
- ☐ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☒ Default Judgment
- ☐ Judgment
- ☒ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other ANSWER OF GARNISHEE

Sincerely,

Lynda B. Griffin
Custodian of Records

Initials JAB

File number L-1736646-0

COMMISSIONERS
SUSAN BITTER SMITH – Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE



ARIZONA CORPORATION COMMISSION

JODI JERICH
Executive Director
PATRICIA L. BARFIELD
Director
Corporations Division

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **05/14/2015**, **JEFFREY A BARKER**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **RADIANT SKIN LLC**.

Case caption: **CAVALRY SPV I LLC v. EFFIE F MAGOULAS**,
Case number: **CC2014-101095**
Court: **MARICOPA COUNTY NORTH VALLEY JUSTICE COURT**

- | | |
|--|---|
| <input checked="" type="checkbox"/> Summons | <input checked="" type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input checked="" 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 ANSWER OF GARNISHEE | |

On **05/14/2015**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

RADIANT SKIN LLC
7155 W CAMPOBELO DR A-11
GLENDAL, AZ 85308

OR

The undersigned 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.

Printed name: **JEFFREY A BARKER**

Date: **05/14/2015**

Signature: _____

A handwritten signature in black ink, appearing to read "Jeffrey A. Barker", written over a horizontal line.

EWING & EWING ATTORNEYS, P.C.

A Professional Corporation

NELSON EWING, II *

4050 EAST COTTON CENTER BLVD, SUITE 18
PHOENIX, AZ 85040

TELEPHONE: 800.861.5308

FACSIMILE: 800.861.3811

*MEMBER OF AZ BAR

Radiant Skin LLC
7155 W Campo Bello Dr, Ste A 1

Glendale, AZ 85308

RE: Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One Bank USA, N.A.

VS

EFFIE F MAGOULAS

File No.: 17870050

Attention Payroll / HR Department,

You have been served with a garnishment package for the above referenced Judgment Debtor(s). For identification purposes, the social security number(s) for the Judgment Debtor(s) is/are as follows:

EFFIE F MAGOULAS [REDACTED] 4081

Within ten (10) days from the service of this Writ of Garnishment, you must complete the Answer of Garnishee form and send this office a copy, as well as file the original with the Court. If you prefer, you may send the original to this office, at the address above, and we will take care of filing it with the Court. In addition, this garnishment constitutes a lien against the non-exempt earnings of the Judgment Debtor. Thus, you must immediately begin to withhold all non-exempt earnings of the Judgment Debtor pursuant to the Non-Exempt Earnings Statement which is included in this garnishment packet.

If you have any questions or need additional identification verification, please call my office at the above number.

Sincerely,

Ewing & Ewing Attorneys, P.C.

11

12

1 Ewing & Ewing Attorneys, P.C.
2 4050 East Cotton Center Boulevard
3 Suite 18
4 Phoenix, AZ 85040
5 Telephone (800) 861-5308 • Facsimile (800) 861-3811

6 Nelson Ewing, II #014418
7 Attorney for Plaintiff

13 JUL 13 AM 11:40

8 IN THE NORTH VALLEY JUSTICE COURT
9 14264 W TIERRA BUENA LANE, SURPRISE, AZ 85374
10 IN AND FOR THE COUNTY OF MARICOPA

11 Cavalry SPV I, LLC, as assignee of HSBC Bank
12 Nevada, N.A./Capital One Bank USA, N.A.

13 Plaintiff/Judgment Creditor,

14 v.
15 EFFIE F MAGOULAS

16 Defendant(s)/Judgment Debtor(s)

17 Radiant Skin LLC

18 Garnishee

NO. CC2014-101095

WRIT OF
GARNISHMENT AND
SUMMONS
(Earnings-Continuing
Lien)

19 THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY OTHER
20 OFFICER OF MARICOPA COUNTY, WHO IS AUTHORIZED BY LAW TO SERVE
21 PROCESS:

22 JUDGMENT CREDITOR HAS A CLAIM OF \$4,241.19, which includes interest,
23 attorney's fees, costs and other relief in this action against the following Judgment
24 Debtor(s):

25 EFFIE F MAGOULAS
26 9850 N 73RD ST #1089

27 SCOTTSDALE, AZ 85258

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

The Judgment Creditor states as follows:

1. The Judgment Creditor has a Judgment against the above described Judgment
Debtor(s) in the amount of \$4,241.19, as of date of issuance of this Writ of Garnishment.

10

1 2. The rate of interest on this Judgment is accruing at the rate of 4.25% per annum.

2 3. The name and address of the Garnishee is:

3 Radiant Skin LLC
4 7155 W Campo Bello Dr. Ste A 1
5 Glendale, AZ 85308

6 4. The names and last known mailing address(es) of the Judgment Debtor(s) are:

7 **EFFIE F MAGOULAS**
8 **9850 N 73RD ST #1089**

9 **SCOTTSDALE, AZ 85258**

10 5. The Judgment Creditor's name and address is:

11 Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One Bank
12 USA, N.A.
13 c/o Ewing & Ewing Attorneys, P.C.
14 4050 E Cotton Center Blvd
15 Suite 18
16 Phoenix, AZ 85040

17 6. And its attorney's name and address is:

18 Ewing & Ewing Attorneys, P.C.
19 Nelson Ewing, II
20 4050 E Cotton Center Blvd
21 Suite 18
22 Phoenix, AZ 85040

23 TO THE ABOVE NAMED GARNISHEE:

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

- 26 1. Whether the Judgment Debtor(s) was employed by the Garnishee on the
27 date the Writ was served.
2. Whether the Garnishee anticipates owing 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 the reason for such inability.

