

COMMISSIONERS
DOUG LITTLE – Interim Chairman
BOB STUMP
BOB BURNS
TOM FORESE



05402743
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date February 1, 2016

KODIAK FRESH PRODUCE, LLC
9030 W MAUNA LOA LANE
PEORIA, AZ 85381

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 02/01/2016 as agent for **KODIAK FRESH PRODUCE, LLC**:

Case caption: **LOBEL FINANCIAL CORPORATION v. SILVIA HERNANDEZ & JOE DOE w&h,**
Case number: **TJ2016-000031** Court: **MARICOPA COUNTY SUPERIOR COURT**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda B. Griffin", written over a horizontal line.
Lynda B. Griffin
Custodian of Records

Initials **MLB**
File number **L-1170296-1**

COMMISSIONERS
DOUG LITTLE – Interim Chairman
BOB STUMP
BOB BURNS
TOM FORESE



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **February 1, 2016**, **MARY LEE BLAIR**, 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 **KODIAK FRESH PRODUCE, LLC**.

Case caption: **LOBEL FINANCIAL CORPORATION v. SILVIA HERNANDEZ & JOE DOE w&h,**

Case number: **TJ2016-000031**

Court: **MARICOPA COUNTY SUPERIOR 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 REQUEST FOR HEARING, ANSWER OF GARNISHEE | |

On **February 1, 2016**, 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:

KODIAK FRESH PRODUCE, LLC
9030 W MAUNA LOA LANE
PEORIA, AZ 85381

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: **MARY LEE BLAR**

Date: **February 1, 2016**

Signature: _____

SEIDBERG LAW OFFICES, P.C.

Attorneys at Law

2412 East Campbell Avenue

P.O. Box 7290

Phoenix, Arizona 85011-7290

E-Mail: Legal@SeidbergLaw.com

Website: www.SeidbergLaw.com

Telephone (602) 248-8117

Fax (Operations) (602) 956-5081

Fax (Legal) (602) 957-5287

In State Toll Free (800) 249-8117

Kenneth W. Seidberg
Joseph L. Whipple

Attention Payroll/Garnishment Coordinator:

Enclosed please find four (4) copies of a document entitled **Non-Exempt Earnings Statement** (Judgment Not For Support). **How to process this document is explained on page three (3) of your Instructions, which is enclosed.** You have been supplied with enough Statements to cover the first four pay periods.

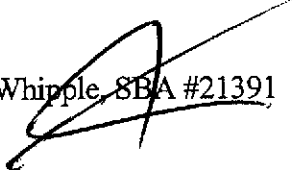
Be sure to photocopy these forms so you have more available when sending funds. If, however, you need additional Statements, please contact our Office and we would be happy to send you more.

Thank you for your cooperation. Should you have any questions, please feel free to contact this Office.

Sincerely,

SEIDBERG LAW OFFICES, P.C.

Joseph Whipple, SBA #21391



enclosures
garnishment packet with Non Exempt Earning Statements

SEIDBERG LAW OFFICES, P.C.
P.O. Box 7290
Phoenix, Arizona 85011
(602) 248-8117
court@seidberglaw.com
Kenneth W. Seidberg, SBA #3690
Joseph L. Whipple, SBA #21391
Attorneys for Plaintiff

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

Lobel Financial Corporation,	)	NO. TJ2016-000031
)	
Plaintiff,	)	WRIT AND SUMMONS OF
vs	)	GARNISHMENT
)	
Silvia Hernandez, and John Doe wife and	)	(Earnings - Continuing Lien)
husband,)	
Defendant(s).)	
)	
<u>Kodiak Fresh Produce, LLC,</u>)	
)	
Garnishee.)	
_____)	

THE STATE OF ARIZONA TO: THE SHERIFF, CONSTABLE OR ANY OTHER OFFICER OF ABOVE COUNTY, WHO IS AUTHORIZED BY LAW TO SERVE PROCESS: **You are commanded to summon Garnishee named above, to answer this Writ of Garnishment within the time specified:**

1. The name and address of the Garnishee or his authorized agent are: **Kodiak Fresh Produce, LLC, S/A: F and H Service LLC % Cory D Farley 18301 N 79th Ave Ste G-191 Glendale AZ 85308**
2. The name and address of the Judgment Creditor: **Lobel Financial Corporation, c/o PO BOX 7290, Phoenix, AZ 85011**
3. The outstanding balance due on the Judgment as of the date of the issuance of this Writ, including accrued interest and allowable costs (NOT INCLUDING THE COST OF THIS WRIT), is \$6103.35; interest accrues on the Judgment principal at the rate of 22.9500% and on Judgment costs and attorneys fees at the rate of 4.2500%.
4. The last mailing address of the Judgment Debtor known to the Judgment Creditor is: **Silvia Hernandez, aka Silvia Estrada 5601 W McDowell Rd Apt 2031 Phoenix AZ 85035-4960 [SSN: ***-**-5241]**

