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JODI JERICH

Executive Director

PATRICIA L. BARFIELD

Director  
Corporations Division

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



## ARIZONA CORPORATION COMMISSION

Date 07/14/2015

RIVERFRONT RV PARK, LLC  
1532 S PRICE RD  
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 07/09/2015 as agent for RIVERFRONT RV PARK, LLC:

Case caption: ASSOCIATED BANK NATIONAL ASSOCIATION v. D. TIMOTHY BYRNE et.al,  
Case number: MC-15-42-PHX Court: DISTRICT OF ARIZONA, THE UNITED STATES DISTRICT 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 WB

File number L-1096199-7



**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 **07/14/2015**, **WALTER M BRICENO**, 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 **RIVERFRONT RV PARK, LLC**.

Case caption: **ASSOCIATED BANK NATIONAL ASSOCIATION v. D. TIMOTHY BYRNE et.al**,  
Case number: **MC-15-42-PHX**  
Court: **DISTRICT OF ARIZONA, THE UNITED STATES DISTRICT COURT**

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

On **07/14/2015**, 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:

**RIVERFRONT RV PARK, LLC**  
**1532 S PRICE RD**  
**TEMPE AZ 85281**

**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: **WALTER M BRICENO**

Date: **07/14/2015**

Signature: Walter M Briceno



Phoenix Professional Services  
4848 E. Cactus Road, Ste. 505-84  
Scottsdale, AZ 85254  
(602) 337-7128

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF ARIZONA

ASSOCIATED BANK NATIONAL ASSOCIATION,

Plaintiff

CASE NO. MC-15-42-PHX

vs.

D. TIMOTHY BYRNE; MARK R MOLEPSKI and JOHN F  
WALSH

Defendant.

CERTIFICATE OF SERVICE  
OF PROCESS

I, the Affiant, certify under penalty of perjury that I am fully qualified to serve process in this case, having been so appointed by the Court; that I have received and served the following documents in the manner set forth below:

RECEIVED FROM: David I Ingrassia, Esq.

DATE RECEIVED: June 23, 2015

DOCUMENTS: Writ of Garnishment and Summons-Earnings, Notice to Judgment Debtor, Non-exempt Earnings Statement, Request for Hearing on Garnishment of Earnings, Request for Hearing on Non-Exempt Earnings Statement, Instructions to Garnishee, Answer of Garnishee, Notice of Hearing on Garnishment, copy of the Judgment,

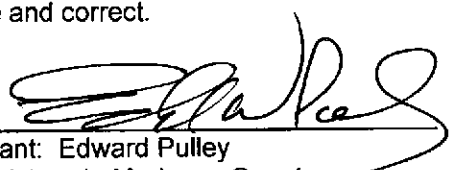
UPON: RIVERFRONT RV PARK, LLC, c/o American Synergy Management, Statutory Agent, as Garnishee

ADDRESS: 1532 S Price Road, Tempe, AZ 85281

MANNER: Numerous attempts to complete service at address of Statutory Agent. Attempt 6/26/15, 1:35 pm, office closed. Attempt 6/27/15, 3:45 pm, closed. Attempt 7/2/15, 1:20 pm, spoke with receptionist who refused to accept service, stating that no one at that address could accept service upon the business.

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

Dated this 6th day of July, 2015.

  
Affiant: Edward Pulley  
Registered: Maricopa County

Service:	16.00	
Travel miles:	0	0.00
Attempt miles:	15	0.00 6/26/15, 1:35 pm, closed
Attempt miles:	15	0.00 6/27/15, 3:45 pm, closed
Attempt miles:	15	0.00 7/2/15, 1:20, spoke with receptionist who refused to accept service, stating that no one at that location was able to accept service.
Other:	0.00	
Cert Prep fee:	8.00	
	<u>\$24.00</u>	



1 David N. Ingrassia (#010936)  
2 DAVID N. INGRASSIA, P.C.  
3 3961 E. Chandler Boulevard, Suite 111-119  
4 Phoenix, AZ 85048  
5 Telephone: (602) 604-0099  
6 Facsimile: (602) 604-0110  
7 Email: david.ingrassia@cox.net  
8 Attorney for Judgment Creditor Cadles Of Grassy Meadows, II, LLC

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

ASSOCIATED BANK NATIONAL  
ASSOCIATION,

Plaintiff,

vs.