6

- 1 4. The dates of the next two (2) paydays occurring after the date of service of
2 the Writ.
- 3 5. The pay period of the Judgment Debtor(s), whether weekly, biweekly,
4 semi-monthly, monthly or another specific period.
- 5 6. The amount of the outstanding Judgment now due and owing as stated in
6 the Writ.
- 7 7. Whether the Judgment Debtor(s) is subject to an existing wage assignment,
8 garnishment or levy, and if so, the name, address, and telephone number of
9 the Judgment Creditor.
- 10 8. The name, address and telephone number of the Garnishee.
- 11 9. The date and manner of delivery of a copy of the Answer to the Judgment
12 Debtor(s) and Judgment Creditor.

13 FROM AND AFTER SERVICE of the Writ of Garnishment, the Garnishee shall
14 not pay to the Judgment Debtor(s) any earnings which are not exempt.

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

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

- 21 10. The garnishment constitutes a lien against non-exempt earnings.
- 22 11. The garnishment is the equivalent of a court ordered assignment,
23 compelling the garnishee to remit the non-exempt earnings to the Plaintiff,
24 as they are earned, A.R.S. § 12-1598.10
- 25 12. The garnishment shall survive until any of the following occurs:
 - 26 a. The underlying judgment is satisfied in full, is vacated or expires.
 - 27 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 non-exempt earnings
 for at least sixty (60) days.
 - f. The Court orders that the garnishment be quashed.

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13. Garnishment, 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.
 14. If a Judgment Debtor(s) earnings become subject to more than one Writ of Garnishment, and because of the application of priorities, a Judgment Creditor recovers no non-exempt earnings for two (2) consecutive paydays, the lien on earnings of such Judgment Debtor(s) is invalid and of no force and effect, and the Garnishee shall notify the Judgment Creditor accordingly.

23 **This is an attempt to collect a debt. Any information obtained will be used for that purpose.**
24 **This communication is from a debt collector.**
25
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(4)

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 its 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(s), and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

SIGNED AND SEALED this date:

4/13/15

Charles A. Williams

CHARLES A. WILLIAMS

Deputy Clerk

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least three (3) days in advance of a scheduled court proceeding.

4 4

1 **Ewing & Ewing Attorneys, P.C.**
2 4050 East Cotton Center Boulevard
3 Suite 18
Phoenix, AZ 85040
Telephone (800) 861-5308 • Facsimile (800) 861-3811

4 Nelson Ewing, II #014418
Attorney for Plaintiff

13/77/13 AM 11:40

5
6 IN THE NORTH VALLEY JUSTICE COURT
14264 W TIERRA BUENA LANE, SURPRISE, AZ 85374
7 IN AND FOR THE COUNTY OF MARICOPA

8 Cavalry SPV I, LLC, as assignee of HSBC Bank
Nevada, N.A./Capital One Bank USA, N.A.

9 Plaintiff/Judgment Creditor,

10 v.

EFFIE F MAGOULAS

11 Defendant(s)/Judgment Debtor(s)

12 Radiant Skin LLC

13 Garnishee

NO. CC2014-101095

WRIT OF
GARNISHMENT AND
SUMMONS
(Earnings-Continuing
Lien)

15 THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY OTHER
16 OFFICER OF MARICOPA COUNTY, WHO IS AUTHORIZED BY LAW TO SERVE
17 PROCESS:

18 JUDGMENT CREDITOR HAS A CLAIM OF \$4,241.19, which includes interest,
19 attorney's fees, costs and other relief in this action against the following Judgment
Debtor(s):

20 **EFFIE F MAGOULAS**
9850 N 73RD ST #1089

21 **SCOTTSDALE, AZ 85258**

22
23 THEREFORE, you are commanded to summon to appear before this Court the Garnishee
24 whose name and address appear below and who is believed to be within your county.

25 The Judgment Creditor states as follows:

26 1. The Judgment Creditor has a Judgment against the above described Judgment
27 Debtor(s) in the amount of \$4,241.19, as of date of issuance of this Writ of Garnishment.

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1 2. The rate of interest on this Judgment is accruing at the rate of 4.25% per annum.

2
3 3. The name and address of the Garnishee is:
Radiant Skin LLC
7155 W Campo Bello Dr. Ste A 1
4 Glendale, AZ 85308

5
6 4. The names and last known mailing address(es) of the Judgment Debtor(s) are:
EFFIE F MAGOULAS
7 9850 N 73RD ST #1089
8 SCOTTSDALE, AZ 85258

9
10 5. The Judgment Creditor's name and address is:
11 Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One Bank
12 USA, N.A.
c/o Ewing & Ewing Attorneys, P.C.
13 4050 E Cotton Center Blvd
Suite 18
14 Phoenix, AZ 85040

15 6. And its attorney's name and address is:

16 Ewing & Ewing Attorneys, P.C.
17 Nelson Ewing, II
4050 E Cotton Center Blvd
Suite 18
18 Phoenix, AZ 85040

19 TO THE ABOVE NAMED GARNISHEE:

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

- 22 1. Whether the Judgment Debtor(s) was employed by the Garnishee on the
date the Writ was served.
- 23 2. Whether the Garnishee anticipates owing earnings within sixty (60) days
24 after the date of service of the Writ.
- 25 3. If the Garnishee is unable to determine the identity of the Judgment
26 Debtor(s) after making a good faith effort to do so, a statement of the effort
made and the reason for such inability.
- 27

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, semi-monthly, monthly or another specific 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 the 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 continuing in nature as a lien against non-exempt wages, 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:

10. The garnishment constitutes a lien against non-exempt earnings.
11. The garnishment is the equivalent of a court ordered assignment, compelling the garnishee to remit the non-exempt earnings to the Plaintiff, as they are earned, A.R.S. § 12-1598.10
12. 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 non-exempt earnings for at least sixty (60) days.
 - f. The Court orders that the garnishment be quashed.