SUMMONS


A WRIT OF GARNISHMENT has been issued, naming you as garnishee. You are required to answer this Writ in writing, under oath, and file the answer with the court Clerk within 10 business days after service on you. If you fail to file an answer, you may be ordered to appear in person to answer this Writ, and a default judgment may be entered against you. If a default judgment is entered against you, you may be ordered to pay the full amount shown on this Writ, plus costs and attorney fees.

THIS SUMMONS IS NOT A REQUEST TO SEND MONEY TO THE COURT. DO NOT RELEASE FUNDS SUBJECT TO GARNISHMENT UNLESS THE COURT ORDERS YOU TO DO SO. IF YOU HAVE BEEN PROPERLY NAMED A GARNISHEE IN THIS ACTION, UPON RECEIPT OF THIS WRIT, YOU SHOULD IMMEDIATELY WITHHOLD NON-EXEMPT EARNINGS FROM THE JUDGMENT DEBTOR'S PAYCHECK PENDING RECEIPT OF AN ORDER OF CONTINUING LIEN.

REQUESTS FOR REASONABLE ACCOMODATIONS FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY THE PARTY NEEDING ACCOMMODATION OR HIS/HER COUNSEL AT LEAST 3 JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING. REQUESTS FOR AN INTERPRETER FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY THE PARTY NEEDING THE INTERPRETER AND/OR TRANSLATOR OR HIS/HER COUNSEL AT LEAST TEN (10) JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.

SIGNED AND SEALED this date: _____

COPY
CLERK OF THE SUPERIOR COURT
JAN 20 2016
By _____
Deputy MICHAEL K. JEANES, CLERK
L. CODY-DAY
DEPUTY CLERK



COPY

JAN 13 2016



MICHAEL K. JEANES, CLERK
A. CANISALES
DEPUTY CLERK

SEIDBERG LAW OFFICES, P.C.
P.O. BOX 7290
Phoenix, Arizona 85011
(602)248-8117
court@seidberglaw.com

Kenneth W. Seidberg, SBA #3690
Joseph L. Whipple, SBA #21391
Attorneys for Plaintiff

TJ2016-000031

IN THE MARYVALE JUSTICE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

4622 W. Indian School Road, Phoenix AZ 85031-0000

(623)245-0432

Lobel Financial Corporation,
Plaintiff,

vs.

Silvia Hernandez and John Doe, wife and
husband,

Defendant(s)

Cause No.: CC2015-078411RC

J U D G M E N T

(Default)

This cause being brought before this Court pursuant to Plaintiff having filed a Request for Entry of Default Judgment, and the Court finding: that the Defendant(s) hereinafter was/were regularly and duly served; that the time to answer has expired; that the default was regularly and properly entered and that the allegations in Plaintiff's Complaint are true and correct;

NOW, THEREFORE, IT IS ADJUDGED AND DECREED that the Plaintiff is granted Judgment against the following Defendant(s):

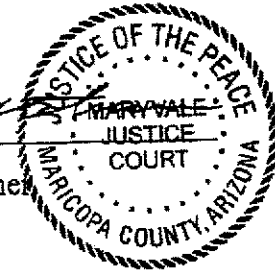
Silvia Hernandez

and each of them in the Principal sum of \$4,490.24 with prejudgment interest from 03/19/2015 to date of Entry of Judgment at the rate of 22.9500% per annum, costs of Judgment in the sum of \$301.20 and reasonable attorney's fees in the sum of \$395.00.

1 Interest after Judgment shall accrue on the Principal at 22.9500% per annum and on the
2 attorney's fees and court costs at 4.250% per annum. Partial payments of \$0.00 have
3 been received and have been credited. Plaintiff, also, is allowed its after-accruing costs
4 as may be taxed by the Court in any subsequent proceeding.

5
6 DATED: DEC 23 2015

7
8
9 Judge / Commissioner



INSTRUCTIONS TO THE GARNISHEE (Earnings)

(Garnishment of Earnings)(A.R.S. § 12-1598.04(C))

Warning!!

ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly.

If you, the garnishee, fail to meet your responsibilities in the garnishment proceeding, the Court may order you to pay the judgment creditor's attorney fees, cost and even the amount of money which the judgment debtor owes the judgment creditor. This can happen even if you do not have any of the judgment debtor's property or do not owe the judgment debtor any money.