D. TIMOTHY BYRNE, MARK R.  
MOLEPSKE, and JOHN F. WALSH,

Defendant,

RIVERFRONT RV PARK, LLC,

Garnishee

No. MC-15-42-PHX

WRIT OF GARNISHMENT AND  
SUMMONS

(EARNINGS)

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

JUDGMENT CREDITOR'S CLAIM OF \$1,453,161.47, together with interest,  
costs and other relief in this action against the following Judgment Debtor:

Mr. John F. Walsh  
1609 SW 5th Street  
Fort Lauderdale, FL 33312





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

4           The Judgment Creditor states as follows:

5           1.     Judgment Creditor has a Judgment against the above-described Judgment  
6 Debtor(s) in the amount of \$1,453,161.47 as of June 22, 2015.

7           2.     The rate of interest on this Judgment is 0.26% per annum.

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

9                     Riverfront RV Park, LLC  
10                    1532 S. Price Rd.  
11                    Tempe, AZ 85281

12           4.     The last known mailing address of Judgment Debtor(s) is:

13                    Mr. John F. Walsh  
14                    1609 SW 5th Street  
15                    Fort Lauderdale, FL 33312

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

17                    Cadles Of Grassy Meadows, II, LLC  
18                    c/o David N. Ingrassia, P.C.  
19                    3961 E. Chandler Boulevard, Suite 111-119  
20                    Phoenix, AZ 85048

21           And its attorney's name and address are:

22                    David N. Ingrassia  
23                    DAVID N. INGRASSIA, P.C.  
24                    3961 E. Chandler Boulevard, Suite 111-119  
25                    Phoenix, Arizona 85048

26           **TO THE ABOVE-NAMED GARNISHEE:**



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

3 1. Whether the Judgment Debtor was employed by the Garnishee on the date  
4 the Writ was served;

5 2. Whether the Garnishee anticipated owing earnings within sixty (60) days  
6 after the date of service of the Writ;

7 3. If the Garnishee is unable to determine the identity of the Judgment Debtor  
8 after making a good faith effort to do so, a statement of the effort made and reasons for  
9 such inability.

10 4. The dates of the next two paydays occurring after the date of service of the  
11 Writ.

12 5. The pay period of the Judgment Debtor, whether weekly, biweekly,  
13 semimonthly, monthly or another specified period.

14 6. The amount of the outstanding Judgment now due and owing as stated in  
15 the Writ.

16 7. Whether the Judgment Debtor is subject to an existing wage assignment,  
17 garnishment or levy, and if so, the name, address and telephone number of that Judgment  
18 Creditor.

19 8. The name, address and telephone number of the Garnishee.

20 9. The date and manner of delivery of a copy of the Answer to the Judgment  
21 Debtor(s) and Judgment Creditor.

22 **FROM AND AFTER SERVICE** of the Writ of Garnishment, the Garnishee shall  
23



1 not pay to the Judgment Debtor(s) any earnings which are not exempt.

2 **IF IT APPEARS FROM THE ANSWER OF THE GARNISHEE** that the  
3 Garnishee was indebted to the Judgment Debtor(s) for disposable earnings when the writ  
4 was served, the garnishment shall be continuing in nature, subject to the following  
5 conditions:  
6

7 10. The garnishment constitutes a lien against nonexempt earnings.

8 11. The garnishment is the equivalent of a court ordered assignment,  
9 compelling the garnishee to remit the nonexempt earnings to the Plaintiff, as they are  
10 earned, A.R.S. Section 12-1598.10.  
11

12 12. The garnishment shall survive until any of the following occurs:  
13

14 a. The underlying judgment is satisfied in full, is vacated, or expires.