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13. Garnishment, 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.
 14. If a Judgment Debtor(s) earnings become subject to more than one Writ of Garnishment, and because of the application of priorities, a Judgment Creditor recovers no non-exempt earnings for two (2) consecutive paydays, the lien on earnings of such Judgment Debtor(s) is invalid and of no force and effect, and the Garnishee shall notify the Judgment Creditor accordingly.

23 This is an attempt to collect a debt. Any information obtained will be used for that purpose.
24 This communication is from a debt collector.
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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 its 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(s), and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

SIGNED AND SEALED this date:

4/13/15

Charles A. Williams

~~CHARLES A.~~ WILLIAMS

Deputy Clerk

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least three (3) days in advance of a scheduled court proceeding.

1 Ewing & Ewing Attorneys, P.C.
2 4050 East Cotton Center Boulevard
3 Suite 18
4 Phoenix, AZ 85040
5 Telephone (800) 861-5308 • Facsimile (800) 861-3811

6 Nelson Ewing, II #014418
7 Attorney for Plaintiff

8 IN THE NORTH VALLEY JUSTICE COURT
9 14264 W TIERRA BUENA LANE, SURPRISE, AZ 85374
10 IN AND FOR THE COUNTY OF MARICOPA

11 14 SEP -4 AM 11:54
12 RECEIVED
13 NORTH VALLEY JUSTICE COURT

14 Cavalry SPV I, LLC, as assignee of HSBC Bank
15 Nevada, N.A./Capital One Bank USA, N.A.

16 Plaintiff,

17 v.

18 EFFIE F MAGOULAS

19 Defendant(s).

20 NO. CC2014-101095

21 DEFAULT JUDGMENT

22 Pursuant to Rule 55(b) and/or Rule 140, in the above-captioned action, Defendant(s) EFFIE
23 F MAGOULAS, was/were properly served with copies of Plaintiff's Summons and Complaint;
24 said Defendant(s) failed to answer or otherwise appear, as provided by law, and Defendant(s)
25 Default was entered herein after the expiration of the statutory time to answer. The Court having
26 reviewed the Complaint, being duly advised in this matter, and determining that there is no just
27 reason for delay of the entry of Judgment herein;


IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff, have Judgment
against Defendant(s) EFFIE F MAGOULAS, in the principal sum of \$3,995.04 and accrued
interest of \$.00. Interest on the judgment principal shall accrue, as of the date judgment is entered,
at the rate of ___% per annum (ten percent or one percent plus the prime rate, whichever is lesser,
as set forth in A.R.S. 44-1201(B)).

1
2 IT IS FURTHER ORDERED granting Plaintiff judgment against Defendant(s) for
3 Plaintiff's reasonable attorneys' fees in the sum of \$.00, through August 28, 2014, and for
4 Plaintiff's costs of suit herein incurred and expended in the sum of \$148.00, through August 28,
5 2014.

6 IT IS FURTHER ORDERED that Plaintiff is contractually entitled to all reasonable costs
7 and attorneys' fees incurred by Plaintiff after August 28, 2014, subject to review of the Court as to
8 their reasonableness under the standards governing awards of attorneys' fees pursuant to
9 contractual attorneys' fees clauses.

10 The Court, having found that there is no just reason for delay, expressly directs that this
11 Judgment be entered at this time as a final Judgment.

12
13 ENTERED this SEP 9 2014

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17 JUDGE OF THE JUSTICE COURT
18 DAVID H. FLETCHER
19 JUSTICE OF THE PEACE
20 Pro Tempore
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INSTRUCTIONS TO GARNISHEE: **Radiant Skin LLC**

GARNISHMENT OF EARNINGS

You have been served with two (2) copies of a Summons and Writ 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, two (2) copies of these Instructions, and four (4) copies of Non-exempt Earnings Statements.

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 a 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.

"Non-exempt 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 Summons and Writ of Garnishment is a lien on the non-exempt earnings of the Judgment Debtor from the date of service of the Writ. You must start to withhold non-exempt earnings of the Judgment Debtor each payday as of that time although you are not liable to the Judgment Debtor 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 Summons and Writ of Garnishment, you must file an Answer to the Garnishment with the Clerk of the Court (MARICOPA COUNTY NORTH VALLEY JUSTICE COURT) that issued the Garnishment. The Answer shall be in writing, signed by you, 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 if the Judgment Creditor is represented by an attorney.**

2 2

At the same time, you must hand deliver, serve or mail by regular first class mail to the Judgment Debtor 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 non-exempt 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 non-exempt 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's Attorney (made payable to Ewing & Ewing Attorneys P.C.).** Furthermore, you are to withhold and send to the Judgment Creditor's attorney the non-exempt 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 from more than sixty (60) days.
3. The Judgment Creditor releases the garnishment.
4. The Judgment Debtor has not earned any non-exempt earnings for at least sixty (60) days.
5. The proceedings are stayed by a Court of competent jurisdiction, including the United States Bankruptcy Court.
6. The Court orders that the garnishment be quashed.

If no objection is filed to your Answer to the Summons and Writ 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.

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You have been provided with four (4) copies of the Non-exempt Earning 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 Non-exempt Earnings statement.
2. Hand deliver, serve or mail by regular first class mail the Non-exempt 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 Non-exempt Earnings Statement to the Judgment Creditor or his attorney.

NEITHER THE ORIGINAL NOR A COPY OF THE NON-EXEMPT 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 Non-Exempt Earnings Statement and Request of 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 non-exempt earnings of the Judgment Debtor the amount of \$5.00 each payday as a fee for preparing and delivering the Non-exempt Earnings Statement.