You have been served with a Writ of Garnishment and Summons (Earnings) which names you as the garnishee and identifies the parties and the reason for the garnishment. The party who filed this court action (the "Judgment Creditor/Plaintiff") is attempting to collect payment from a party named as the "Judgment Debtor/Defendant." You are involved in this proceeding because the judgment creditor/plaintiff believes you owe the judgment debtor/defendant "**earnings**" such as wages, salary or compensation for services performed by the judgment debtor/defendant. The judgment creditor should have served you with the following documents:

- * Writ of Summons and Garnishment (2)
- * Instructions to the Garnishee
- * Garnishee's Answer (4)
- * Notice to Judgment Debtor (2)
- * Request for hearing forms (4)
- * Non-Exempt Earnings Statements (4)
- * A copy of the underlying Judgment - This document shows you how much money was awarded to the judgment creditor in the case against the judgment debtor.

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

You **Kodiak Fresh Produce, LLC, ,** 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 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 following 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.

CAUTION: Failure to file a Garnishee's Answer can result in an order being entered against you in the full amount of the debt owed by the judgment debtor to the judgment creditor. This can happen even if you do not know the judgment debtor or do not owe the judgment debtor any earnings.

STEP 1: Respond to the Writ of Garnishment and Summons within 10 business days

You, the Garnishee, **Kodiak Fresh Produce, LLC, ,** **must** file a Garnishee's Answer with the Court Clerk **within 10 business days** after you receive the Writ of Garnishment and Summons, **whether the Defendant is employed or not employed with your company.**

(A) If the Defendant/Judgment Debtor is not employed

If you have never employed or owed the judgment debtor any earnings you **must still respond** to the Writ of Garnishment by filing a Garnishee's Answer **within 10 business days** after you receive the paperwork listed above, file it with the Court Clerk and mail a copy to the Plaintiff/Judgment Creditor.

After you file your Answer, you are entitled to be released from the garnishment if any of the following are true:

- You have never employed the judgment debtor and do not expect to employ the judgment debtor within the next 60 days. You do not owe the judgment debtor any earnings, regardless of whether the judgment debtor was ever your employee, and you do not expect to owe the judgment debtor any earnings within the next 60 days.
- You employed the judgment debtor in the past but do not currently owe the judgment debtor any Earnings and do not expect to employ the judgment debtor again within the next 60 days.

Once you file your Garnishee's Answer with the Court Clerk and complete STEP 2, you will not need to do anything further unless one of the other parties objects to your answer.

(B) If the Defendant/Judgment Debtor IS EMPLOYED or you do owe or will owe earnings within 60 days

If you employ the judgment debtor or otherwise owe the judgment debtor earnings at the time you are served with the Writ or will owe the judgment debtor earnings within 60 days thereafter, you must **immediately** begin withholding nonexempt earnings from the judgment debtor's pay. **You must complete and file a Garnishee's Answer with the Court Clerk within 10 business days after you receive the paperwork listed above. **MAKE SURE THAT THE ANSWER IS COMPLETELY ANSWERED/DATED WHERE ASKED/NOTARIZED****

Once you file your Garnishee's Answer with the Court Clerk and complete STEP 2, you will not need to do anything further unless one of the other parties objects to your answer.

STEP 2: Deliver copies of documents to the other parties

Also **within 10 business days** of receiving the Writ of Garnishment and Summons (Earnings), you must:

- Deliver or mail to the judgment debtor a copy of each of the following documents.
 - Your completed Garnishee's Answer
 - Notice to Judgment Debtor of Garnishment
 - Request for Hearing form(s) on Garnishment
 - You shall state the time and manner of delivery to the Judgment Creditor and Judgment Debtor in the Answer
- Deliver or mail to the judgment creditor or attorney a copy of your completed Garnishee's Answer.

STEP 3: Complete the Nonexempt Earnings Statement and withhold the proper amount from the judgment debtor's pay

The Writ of Garnishment and Summons is an order from the Court requiring you to immediately withhold non-exempt earnings from the judgment debtor. For each pay period, fill out a Nonexempt Earnings Statement to determine how much money to withhold and withhold that amount. **Always** keep a blank copy of the Nonexempt Earnings Statement for use in future pay periods. You may claim a \$5.00 fee on each Nonexempt Earnings Statement that you complete. Deliver a copy of the Nonexempt Earnings Statement to the judgment debtor with the judgment debtor's paycheck, even if the amount withheld is \$0. Also deliver a copy of the Nonexempt Earnings Statement to the judgment creditor, but do not deliver any withheld earnings to the judgment creditor until you receive a signed Order of Continuing Lien. Do not send any Nonexempt Earnings Statements to the Court. Keep the original

PLEASE NOTE: You may be discharged from any liability on the garnishment if both of the following occur:

- No objections are filed on the Writ of Garnishment or your Garnishee's Answer
- The Order of Continuing Lien is not entered within 45 days after you filed your Answer

If you are discharged, you must return any earnings you have withheld to the judgment debtor.