15 b. The Judgment Debtor(s) leaves the Garnishee's employ for more  
16 than sixty (60) days.

17 c. The Judgment Creditor releases the garnishment.

18 d. The proceedings are stayed by a court of competent jurisdiction,  
19 including the United States Bankruptcy Court.  
20

21 e. The Judgment Debtor(s) has not earned any nonexempt earnings for  
22 at least sixty (60) days.  
23

24 f. The Court orders that the garnishment be quashed.  
25

26 13. Garnishments, levies and wage assignments which are not for the support  
27 of a person are inferior to wage assignments for the support of a person. Garnishments  
28 which are not for the support of a person and levies are inferior to garnishments for the



1 support of a person.

2       14. If a Judgment Debtor's earnings become subject to more than one Writ of  
3 Garnishment, and because of the application of the priorities, a Judgment Creditor  
4 recovers no nonexempt earnings for two (2) consecutive paydays, the lien on earnings of  
5 such Judgment Creditor is invalid and of no force and effect, and the Garnishee shall  
6 notify the Judgment Creditor accordingly.  
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1  
2  
3 **SUMMONS**  
4

5 In obedience to the attached and foregoing Writ of Garnishment, **I DO HEREBY**  
6 **SUMMON AND REQUIRE YOU TO APPEAR** and answer the foregoing Writ and in  
7 the manner prescribed by law within the times prescribed in said Writ. You are hereby  
8 notified that in case you fail to so answer, the Court may issue an order requiring you to  
9 appear in person before it to answer the Writ or to file and serve, at least five (5) days  
10 before the appearance date, a copy of the answer on the party for whom the Writ has been  
11 issued, or on his attorney if the party is represented by counsel. If you fail to appear or to  
12 file and serve the answer as specified in the order, judgment by default may be rendered  
13 against you for the full amount of the relief demanded in the Complaint of the Plaintiff  
14 and not merely for the amount you may owe to the Defendant, and that such judgment  
15 may be so rendered in addition to any other matters which may be adjudged against you  
16 as prescribed by law.  
17

18 **SIGNED AND SEALED** this date:  
19

6/23/2015

20  
21 **BRIAN D. KARTH**  
22

Clerk

23  
24 By

*Kathy Guichon*  
Deputy Clerk  
25  
26  
27  
28



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8 Attorney for Judgment Creditor Cadles Of Grassy Meadows, II, LLC

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 ASSOCIATED BANK NATIONAL  
12 ASSOCIATION,

13 Plaintiff,

14 vs.

15 D. TIMOTHY BYRNE, MARK R.  
16 MOLEPSKE, and JOHN F. WALSH,

17 Defendant,

18 RIVERFRONT RV PARK, LLC,

19 Garnishee

No. MC-15-42-PHX

ANSWER OF GARNISHEE

(EARNINGS)

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

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

25 ( ) Yes

( ) No

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

28 ( ) Yes

( ) No



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

5a. \_\_\_\_\_ 5b. \_\_\_\_\_

( ) Yes ( ) No

☐ daily                      ☐ bi-weekly                      ☐ monthly

( ) weekly            ( ) semi-monthly            ( ) other: \_\_\_\_\_

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

Judgment Balance \$ \_\_\_\_\_

( ) Yes ( ) No

9. Did 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:

By: ( ) Hand delivery;









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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

ASSOCIATED BANK NATIONAL  
ASSOCIATION,

Plaintiff,

vs.

D. TIMOTHY BYRNE, MARK R.  
MOLEPSKE, and JOHN F. WALSH,

Defendant,

RIVERFRONT RV PARK, LLC,

Garnishee

No. MC-15-42-PHX

INITIAL 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.**

To collect his Judgment against you the Judgment Creditor has asked this court to issue a Writ of Garnishment (see copy of Writ attached). Information about the Judgment and the name and address of the Judgment Creditor and Garnishee are stated in the Writ and the copy of the Judgment, which is attached.



1  
2 The Writ of Garnishment is a court order requiring the Garnishee to withhold a  
3 certain amount from your earnings and to continue to withhold a portion of your earnings  
4 until the judgment is satisfied or the Writ is quashed by the court or released by the  
5 Judgment Creditor.