If a party has an objection to the Summons and Writ of Garnishment, your Answer to the Summons and Writ of Garnishment, or a Non-exempt Earnings Statement, he 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 Non-exempt Earnings Statement objected to unless good cause for filing the requests 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 that is regular on its face. **However, for non-compliance with your responsibilities set forth in these instructions, the garnishment laws provides as follows:**

If you fail to answer the Summons and Writ 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 follow:

If a garnishee fails after written notice to deliver non-exempt earnings to the Judgment Creditor within thirty (30) days after the ending date of the pay period, or fails after written notice to deliver the Non-exempt 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 whether 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.
4. The Court may award the Judgment Debtor an additional amount not to exceed \$400.00.

While an Order of Continuing Lien pursuant to § 12-1598.10 is in effect, if the garnishee failed to deliver to the Judgment Creditor the non-exempt earnings of the Judgment debtor, if any, and the copy of the Non-exempt Earnings Statement, within fourteen (14) days of the end of the pertinent pay period, and the Judgment Creditor thereafter delivers a written demand for the non-exempt earnings and statement, and the garnishee does not comply within fourteen (14) 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 (14) 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
4. The Court may award the Judgment Creditor an additional amount not to exceed \$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 in subsections A and B, a Judgment Creditor recovers no non-exempt 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.

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GARNISHMENT OF EARNINGS

You have been served with two (2) copies of a Summons and Writ 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, two (2) copies of these Instructions, and four (4) copies of Non-exempt Earnings Statements.

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 a 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.

"Non-exempt 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 Summons and Writ of Garnishment is a lien on the non-exempt earnings of the Judgment Debtor from the date of service of the Writ. You must start to withhold non-exempt earnings of the Judgment Debtor each payday as of that time although you are not liable to the Judgment Debtor 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 Summons and Writ of Garnishment, you must file an Answer to the Garnishment with the Clerk of the Court (MARICOPA COUNTY NORTH VALLEY JUSTICE COURT) that issued the Garnishment. The Answer shall be in writing, signed by you, 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 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 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 non-exempt 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 non-exempt 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's Attorney (made payable to Ewing & Ewing Attorneys P.C.).** Furthermore, you are to withhold and send to the Judgment Creditor's attorney the non-exempt 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 from more than sixty (60) days.
3. The Judgment Creditor releases the garnishment.
4. The Judgment Debtor has not earned any non-exempt earnings for at least sixty (60) days.
5. The proceedings are stayed by a Court of competent jurisdiction, including the United States Bankruptcy Court.
6. The Court orders that the garnishment be quashed.

If no objection is filed to your Answer to the Summons and Writ 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 the Non-exempt Earning 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 Non-exempt Earnings statement.
2. Hand deliver, serve or mail by regular first class mail the Non-exempt 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 Non-exempt Earnings Statement to the Judgment Creditor or his attorney.

NEITHER THE ORIGINAL NOR A COPY OF THE NON-EXEMPT 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 Non-Exempt Earnings Statement and Request of 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 non-exempt earnings of the Judgment Debtor the amount of \$5.00 each payday as a fee for preparing and delivering the Non-exempt Earnings Statement.

If a party has an objection to the Summons and Writ of Garnishment, your Answer to the Summons and Writ of Garnishment, or a Non-exempt Earnings Statement, he 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 Non-exempt Earnings Statement objected to unless good cause for filing the requests 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 that is regular on its face. **However, for non-compliance with your responsibilities set forth in these instructions, the garnishment laws provides as follows:**

If you fail to answer the Summons and Writ 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 follow:

If a garnishee fails after written notice to deliver non-exempt earnings to the Judgment Creditor within thirty (30) days after the ending date of the pay period, or fails after written notice to deliver the Non-exempt 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 whether 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.
4. The Court may award the Judgment Debtor an additional amount not to exceed \$400.00.

While an Order of Continuing Lien pursuant to § 12-1598.10 is in effect, if the garnishee failed to deliver to the Judgment Creditor the non-exempt earnings of the Judgment debtor, if any, and the copy of the Non-exempt Earnings Statement, within fourteen (14) days of the end of the pertinent pay period, and the Judgment Creditor thereafter delivers a written demand for the non-exempt earnings and statement, and the garnishee does not comply within fourteen (14) 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 (14) 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
4. The Court may award the Judgment Creditor an additional amount not to exceed \$400.00.

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- 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 in subsections A and B, a Judgment Creditor recovers no non-exempt 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.

100

Ewing & Ewing Attorneys, P.C.
4050 East Cotton Center Boulevard
Suite 18
Phoenix, AZ 85040
Telephone (800) 861-5308 • Facsimile (800) 861-3811

Nelson Ewing, II #014418
Attorney for Plaintiff

IN THE NORTH VALLEY JUSTICE COURT
IN AND FOR THE COUNTY OF MARICOPA

Cavalry SPV I, LLC, as assignee of HSBC Bank
Nevada, N.A./Capital One Bank USA, N.A.

Plaintiff/Judgment Creditor,

v.
EFFIE F MAGOULAS

Defendant(s)/Judgment Debtor(s)

Radiant Skin LLC
Garnishee

NO. CC2014-101095

ANSWER OF GARNISHEE
(Earnings-Continuing Lien)

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

2. Was the 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:

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

3 5a. _____ 5b. _____

4 6. Is the Judgment Debtor employed by the Garnishee currently?

5 _____ Yes _____ No

6 6a. If yes, the Judgment Debtor is paid:

☐ Daily ☐ Semi-Monthly
☐ Weekly ☐ Monthly
☐ Bi-weekly ☐ Other _____

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

8 Judgment Balance: _____

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

10 _____ Yes _____ No

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

12 9. Did the Garnishee answer "yes" to either question #2 or #6?