STEP 4: Await receipt of the Order of Continuing Lien, then pay the judgment creditor

Do not pay the judgment debtor's nonexempt earnings to the judgment creditor until you receive the Order of Continuing Lien signed by the Court. Once you receive the Order, send the judgment creditor or his attorney any nonexempt earnings you have withheld from the judgment debtor.

For every pay period in which the Order of Continuing Lien is in effect, you must:

- Complete a Nonexempt Earnings Statement
- Withhold the nonexempt earnings from the judgment debtor
- Pay the nonexempt earnings you withheld to the judgment creditor or his attorney
- Deliver a copy of the completed Nonexempt Earnings Statement to the judgment debtor and the judgment creditor or his attorney
- Keep the original Nonexempt Earnings Statement for your files
- Do not send any Nonexempt Earnings Statements to the Court

This process shall be done each succeeding payday until the occurrence of any of the following:

- * The underlying Judgment is satisfied in full, vacated, or expires.
- * The Judgment Debtor leaves your employ for more than sixty day.
- * The Judgment Creditor releases the garnishment.
- * A court of competent Jurisdiction, including the United States Bankruptcy Court stays the proceedings.
- * The Judgment Debtor has not earned any nonexempt earnings for at least sixty days.
- * The Court orders that the garnishment be quashed.

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

ADDITIONAL INFORMATION

If the judgment debtor or judgment creditor objects to the Garnishment, The Garnishee's Answer or a Nonexempt Earnings Statement

The judgment debtor may file an objection and request a hearing on the Writ of Garnishment, your Garnishee's Answer or any Nonexempt Earnings Statement. The judgment creditor or the judgment debtor may file an objection and request a hearing if you fail to provide them with the appropriate Nonexempt Earnings Statement or if you fail to pay nonexempt earnings to the judgment creditor or their attorney when due. Parties have 10 business days after they receive a Garnishee's Answer or Nonexempt Earnings Statement to file a request of hearing and state their objections, unless good cause is shown for filing their objections later (see A.R.S. § 12-1598.07)

If you receive more than one garnishment, or a garnishment and a wage assignment for the same judgment debtor's earnings

A.R.S. § 12-1598.14 establishes the priority of payments you must honor if you receive more than one writ of garnishment and/or wage assignment against the same person's earnings. Usually, the first one you received is entitled to be paid first. Special rules may apply to debts owed for child support, spousal maintenance and unpaid taxes which may give them priority regardless of when they were received. You should consult an attorney to determine which judgment creditors to pay first in the case of multiple garnishments against the same judgment debtor.

- * 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
- * If a judgment debtor's earnings become subject to more than one Writ of Garnishment, judgment creditor recovers no nonexempt earnings for two consecutive paydays, the lien on earnings of such judgment creditor is invalid and of no effect.

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 non-compliance 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 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 served a copy of the Answer on the Judgment Creditor or on his attorney at least five 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 reasonable attorney's fees to the Judgment Creditor and against you if the writ was not answered within ten days of service and a petition requiring you to appear or answer was filed.

Furthermore, A.R.S. §12-1598-13, provides for contempt proceedings as follows:

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's fees, if the Judgment Debtor was represented by an attorney at such hearing.
- 3) Court costs.

THE COURT MAY AWARD THE JUDGMENT DEBTOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$400.00.

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's fees, if the Judgment Creditor was represented by an attorney at such hearing.
- 3) Court costs.

THE COURT MAY AWARD THE JUDGMENT CREDITOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$400.00.

SEIDBERG LAW OFFICES, P.C.
P.O. Box 7290
Phoenix, Arizona 85011
(602) 248-8117
court@seidberglaw.com
Kenneth W. Seidberg, SBA #3690
Joseph L. Whipple, SBA #21391
Attorneys for Plaintiff

Employee/Defendant Copy
Give this document to your employee

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

Lobel Financial Corporation,	)	NO.: TJ2016-000031
)	
Plaintiff,	)	NOTICE TO JUDGMENT DEBTOR
)	
vs	)	(Earnings)
)	
Silvia Hernandez, and John Doe wife and)	
husband,)	
)	
Defendant(s).)	
)	
Kodiak Fresh Produce, LLC,)	
)	
Garnishee.)	
)	

This is your second Notice that a Writ of Garnishment has been issued to the garnishee named above. The Writ is a Court Order requiring the Garnishee to take part of the money owed to you and pay it to the judgment creditor. This will happen every paycheck until the judgment is satisfied, the writ is quashed, or the Court orders the garnishee to stop.