6 The law provides that a certain amount of each paycheck or other earnings is  
7 exempt from collection by a Writ of Garnishment. In some cases of very low income no  
8 amount can be garnished except for an Order for Support of a Person. Different  
9 exemption rights may apply to the collection of taxes.

10 Within ten (10) days after the date the Garnishee was served with the Writ of  
11 Garnishment, he is required to deliver to you the following documents:

- 12 1. Answer of Garnishee
- 13 2. Notice to Judgment Debtors, which explains your rights and the procedures in the  
14 Garnishment process.
- 15 3. Request for Hearing form, which you can use to request a hearing if you believe  
16 that the amount withheld from your earnings is greater than the law allows or that  
17 the Garnishment is invalid.

18 On each normal payday you should receive some earnings (paycheck) for the amount  
19 the Garnishee calculates is protected by law. That calculation is made on a Nonexempt  
20 Earnings Statement, a copy of which should accompany your paycheck. If the Judgment  
21 Creditor's debt is subject to an effective agreement for debt scheduling between you and  
22 a qualified Consumer Credit Counseling Service and if you do not receive a paycheck, or  
23 if a copy of the Nonexempt Earnings Statement does not accompany your paycheck, you  
24 may request a hearing.

25 To request a hearing for the reasons described above, fill out the attached Request for  
26 Hearing form and deliver it to this Court's clerk office. At the same time you must  
27 deliver a copy (photocopy or handwritten) of the Request for Hearing to the Garnishee  
28



1 and to the Judgment Creditor, or his attorney, at the address stated on the Writ of  
2 Garnishment.

3 You will also be given the opportunity to request a hearing after you receive the  
4 Answer of Garnishee. A request for hearing can be made no later than ten (10) days after  
5 you receive the Answer of Garnishee, unless good cause is shown why the request was  
6 filed later.

7 If you request a hearing, the Court will set the hearing within ten (10) days of the date  
8 you submitted your Request for Hearing, and the Court will notify you, the Judgment  
9 Creditor and the Garnishee of the date, time and place of the hearing.  
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8 Attorney for Judgment Creditor Cadles Of Grassy Meadows, II, LLC

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 ASSOCIATED BANK NATIONAL  
12 ASSOCIATION,

13 Plaintiff,  
14 vs.

15 D. TIMOTHY BYRNE, MARK R.  
16 MOLEPSKE, and JOHN F. WALSH,

17 Defendant,

18 RIVERFRONT RV PARK, LLC,

19 Garnishee

No. MC-15-42-PHX

SECOND NOTICE TO THE  
JUDGMENT DEBTOR

(EARNINGS)

20 **AVISO**

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

26 **NOTICE TO JUDGMENT DEBTOR**

27 This is your second notice that a writ of garnishment has been issued in this case.  
28 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.





1 The law provides that a certain amount of each paycheck or other periodic  
2 earnings is exempt from collection by a writ of garnishment. In some cases of very low  
3 income no amount can be garnished except for an order for support of a person.

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

7 1. The judgment creditor does not have a valid judgment against you or the  
8 judgment has been paid in full.

9 2. The garnishee's answer is incorrect.

10 3. Your earnings are already subject to a writ of garnishment or are subject to  
11 a court ordered assignment for payment of support.

12 4. The judgment creditor's debt is subject to an effective agreement for debt  
13 scheduling between you and a qualified debt counseling organization.

14 To request a hearing, deliver the request for hearing form appearing below, or a  
15 substantially similar form, to the clerk of this court or the justice of the peace. You must  
16 mail or deliver a copy of the request for hearing to the garnishee and to the judgment  
17 creditor or his attorney at the address on the writ of garnishment.

18 If you do not deliver the request for hearing form to this court within ten days after  
19 the date you receive this notice and the answer of the garnishee, your request for hearing  
20 will be denied, unless good cause for the delay is shown. You must check a box or state  
21 your reasons for disputing the claim in the space provided on the form.