13 If yes, copies of this Answer and copies of the Notice to Judgment Debtor, Request for
14 Hearing and Non-exempt Earning Statement were delivered to the Judgment Debtor on: _____

15 By: _____ hand delivery;

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

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

19 10. Copies of the Answer and Non-exempt Earnings Statement were delivered on _____
20 to the Judgment Creditor, or his attorney, if applicable, at the following address:

21 Ewing & Ewing Attorneys, P.C.
22 4050 E. Cotton Center Blvd.
23 Suite 18
Phoenix, AZ 85040

24 By: _____ hand delivery;

25 _____ regular first class mail to the address determined to be the best calculated to
26 reach the Judgment Creditor's attorney in a timely manner;

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

1 11. Garnishee's name, address and telephone number is (you, the employer, are the garnishee):
2
3
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5 12. I have read the foregoing document and know of my own knowledge that the facts stated
6 therein are true and correct:
7

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

10 STATE OF ARIZONA)
11) ss.
12 COUNTY OF _____)

13 _____
Signature of Garnishee or Authorized Agent

14 SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____
15

16 _____
NOTARY PUBLIC

17 My commission expires:
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19 _____
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Ewing & Ewing Attorneys, P.C.
4050 East Cotton Center Boulevard
Suite 18
Phoenix, AZ 85040
Telephone (800) 861-5308 • Facsimile (800) 861-3811

Nelson Ewing, II #014418
Attorney for Plaintiff

IN THE NORTH VALLEY JUSTICE COURT
IN AND FOR THE COUNTY OF MARICOPA

Cavalry SPV I, LLC, as assignee of HSBC Bank
Nevada, N.A./Capital One Bank USA, N.A.

Plaintiff/Judgment Creditor,

v.
EFFIE F MAGOULAS

Defendant(s)/Judgment Debtor(s)

Radiant Skin LLC
Garnishee

NO. CC2014-101095

ANSWER OF GARNISHEE
(Earnings-Continuing Lien)

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2. Was the 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:

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2 service of the Writ:

3 5a. _____ 5b. _____

4 6. Is the Judgment Debtor employed by the Garnishee currently?

5 _____ Yes _____ No

6 6a. If yes, the Judgment Debtor is paid:

☐ Daily ☐ Semi-Monthly
☐ Weekly ☐ Monthly
☐ Bi-weekly ☐ Other _____

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

8 Judgment Balance: _____

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

10 _____ Yes _____ No

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

12 9. Did the Garnishee answer "yes" to either question #2 or #6?

13 If yes, copies of this Answer and copies of the Notice to Judgment Debtor, Request for
14 Hearing and Non-exempt Earning Statement were delivered to the Judgment Debtor on: _____

15 By: _____ hand delivery;

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17 reach the Judgment Debtor in a timely manner;

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

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20 to the Judgment Creditor, or his attorney, if applicable, at the following address:

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2
3
4
5 12. I have read the foregoing document and know of my own knowledge that the facts stated
6 therein are true and correct:

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

10 STATE OF ARIZONA)
11) ss.
12 COUNTY OF _____)

13 _____
Signature of Garnishee or Authorized Agent

14 SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__

15
16 _____
NOTARY PUBLIC

17 My commission expires:

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19 _____
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26
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3 **Suite 18**
4 **Phoenix, AZ 85040**
5 **Telephone (800) 861-5308 • Facsimile (800) 861-3811**

6 **Nelson Ewing, II #014418**
7 *Attorney for Plaintiff*

8 **IN THE NORTH VALLEY JUSTICE COURT**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **Cavalry SPV I, LLC, as assignee of HSBC Bank**
11 **Nevada, N.A./Capital One Bank USA, N.A.**

12 **Plaintiff/Judgment Creditor,**

13 **v.**
14 **EFFIE F MAGOULAS**

15 **Defendant(s)/Judgment Debtor(s)**

16 **Radiant Skin LLC**
17 **Garnishee**

18 **NO. CC2014-101095**

19 **ANSWER OF GARNISHEE**
20 **(Earnings-Continuing Lien)**

21 1. I am the above named Garnishee or am authorized by the Garnishee to make this Affidavit
22 on its behalf, regarding the Writ of Garnishment served on Garnishee on this
23 date: _____.

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

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27 days after the date of service of the Writ?

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5 _____ Yes _____ No

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

9 Judgment Balance: _____

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

13
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16 Hearing and Non-exempt Earning Statement were delivered to the Judgment Debtor on: _____

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9 Garnishee reasonable compensation in the amount of \$ _____.

10 STATE OF ARIZONA)
11) ss.
12 COUNTY OF _____)

13 _____
Signature of Garnishee or Authorized Agent

14
15 SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__

16 _____
NOTARY PUBLIC

17 My commission expires:
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Nelson Ewing, II #014418
Attorney for Plaintiff

IN THE NORTH VALLEY JUSTICE COURT
IN AND FOR THE COUNTY OF MARICOPA

Cavalry SPV I, LLC, as assignee of HSBC Bank
Nevada, N.A./Capital One Bank USA, N.A.

Plaintiff/Judgment Creditor,

v.
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Defendant(s)/Judgment Debtor(s)

Radiant Skin LLC
Garnishee

NO. CC2014-101095

ANSWER OF GARNISHEE
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2. Was the 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?

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1 1
2 2

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5 _____ Yes _____ No

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9 ☐ Bi-weekly ☐ Other _____

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11 Judgment Balance: _____

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

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

15 9. Did the Garnishee answer "yes" to either question #2 or #6?

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1 11. Garnishee's name, address and telephone number is *(you, the employer, are the garnishee)*:
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5 12. I have read the foregoing document and know of my own knowledge that the facts stated
6 therein are true and correct:
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8 WHEREFORE, Garnishee prays that Garnishee be discharged on this Answer and the Court award
9 Garnishee reasonable compensation in the amount of \$ _____.