The garnishee will withhold only part, if any, of each paycheck, depending on how much you earn. The rest must be paid to you. One each payday, you will get a Nonexempt Earnings Statement that shows how much can be taken out, which is set by state and federal law. Among the reasons for requesting a hearing are:

- 1) The Judgment Creditor does not have a valid Judgment against you or the Judgment has been paid in full.
- 2) The Garnishee's Answer is incorrect.
- 3) Your earnings are already subject to a Writ of Garnishment or are subject to a Court ordered Assignment for Payment of Support.
- 4) The judgment creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified consumer credit counseling service.

If you do not agree, you can ask for a hearing for any of the reasons listed on the Request for Hearing form (earnings) form that accompanies this notice. To request a hearing, complete the Request for Hearing form and deliver it to the Clerk of this Court within 10 days of the date you received the garnishee's answer. You must mail or deliver a copy of the Request for Hearing to the Garnishee and to the Judgment Creditor or his attorney at the address on the Writ of Garnishment. You may be required to pay a fee for the hearing or request a waiver of the fee.

If you request a hearing, it will be conducted no later than ten (10) days after your request is received by the Court. The Court will send you notice of the date, time and place. You may attend the hearing with or without an Attorney. Whether or not you request a hearing at this time and if you believe too much money is being 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.

WARNING: You waive your right to a hearing on the monies withheld in this pay period unless you file the request for hearing within ten (10) days after receiving the garnishee's answer or show good cause for filing the request late.

[] WAS employed by me on the date the Writ/Summons were delivered to me
[] I will owe judgment debtor earnings within 60 days after service of the Writ/Summons
[] The judgment debtor was not employed by me on the date the Writ/Summons were
delivered to me. The judgment debtor's last workday was: _____.
[] I will not owe judgment debtor earnings within 60 days after service of Writ/Summons
[] is an Independent Contractor and paid by "commission" only.

3) 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 efforts made and the reasons for that in ability: _____

4) The judgment debtor's next two paydays are:

Pay date: _____ Pay date: _____

5) Judgment Debtor is paid (check which apply):

☐ Daily ☐ Bi-weekly ☐ Monthly
☐ Weekly ☐ Semi-Monthly ☐ Other: _____ (Specify)

6) According to the Writ and Summons, the total amount due and owing is \$ _____.

7) Is the Judgment Debtor subject to an existing Wage Assignment, Garnishment, or Levy?

☐ Yes ☐ No

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

I, the Garnishee, Kodiak Fresh Produce, LLC,, have mailed:

8)a

A copy of garnishee's Answer, 2nd Notice to Judgment Debtor & Request for Hearing forms were provided to Judgment Debtor/Employee on this date:

Dated: _____

By: ☐ Mail ☐ Hand Delivery

8)b

A Copy of Garnishee's Answer was provided to Judgment Creditor on:

Date: _____

By: ☐ Mail ☐ Hand Delivery

9) I request an answer fee in the amount of \$ _____, as a reasonable amount for the preparation and filing of this answer.

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

SIGNATURE OF GARNISHEE // AUTHORIZED AGENT

SUBSCRIBED and SWORN this _____ day of _____, 20____.

My Commission Expires

Notary Public

Employee/Defendant Copy**Give this document to your Employee**

Person Filing: _____

Mailing Address: _____

City, State, Zip Code: _____

Daytime Phone: _____ Alternate Phone: _____

Representing: ☐ Self ☐ Attorney ☐ Other

State Bar No. (if applicable): _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA
201 West Jefferson Phoenix AZ 85003-0000
(602)506-1497

Lobel Financial Corporation,

Plaintiff,

vs

Silvia Hernandez, and John Doe wife and
husband,

Defendant(s).

Kodiak Fresh Produce, LLC,

Garnishee.

NO.: TJ2016-000031

REQUEST FOR HEARING ON
GARNISHMENT OF EARNINGS

I am the Defendant/Judgment Debtor or I represent the Defendant/Judgment Debtor in this action. I want a hearing on the garnishment of earnings from this garnishee because:

1: ☐ The Judgment Creditor does not have a valid Judgment against me because: _____

2: ☐ The Judgment has been paid in full.

3: ☐ The Garnishee's Answer is incorrect.

4: ☐ My earnings are already subject to a Writ of Garnishment or Court ordered Assignment for Payment of Support.