22 If you request a hearing, it will be conducted no later than ten days after your  
23 request is received by the court. The court will send you notice of the date, time and  
24 place.

25 The nonexempt portion of your earnings will continue to be withheld by the  
26 garnishee and delivered to the judgment creditor until the judgment is paid in full, or the  
27 garnishment is ordered to stop. Whether or not you request a hearing at this time, if you  
28 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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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 ASSOCIATED BANK NATIONAL  
12 ASSOCIATION,

13 Plaintiff,

14 vs.

15 D. TIMOTHY BYRNE, MARK R.  
16 MOLEPSKE, and JOHN F. WALSH,

17 Defendant,

18 RIVERFRONT RV PARK, LLC,

19 Garnishee

No. MC-15-42-PHX

REQUEST FOR HEARING  
(FORM #1)

(EARNINGS)

20 I request a hearing because:

21 \_\_\_\_\_ The Judgment Creditor does not have a valid Judgment against me.

22 \_\_\_\_\_ The judgment has been paid in full.

23 \_\_\_\_\_ The garnishee's answer is incorrect.

24 \_\_\_\_\_ My earnings are already subject to a writ of garnishment or court ordered  
25 assignment for payment of support.

26 \_\_\_\_\_ Other: \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_



1  
2  
3 Name of Judgment Debtor (Print)

Signature of Judgment Debtor

4  
5 Date

Mailing Address

6  
7  
8 City, State, Zip Code

9  
10  
11 Telephone Number

12  
13 WARNING: You waive your right to a hearing on the monies withheld in this pay  
14 period unless you file this request for hearing within ten days after receiving the  
garnishee's answer or show good cause for filing the request late.

15  
16 I mailed a copy to:

17  
18 David N. Ingrassia  
19 David N. Ingrassia, P.C.  
20 3961 E. Chandler Boulevard, Suite 111-119  
Phoenix, AZ 85048

21 On \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
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1 David N. Ingrassia (#010936)  
2 DAVID N. INGRASSIA, P.C.  
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9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE DISTRICT OF ARIZONA

11 ASSOCIATED BANK NATIONAL  
12 ASSOCIATION,

13 Plaintiff,  
14 vs.

15 D. TIMOTHY BYRNE, MARK R.  
16 MOLEPSKE, and JOHN F. WALSH,

17 Defendant,

18 RIVERFRONT RV PARK, LLC,

19 Garnishee

No. MC-15-42-PHX

REQUEST FOR HEARING  
(FORM #2)

(EARNINGS)

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

27 I request a hearing for the following reason:

28 \_\_\_\_\_ The nonexempt earnings statement is incorrectly filled out.





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Other: \_\_\_\_\_

\_\_\_\_\_  
Name of Judgment Debtor (Print)

\_\_\_\_\_  
Signature of Judgment Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

I mailed a copy to:

David N. Ingrassia  
David N. Ingrassia, P.C.  
3961 E. Chandler Boulevard, Suite 111-119  
Phoenix, AZ 85048

On \_\_\_\_/\_\_\_\_/\_\_\_\_



1 David N. Ingrassia (#010936)  
2 DAVID N. INGRASSIA, P.C.  
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4 Phoenix, AZ 85048  
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7 Email: david.ingrassia@cox.net  
8 Attorney for Judgment Creditor Cadles Of Grassy Meadows, II, LLC

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 ASSOCIATED BANK NATIONAL  
12 ASSOCIATION,

13 Plaintiff,  
14 vs.

15 D. TIMOTHY BYRNE, MARK R.  
16 MOLEPSKE, and JOHN F. WALSH,

17 Defendant,

18 RIVERFRONT RV PARK, LLC

19 Garnishee

No. MC-15-42-PHX

REQUEST FOR HEARING  
(FORM #3)

(EARNINGS)

20 I request a hearing because:

21 \_\_\_\_\_ On my normal payday I received no earnings (paycheck).

22 \_\_\_\_\_ A copy of the Nonexempt Earnings Statement did not accompany my paycheck.