10 STATE OF ARIZONA)
11) ss.
12 COUNTY OF _____)

13 _____
14 Signature of Garnishee or Authorized Agent

15 SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__

16 _____
17 NOTARY PUBLIC

18 My commission expires:
19 _____
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23
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25
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11

1 **Ewing & Ewing Attorneys, P.C.**
2 **4050 East Cotton Center Boulevard**
3 **Suite 18**
4 **Phoenix, AZ 85040**
5 **Telephone (800) 861-5308 • Facsimile (800) 861-3811**

6 **Nelson Ewing, II #014418**
7 *Attorney for Plaintiff*

8 **IN THE NORTH VALLEY JUSTICE COURT**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **Cavalry SPV I, LLC, as assignee of HSBC Bank**
11 **Nevada, N.A./Capital One Bank USA, N.A.**

12 **Plaintiff/Judgment Creditor,**

13 **v.**

14 **EFFIE F MAGOULAS**

15 **Defendant(s)/Judgment Debtor(s)**

16 **Radiant Skin LLC**

17 **Garnishee**

18 **NO. CC2014-101095**

19 **SECOND NOTICE TO**
20 **JUDGMENT DEBTOR OF**
21 **GARNISHMENT**

22 **NOTICE TO JUDGMENT DEBTOR**

23 This is your second notice that a writ of garnishment has been issued in this case. The writ is a
24 court order requiring the garnishee to withhold a certain amount from your earning and to continue to
25 withhold a portion of your earnings until the judgment is satisfied or the writ is quashed.

26 The law provides that a certain amount of each paycheck or other periodic earnings is exempt from
27 collection by a writ of garnishment. In some cases of very low income no amount can be garnisheed except
for an order for support of a person. On each payday, you will get a statement showing how much can be
taken out, which is set by federal and state law. This will continue until the judgment is paid in full or the
court orders the garnishee to stop.

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

1. Judgment creditor does not have a valid judgment against you or the judgment has been paid in full.
2. 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. Judgment creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified debt counseling organization.

To request a hearing, deliver the request for hearing form to the clerk of this court. You must mail or deliver a copy of the request for hearing to garnishee and to judgment creditor or his attorney at the addresses on the writ of garnishment.

If you do not deliver the request for hearing form to this court within 10 days after the date you receive this notice and the answer of garnishee, your request for hearing will be denied, unless good cause for 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 10 days after your request is received by the court. The court will send you notice of the date, time and place.

The nonexempt portion of your earnings will continue to be withheld by garnishee and delivered to 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 sometime in the future, you will have the same opportunity to request a hearing at that time.

WARNING: IF YOU WANT A HEARING NOW, YOU MUST FILE A HEARING REQUEST WITHIN 10 DAYS FROM THE DATE YOU RECEIVED THIS NOTICE.

1 **Ewing & Ewing Attorneys, P.C.**
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3 **Suite 18**
4 **Phoenix, AZ 85040**
5 **Telephone (800) 861-5308 • Facsimile (800) 861-3811**

6 **Nelson Ewing, II #014418**
7 *Attorney for Plaintiff*

8 **IN THE NORTH VALLEY JUSTICE COURT**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Cavalry SPV I, LLC, as assignee of HSBC Bank
11 Nevada, N.A./Capital One Bank USA, N.A.

12 Plaintiff/Judgment Creditor,

13 v.

14 EFFIE F MAGOULAS

15 Defendant(s)/Judgment Debtor(s)

16 Radiant Skin LLC
17 Garnishee

18 **NO. CC2014-101095**

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2 4050 East Cotton Center Boulevard
3 Suite 18
4 Phoenix, AZ 85040
5 Telephone (800) 861-5308 • Facsimile (800) 861-3811

6 Nelson Ewing, II #014418
7 Attorney for Plaintiff

8 IN THE NORTH VALLEY JUSTICE COURT
9
10 IN AND FOR THE COUNTY OF MARICOPA
11

12 Cavalry SPV I, LLC, as assignee of HSBC Bank
13 Nevada, N.A./Capital One Bank USA, N.A.

14 Plaintiff/Judgment Creditor,

15 v.

16 EFFIE F MAGOULAS

17 Defendant(s)/Judgment Debtor(s)

18 Radiant Skin LLC

19 Garnishee

20 NO. CC2014-101095

21 2nd REQUEST FOR
22 HEARING ON
23 GARNISHMENT OF
24 EARNINGS

25 I REQUEST A HEARING BECAUSE:

26 If you believe that the amount of your non-exempt earnings has been incorrectly calculated for this
27 pay period or that no amount should have been withheld because the Garnishment or underlying
Judgment is invalid, satisfied or superseded, you may request a hearing within ten (10) days after
receiving the attached Non-exempt Earnings Statement by completing this request for Hearing and
delivering it to the Court. Deliver a copy of your Request for Hearings to the Judgment Creditor
and the Garnishee.

1. _____ The Judgment Creditor does not have a valid Judgment against me.
2. _____ The Judgment has been paid in full.
3. _____ The debt of the Judgment Creditor is subject to an effective agreement for
debt scheduling between me and a qualified consumer credit counseling service.
4. _____ My earnings are already subject to a Writ of Garnishment or court order for
payment of support.