5: ☐ My debt to this judgment creditor is subject to a qualified debt scheduling agreement with: _____

6: ☐ Other: _____

A copy of this Request for Hearing form was provided to the Plaintiff/Judgment Creditor (c/o Seidberg Law Offices, PO Box 7290, Phoenix AZ 85011) on:

Date: _____

By: ☐ Mail ☐ Hand delivery

The Court can call me at (_____) _____ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date

Defendant/Judgment Debtor or Authorized Agent

WARNING TO DEFENDANT/JUDGMENT DEBTOR: To request a hearing, this document, or one similar, must be received by the Court within 10 business days after you receive Garnishee's Answer, unless you show good reason for the delay.

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

Lobel Financial Corporation,
c/o Seidberg Law Offices, POB 7290, Phoenix AZ
85011

Plaintiff,

VS

Silvia Hernandez, and John Doe wife and husband, -
- Address: 5601 W McDowell Rd Apt 2031 Phoenix
AZ 85035-4960

Defendant(s).

Kodiak Fresh Produce, LLC,

Garnishee.

NO.: TJ2016-000031

NOTICE OF HEARING ON
GARNISHMENT

(Earnings)

A REQUEST FOR HEARING HAS BEEN FILED BY THE:

☐ Plaintiff/Judgment Creditor ☐ Defendant/Judgment Debtor ☐ Garnishee

A copy of the request/petition filed, stated the issue objected to, is attached. This matter is set for a hearing in the Court, named above, at the following date and time:

BEFORE: _____

DATE: _____

TIME: _____

PLACE: _____

Bring to the Court hearing any documents or exhibits you want to use as evidence in your case.

If any party fails to appear after proper notice, the Court may:

>Take Evidence and/or oral testimony from any party who does appear

>Make a decision based on the information provided in the documents filed and testimony and evidence presented at the hearing

>Inform the parties present of the decision and sign appropriate orders

Be in Court at least 15 minutes before the scheduled hearing/trial. **YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURTROOM**

The matter will not be postponed except for good reason filed in writing with the Court and granted by the Judge. Any agreement of the parties to continue the scheduled court date must also be supported by good reason and approved by the Judge.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to this case in advance of a scheduled Court proceeding.

If you require the services of an interpreter for a foreign language or for the hearing impaired, contact the Court immediately to determine whether accommodations can be made to assist you or to receive further information.

DATE: _____

Judicial Officer _____

INSTRUCTIONS FOR REQUEST FOR HEARING ON GARNISHMENT (Earnings)
(A.R.S. § 12-1598.16(C))

Warning!!

ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the Defendant/Judgment Debtor.

USE THIS FORM IF:

- * You are the Defendant/Judgment Debtor or you represent a Defendant/Judgment Debtor.
- * You wish to request a hearing on garnishment for one of the reasons listed on the Request for hearing form.

HOW TO COMPLETE THIS FORM:

Type or Print neatly the name, mailing address and phone number(s) of the person filing this form. If you are representing yourself in this matter, check the box before "Self".

If you are representing a Defendant/Judgment Debtor but you are not the Attorney and you permitted by law to do so, check the box before "Other". A party to the garnishment may represent him/herself or be represented by an Attorney. A power of attorney does not give the person a right to represent another party in a garnishment. In Justice Courts only, a corporation may be represented either by an attorney or by a duly authorized officer of the corporation (if the officer's primary duties are other than representing the corporation in Court); a partnership may be represented by an attorney or one or more partners.

Check all boxes that apply to your reason for request for hearing. If you checked box 1, give the reason why you believe that the Plaintiff/Judgment Creditor does not have a valid judgment against you (attach additional sheets if necessary). If you checked box 5, give the name of the debt counseling organization that set up your debt scheduling agreement.

Complete the information under the box indicating the date and manner in which you will provide a copy of your Request for Hearing to the Plaintiff/Judgment Creditor.

The Court may need to contact you regarding your hearing. Please provide a phone number where you can be reached between 8 a.m. and 5 p.m.

Date and sign the Request for Hearing form.

WHEN YOU HAVE COMPLETED THIS FORM:

File this form along with the Notice of Hearing on Garnishment form with the Clerk's filing counter. At the same time, you must mail or deliver a copy of these forms to the Plaintiff/Judgment Creditor.

SEIDBERG LAW OFFICES, P.C.