23 \_\_\_\_\_ The Judgment Creditor does not have a valid Judgment or that Judgment has been  
24 paid in full.

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



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\_\_\_\_\_ The debt of the Judgment Creditor is subject to an effective agreement for debt scheduling between me and a qualified consumer credit counseling service.

\_\_\_\_\_  
Name of Judgment Debtor (Print)

\_\_\_\_\_  
Signature of Judgment Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

I mailed a copy to:

David N. Ingrassia  
David N. Ingrassia, P.C.  
3961 E. Chandler Boulevard, Suite 111-119  
Phoenix, AZ 85048

On \_\_\_\_/\_\_\_\_/\_\_\_\_



**NONEXEMPT EARNINGS STATEMENT  
(JUDGMENT NOT FOR SUPPORT)**

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF ARIZONA

CASE NO. **MC-15-42-PHX**

JUDGMENT DEBTORS: JOHN F. WALSH

JUDGMENT CREDITOR: CADLES OF GRASSY MEADOWS, II, LLC

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. \_\_\_\_\_  
(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 wage  
Is \$ \_\_\_\_\_ 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  
Judgment Debtor's earnings because  
of a court ordered Assignment for  
Support of a Person or 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  
THIS JUDGMENT CREDITOR WITH  
THIS STATEMENT.

7. \$ \_\_\_\_\_

\_\_\_\_\_  
Garnishee's Name

\_\_\_\_\_  
Garnishee's Signature

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number



## INSTRUCTIONS TO GARNISHEE:

Riverfront RV Park, LLC  
1532 S. Price Rd.  
Tempe, AZ 85281

### 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, and two (2) copies of a Request for Hearing form, two (2) copies of these Instructions, and four (4) copies of 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 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 are 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 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 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 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 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 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 of 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, 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 Nonexempt Earnings 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 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 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.

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

A. If the judgment creditor fails to comply with any duty imposed upon him by this article, the court shall, upon petition of any party to the proceedings affected by such failure and after notice, hold a hearing to determine whether such failure to comply, if any, was occasioned by mistake, inadvertence or excusable neglect. If the court determines that any failure to comply was not the result of mistake, inadvertence or excusable neglect, the court shall find the judgment creditor in contempt and shall award the petitioner all of the following:

1. An amount to compensate for actual losses, if any, caused by the failure to comply.
2. Reasonable attorney fees, if the petitioner was represented by any attorney at such hearing.
3. Court costs.
4. An additional amount of not less than one hundred nor more than one thousand dollars.

B. 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 fees, if the judgment debtor was represented by an attorney at such hearing.
3. Court costs.

C. 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 statement, 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 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 to exceed four hundred dollars (\$400.00).

In the event you have already been served, or are hereafter served, or are hereafter served, with a Garnishment, Wage Assignment, or Levy, A.R.S. Section 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 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 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.



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

User Id: WBRICENO  
Invoice No.: 4815571

Check Batch:  
Invoice Date: 07/09/2015  
Date Received: 07/09/2015  
Customer No.:

ATTN:  
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1096199-7 RIVERFRONT RV PARK, LLC	\$25.00
Total Documents: \$		25.00
	CHECK 4378	\$25.00
PAYMENT		
Balance Due: \$		0.00



Corporate Maintenance

07/09/2015

State of Arizona Public Access System

4:13 PM

File Number: L-1096199-7

Corp. Name: RIVERFRONT RV PARK, LLC

Domestic Address

1532 S PRICE RD

TEMPE, AZ 85281

Second Address

Agent: AMERICAN SYNERGY MANAGEMENT L

Status: APPOINTED 12/17/2009

Mailing Address:

1532 S PRICE RD

TEMPE, AZ 85281

Agent Last Updated: 01/27/2010

Business Type:

Domicile: ARIZONA

County: MOHAVE

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 09/25/2003

Approval Date: 09/25/2003

Last A/R Received: /

Date A/R Entered:

Next Report Due:

INVALID KEY FUNCTION. (A058)

*Edward Pulley*