- 1 5. _____ The Garnishee's answer is incorrect.
- 2 6. _____ The Non-exempt Earnings Statement is incorrectly filled out.
- 3 7. _____ On my normal payday I received no earnings (paycheck).
- 4 8. _____ My employer has not delivered to me the Notice to Judgment Debtor,
answer of Garnishee (Employer) and Request for hearing forms within ten (10)
5 days.
- 6 9. _____ A copy of the Non-exempt Earnings Statements did not accompany my
paycheck.
- 7 10. _____ Other: _____
- 8
- 9

10 _____
Name of Judgment Debtor (Print)

Signature of Judgment Debtor

11 _____
Date

Mailing Address

12 _____
City, State, Zip Code

13 _____
Telephone Number

14 _____
Name of Judgment Debtor (Print)

15 _____
Signature of Judgment Debtor

16 _____
Date

17 _____
Mailing Address

18 _____
City, State, Zip Code

19 _____
Telephone Number

20

21

22

23 WARNING: YOU WAIVE YOUR RIGHT TO A HEARING ON THE MONIES
24 WITHHELD IN THIS PAY PERIOD UNLESS YOU FILE THIS REQUEST FOR HEARING
25 WITHIN TEN (10) DAYS AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW
26 GOOD CAUSE FOR FILING THE REQUEST LATE.
27

11

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4050 East Cotton Center Boulevard
Suite 18
Phoenix, AZ 85040
Telephone (800) 861-5308 • Facsimile (800) 861-3811

Nelson Ewing, II #014418
Attorney for Plaintiff

IN THE NORTH VALLEY JUSTICE COURT
IN AND FOR THE COUNTY OF MARICOPA

Cavalry SPV I, LLC, as assignee of HSBC Bank
Nevada, N.A./Capital One Bank USA, N.A.

Plaintiff/Judgment Creditor,

v.

EFFIE F MAGOULAS

Defendant(s)/Judgment Debtor(s)

Radiant Skin LLC

Garnishee

NO. CC2014-101095

**2nd REQUEST FOR
HEARING ON
GARNISHMENT OF
EARNINGS**

I REQUEST A HEARING BECAUSE:

If you believe that the amount of your non-exempt earnings has been incorrectly calculated for this pay period or that no amount should have been withheld because the Garnishment or underlying Judgment is invalid, satisfied or superseded, you may request a hearing within ten (10) days after receiving the attached Non-exempt Earnings Statement by completing this request for Hearing and delivering it to the Court. Deliver a copy of your Request for Hearings to the Judgment Creditor and the Garnishee.

1. _____ The Judgment Creditor does not have a valid Judgment against me.
2. _____ The Judgment has been paid in full.
3. _____ The debt of the Judgment Creditor is subject to an effective agreement for debt scheduling between me and a qualified consumer credit counseling service.
4. _____ My earnings are already subject to a Writ of Garnishment or court order for payment of support.

• 2 •

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paycheck.
- 7 10. _____ Other: _____
- 8
- 9

10 _____
Name of Judgment Debtor (Print)

Signature of Judgment Debtor

11 _____
Date

Mailing Address

12 _____
City, State, Zip Code

13 _____
Telephone Number

14 _____
Name of Judgment Debtor (Print)

15 _____
Signature of Judgment Debtor

16 _____
Date

17 _____
Mailing Address

18 _____
City, State, Zip Code

19 _____
Telephone Number

20
21
22
23 WARNING: YOU WAIVE YOUR RIGHT TO A HEARING ON THE MONIES
24 WITHHELD IN THIS PAY PERIOD UNLESS YOU FILE THIS REQUEST FOR HEARING
25 WITHIN TEN (10) DAYS AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW
26 GOOD CAUSE FOR FILING THE REQUEST LATE.
27

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4050 East Cotton Center Boulevard
Suite 18
Phoenix, AZ 85040
Telephone (800) 861-5308 • Facsimile (800) 861-3811

Nelson Ewing, II #014418
Attorney for Plaintiff

NON-EXEMPT EARNINGS STATEMENT
(Judgment Not For Support)

JUSTICE COURT NORTH VALLEY MARICOPA COUNTY

JUDGMENT DEBTOR: **EFFIE F MAGOULAS**

JUDGMENT CREDITOR: *Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One Bank USA, N.A.*

CASE NO.: **CC2014-101095**

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

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

2a. Gross Earnings. 2a. \$ _____

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

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

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

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

10

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

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

5 7. Subtract line 6 from line 5 and enter here. THIS IS THE 7. \$ _____
6 AMOUNT OF NON-EXEMPT EARNINGS YOU ARE
TO WITHHOLD AND FORWARD TO THE JUDGMENT
CREDITOR'S ATTORNEY WITH THIS STATEMENT AT:

7 EWING & EWING ATTORNEYS, P.C.
8 4050 E COTTON CENTER BLVD
9 SUITE 18
10 PHOENIX, AZ 85040

11 _____
12 Garnishee's Name (print)

Garnishee's Signature

13 _____
14 Date

Mailing Address

15 _____
16 City, State and Zip Code

17 _____
18 Telephone Number
19
20
21
22
23
24
25
26
27

11

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4 **Phoenix, AZ 85040**
5 **Telephone (800) 861-5308 • Facsimile (800) 861-3811**

6 Nelson Ewing, II #014418
7 *Attorney for Plaintiff*

8
9
10 **NON-EXEMPT EARNINGS STATEMENT**
11 **(Judgment Not For Support)**

12 **JUSTICE COURT NORTH VALLEY MARICOPA COUNTY**

13 **JUDGMENT DEBTOR: *EFFIE F MAGOULAS***

14 **JUDGMENT CREDITOR: *Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One***
15 ***Bank USA, N.A.***

16 **CASE NO.: *CC2014-101095***

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8 4050 E COTTON CENTER BLVD
9 SUITE 18
10 PHOENIX, AZ 85040

11 _____
12 Garnishee's Name (print)

Garnishee's Signature

13 _____
14 Date

Mailing Address

15 _____
16 City, State and Zip Code

17 _____
18 Telephone Number
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44

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8 **NON-EXEMPT EARNINGS STATEMENT**
9 **(Judgment Not For Support)**