Attorneys at Law

2412 East Campbell Avenue

P.O. Box 7290

Phoenix, Arizona 85011-7290

E-Mail: Legal@SeidbergLaw.com

Website: www.SeidbergLaw.com

Telephone (602) 248-8117

Fax (Operations) (602) 956-5081

Fax (Legal) (602) 957-5287

In State Toll Free (800) 249-8117

Kenneth W. Seidberg
Joseph L. Whipple

Attention: Payroll/Garnishment Coordinator:

Your Company has been served with a Writ of Garnishment. Among other things the law requires that you **IMMEDIATELY BEGIN TO WITHHOLD 25% OF THE AFFECTED EMPLOYEE'S STATUTORY NET EARNINGS**. All checks sent pursuant to this garnishment must be made payable to the Plaintiff/Judgment Creditor and mailed to its Attorney.

Also, you must prepare an Answer (forms have been provided) within 10 days from the date of this service. After getting the **notarized signature on the Answer**, mail or deliver a copy of your Answer to us directly. Please refer to the "INSTRUCTIONS TO GARNISHEE" for instructions on how to process the garnishment.

Remember, **the signature of the person who signs the Answer must be NOTARIZED**. This is required by Arizona law. Unsigned and un-notarized Answers are not valid or acceptable to the courts. These will be returned to you to be signed and notarized.

If you have any LEGAL questions, please contact your Legal Counsel at once. Of course my legal assistants, short of legal advice will do their best to assist in answering your questions.

Thank you for attention.

SEIDBERG LAW OFFICES, P.C.

Joseph Whipple, SBA #21391

KWS/gl

ATTN: Accounting Department @ Seidberg Law

NON-EXEMPT EARNINGS STATEMENT

SUPERIOR COURT

MARICOPA COUNTY

Cause No: TJ2016-000031

JUDGMENT DEBTOR: Silvia Hernandez,

JUDGMENT CREDITOR: Lobel Financial Corporation, [571154]

PAY PERIOD: _____ to _____
(Beginning date) (Ending date)

(ANSWER ALL PERTINENT QUESTIONS)

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** employment or the last date when any earnings was owed/paid.

(Date)

1) For the earnings of the Judgment Debtor for this pay period, enter all of the following:

1(a) Gross Earnings \$ _____

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

1(c) Enter twenty-five percent (25%) of
line 1(b). \$ _____

2) The current federal minimum wage is \$7.25 per hour. Enter one of the following using the proper 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)

\$ _____

3) Subtract line 2 from line 1(b) and enter.

\$ _____

4) Enter the amount from line 1(c) or line 3, whichever is smaller.

\$ _____

5) If the Judgment Debtor is in a Court ordered assignment
for Support or a levy of taxes, enter the amount withheld
from the earnings due.

\$ _____

6) Subtract line 5 from line 4 and enter here.

THIS IS THE AMOUNT OF NON-EXEMPT EARNINGS YOU
ARE TO WITHHOLD AND FORWARD TO THE ATTORNEY

FOR THE JUDGMENT CREDITOR WITH THEIR STATEMENT. \$ _____

PRINT GARNISHEE'S NAME

AUTHORIZED SIGNATURE FOR GARNISHEE

MAILING ADDRESS: _____

CITY, STATE, ZIP CODE

TELEPHONE NO

/FAX NO.

****MAKE CHECKS PAYABLE TO Lobel Financial Corporation,***

SEIDBERG LAW OFFICES, P.C.
P.O. Box 7290
Phoenix, Arizona 85011
(602) 248-8117
court@seidberglaw.com
Kenneth W. Seidberg, SBA #3690
Joseph L. Whipple, SBA #21391
Attorneys for Plaintiff

Employee/Defendant Copy
Give this document to your employee

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

Lobel Financial Corporation,	)	NO.: TJ2016-000031
)	
Plaintiff,	)	REQUEST FOR HEARING
vs)	
	)	(Re: Non-Exempt Earnings
Silvia Hernandez, and John Doe wife and	)	Statement)
husband,)	
Defendant(s).)	
)	
Kodiak Fresh Produce, LLC,)	
)	
Garnishee.)	
)	

If you believe that the amount of your non-exempt earnings has been incorrectly calculated for this pay period or that no amount should be withheld because the Garnishment or underlying Judgment is invalid, satisfied or superseded, you may request a hearing within ten (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 Hearing to the Judgment Creditor and the Garnishee.

The Court will notify you and the other parties of the date and time for the hearing. A hearing will be set within ten (10) days after your request.

I request a hearing for the following reason:

- ☐ The Non-Exempt Earnings Statement is incorrectly filled out.
☐ Other: _____

NAME OF JUDGMENT DEBTOR (Print)

SIGNATURE OF JUDGMENT DEBTOR

DATE

MAILING ADDRESS

TELEPHONE NUMBER

CITY, STATE, ZIP CODE

SEIDBERG LAW OFFICES, P.C.
JOSEPH L. WHIPPLE, ESQ.,
STATE Bar # 21391
2412 E. CAMPBELL AVE., SUITE 200
PHOENIX, AZ 85016
(602)248-8117
ATTORNEY FOR THE PLAINTIFF

IN THE SUPERIOR COURT
MARICOPA COUNTY, STATE OF ARIZONA

LOBEL FINANCIAL CORPORATION

JUDGMENT CREDITOR,

vs

SILVIA HERNANDEZ, AND JOHN DOE
WIFE AND HUSBAND,

JUDGMENT DEBTOR,

KODIAK FRESH PRODUCE, LLC,
GARNISHEE

NO. TJ2016-000031

CERTIFICATE OF
ATTEMPTED SERVICE BY
PRIVATE PERSON

ASSIGNED TO THE HONORABLE
JUDGE:

STATE OF ARIZONA) ss.
County of Maricopa)

The undersigned, being first duly sworn, states:

1. That I am fully qualified, pursuant to RCP 4(d), to serve process in this cause:
2. That on 01/21/2016 I received the following documents:
 - a) WRIT OF GARNISHMENT AND SUMMONS - EARNINGS - TWO COPIES
 - b) UNDERLYING JUDGMENT
 - c) ANSWER FORM - FOUR COPIES
 - d) NOTICES TO J/D & REQUESTS FOR HEARING FORM - TWO COPIES
 - e) NONEXEMPT EARNINGS STATEMENT - FOUR COPIES
 - f) INSTRUCTION TO GARNISHEE - TWO COPIES
 - g) LETTER
 - h)
 - i)
 - j)
 - k)
 - l)

Track Down, Inc.
P.O. Box 33020
Phoenix, AZ 85067
(602) 252-8521

Client ID No.....: 571154
Field Report No.: 3231954

(v4.27)

3. That the person served does not have any military obligations, except as noted below.
4. That if this is an affidavit of posting of a trustee's sale, a due and diligent effort to ascertain whether or not trustors are affiliated with the military service was done, and no one could be found at the posting location who had knowledge of the trustors except as noted below.
5. That I personally served copies of the above documents, on the person at the time, place and manner as follows:

ATTEMPTED SERVICE

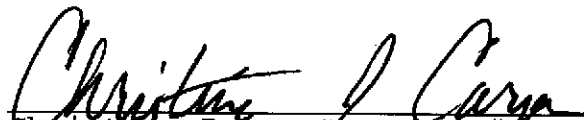
Upon Kodiak Fresh Produce, LLC, Garnishee, by attempting service on Statutory Agent F and H Service LLC, at 18301 N 79th Ave #G-191, Glendale, AZ 85308. On 1/22 at 11:00 AM, there is no such suite number. The suite numbers go from G-190 to H-192. I spoke with someone at Dr. Gerald Harris's office in #G-191 who stated the Garnishee and Statutory Agent are unknown. There is no directory. Service will be made on the Arizona Corporation Commission.

0 Document(s)	
served:	\$0.00
0 W/G(s)	
served:	\$0.00
0 Sales Notices	
posted:	\$0.00
31 Miles:	\$74.40
Min. Miles Total	\$0.00
Document Prep.Fee	\$10.00
Witness Fee	\$0.00
Filing Fee	\$0.00
Additional Cost	\$0.00
	\$0.00
	\$0.00
TOTAL	\$84.40

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

Executed on:

Tuesday the 26th Day of January, 2016


 Christine Irene Caron #7952

Certified in Maricopa County

Track Down, Inc.
 P.O. Box 33020
 Phoenix, AZ 85067
 (602) 252-8521

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

User Id: MLEEBLAI
Invoice No.: 4970968

Check Batch:
Invoice Date: 02/01/2016
Date Received: 02/01/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS	\$25.00
	L-1170296-1 KODIAK FRESH PRODUCE, LLC	
Total Documents: \$		25.00
	CHECK 1472	\$25.00
	PAYMENT	
Balance Due: \$		0.00

Corporate Inquiry

02/01/2016

State of Arizona Public Access System

9:24 AM

File Number: L-1170296-1

Corp. Name: KODIAK FRESH PRODUCE, LLC

Domestic Address

9030 W MAUNA LOA LANE

Second Address

PEORIA, AZ 85381

Agent: F AND H SERVICE LLC

Status: APPOINTED 12/17/2004

Mailing Address:

% CORY D FARLEY

18301 N 79TH AVE STE G-191

GLENDAL, AZ 85308-6045

Agent Last Updated: 04/13/2005

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 12/17/2004

Approval Date: 12/17/2004

Last A/R Received: /

Date A/R Entered:

Next Report Due:

Lon LoBregu