10 **JUSTICE COURT NORTH VALLEY MARICOPA COUNTY**

11 **JUDGMENT DEBTOR: *EFFIE F MAGOULAS***

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13 ***Bank USA, N.A.***

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8 4050 E COTTON CENTER BLVD
9 SUITE 18
10 PHOENIX, AZ 85040

11 _____
12 Garnishee's Name (print)

Garnishee's Signature

13 _____
14 Date

Mailing Address

15 _____
16 City, State and Zip Code

17 _____
18 Telephone Number
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6 Nelson Ewing, II #014418
7 Attorney for Plaintiff

8 NON-EXEMPT EARNINGS STATEMENT
9 (Judgment Not For Support)

10 JUSTICE COURT NORTH VALLEY MARICOPA COUNTY

11 JUDGMENT DEBTOR: *EFFIE F MAGOULAS*

12 JUDGMENT CREDITOR: *Cavalry SPV I, LLC, as assignee of HSBC Bank Nevada, N.A./Capital One*
13 *Bank USA, N.A.*

14 CASE NO.: *CC2014-101095*

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16 (Beginning Date) (Ending Date)

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8 4050 E COTTON CENTER BLVD
9 SUITE 18
10 PHOENIX, AZ 85040

11 _____
12 Garnishee's Name (print)

Garnishee's Signature

13 _____
14 Date

Mailing Address

15 _____
16 City, State and Zip Code

17 _____
18 Telephone Number
19
20
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22

Corporate Inquiry

05/14/2015

State of Arizona Public Access System

2:07 PM

File Number: L-1736646-0

Corp. Name: RADIANT SKIN LLC

Domestic Address

7155 W CAMPOBELO DR A-11

GLENDAL, AZ 85308

Second Address

Agent: EFFIE MAGOULAS

Status: APPOINTED 02/02/2012

Mailing Address:

7155 W CAMPO BELLO DR A-1

GLENDAL, AZ 85308

Agent Last Updated: 04/25/2014

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 02/02/2012

Approval Date: 02/23/2012

Last A/R Received: /

Date A/R Entered:

Next Report Due:

ROBERT LYON



691357

EZ Messenger
2502 N. BLACK CANYON HIGHWAY
PHOENIX, AZ85009
602.258.8081
Fax#: 602.258.8864

In The NORTH VALLEY JUSTICE COURT
State of ARIZONA, County of MARICOPA

Affidavit of Attempted Service

CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC
BANK NEVADA, N.A./CAPITAL ONE BANK USA, N.A.
Vs.
EFFIE F MAGOULAS

Case No.: CC2014101095
Court Date: N/A
Judge: WILLIAMS

STATE OF ARIZONA
MARICOPA

The Affiant, being sworn, states; That I am a private process server registered in MARICOPA COUNTY and an officer of the court. On 04/17/2015 I received LETTER; (2) WRIT OF GARNISHMENT OF EARNINGS AND SUMMONS; STIPULATED JUDGMENT; (2) INSTRUCTIONS TO GARNISHEE; (4) ANSWER OF GARNISHEE; (2) SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT; (2) SECOND REQUEST FOR HEARING ON GARNISHMENT OF EARNINGS; (4) NON-EXEMPT EARNINGS STATEMENT from EWING & EWING, P.C. (ARIZONA) and by NELSON EWING II. In each instance I personally attempted to serve a copy of each document listed above upon RADIANT SKIN LLC by service upon its statutory agent EFFIE MAGOULAS. The following are my attempts to deliver said documents:

Date	Time	Results
2015-04-20 Monday	11:27 AM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 BY APPOINTMENT ONLY NOT OPEN REGULAR BUSINESS HOURS
2015-04-22 Wednesday	11:33 AM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 ATTEMPTED SERVICE AT THE GIVEN ADDRESS AND RECEIVED NO RESPONSE AT DOOR. BY APPOINTMENT ONLY LEFT MESSAGE
2015-04-23 Thursday	4:20 PM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 ATTEMPTED SERVICE AT GIVEN ADDRESS TO NO RESPONE. BY APPONTMENT ONLY LEFT MESSAGE.
2015-04-25 Saturday	9:10 AM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 BUSINESS CLOSED
2015-04-29 Wednesday	3:45 PM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 BUSINESS CLOSED ONLY BY APPOINTMENT NO RESPONSE TO MESSAGES LEFT AT 480-766-2551 LISTED PHONE #
2015-05-04 Monday	11:19 AM	7155 W CAMPO BELLO DR, STE A 1 , Glendale, AZ85308 PROBLEM. THIS LOCATION IS BY APPOINTMENT ONLY. ATTEMPTS MADE BUT OFFICE CLOSED LEFT MESSAGES AT BUSINESS PHONE # AND ON DOOR TO NO RESPONSE.ACC SHOWS EFFIE MAGOULAS AT 1478 W WILLOW SURPRISE AZ AS MANAGING AGENT NOTE THIS ADDRESS IS MISSING A DIGIT.PHONE # IN DIRECTORY IS 480-766-2551

/S/ GILBERT J. TREJO, ACPS

GILBERT J. TREJO, ACPS

Sworn to before me 05/13/2015

Affiant

/S/ JESSICA GRIMES

JESSICA GRIMES

Commission expires:12/01/2017

No Charge For Service \$ 0.00

TOTAL: \$ 0.00

Client Ref: 17870050

Client: EWING & EWING, P.C.
(ARIZONA)

CLIENT COPY

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

User Id: JBARKER
Invoice No.: 4768840

Check Batch:
Invoice Date: 05/14/2015
Date Received: 05/14/2015
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity Description

Amount

1 SERVICE OF PROCESS
L-1736646-0 RADIANT SKIN LLC

\$25.00

Total Documents: \$ 25.00

CHECK 0846 \$25.00
PAYMENT

Balance Due: \$ 0.00

