

COMMISSIONERS
DOUG LITTLE -- Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



05661374

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date **September 14, 2016**

BLUUME, LLC
21 E 6TH ST #114
TEMPE, AZ 85281

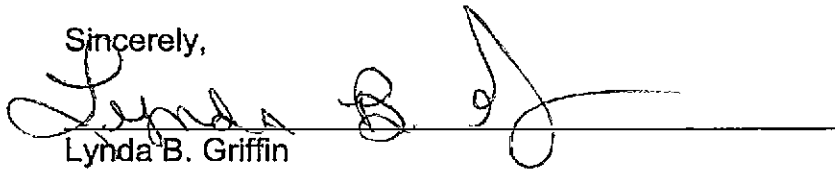
Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on **09/14/2016** as agent for **BLUUME, LLC**:

Case caption: **PHOENIX CORVETTE SALES LTD v. GREGORY ERVIN & JANE DOE ERVIN**
h&w,
Case number: **CC2015-230000RC** Court: **MARICOPA COUNTY SAN MARCOS JUSTICE COURT**

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

Sincerely,


Lynda B. Griffin
Custodian of Records

Initials **MLB**
File number **L-1930640-3**

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **September 14, 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 **BLUUME, LLC**.

Case caption: **PHOENIX CORVETTE SALES LTD v. GREGORY ERVIN & JANE DOE ERVIN h&w,**

Case number: **CC2015-230000RC**

Court: **MARICOPA COUNTY SAN MARCOS 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, HEARING | |

On **September 14, 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:

BLUUME, LLC
21 E 6TH ST #114
TEMPE, AZ 85281

OR

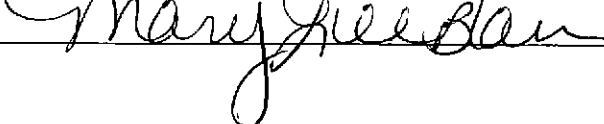
The undersigned was unable to mail the above listed documents to

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: **MARY LEE BLAIR**

Date: **September 14, 2016**

Signature: 

1 Germaine Law Office, PLC
2 4040 East Camelback Road, Suite 110
3 Phoenix, Arizona 85018-2735
4 Telephone: (602) 953-5588
5 Fax: (602) 953-5590
6 Sanford J. Germaine (012722)
7 sgermaine@germaine-law.com
8 Attorneys for Plaintiff

10/12/11 9:57

9 IN THE SAN MARCOS JUSTICE COURT
10 201 E. Chicago St., Chandler, AZ 85225
11 STATE OF ARIZONA, COUNTY OF MARICOPA

12 PHOENIX CORVETTE SALES LTD,
13 Plaintiff/Judgment Creditor

14 vs.

15 GREGORY ERVIN and JANE DOE ERVIN, husband)
16 and wife,,

17 Defendant/Judgment Debtor

18 BLUUME, LLC,

19 Garnishee

No. CC2015-230000RC

WRIT OF GARNISHMENT

AND SUMMONS

(Earnings-Continuing Lien)

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

22 JUDGMENT CREDITOR'S CLAIM OF \$9,843.44, together with interest, costs and other
23 relief in this action against the following Judgment Debtor(s):

24 Gregory Ervin
25 SS# XXX-XX-1046

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

The Judgment Creditor states as follows:

- 28 1. The Judgment Creditor has a Judgment against the above described Judgment
29 Debtor(s) in the amount of \$9,843.44, as of the date of issuance of this Writ
30 of Garnishment.
- 31 2. The rate of interest on this Judgment is 29.90% on the principal sum of
32 \$7,542.42 and 4.50% on the attorney's fees and costs.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

1
2 3. The name and address of the Garnishee is:

3 BLUUME, LLC
4 C/O AUSTIN VICKERS, STATUTORY AGENT
5 21 EAST 6TH STREET, SUITE 114
6 TEMPE, AZ 85281

7 And his Authorized Agent is as follows:

8 SERVE: AUSTIN VICKERS, STATUTORY AGENT

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

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

11 Phoenix Corvette Center, LTD
12 4651 E. University Dr.
13 Phoenix, AZ 85034

14 And his Attorney's name and address is:

15 GERMAINE LAW OFFICE, PLC
16 4040 East Camelback Road, Suite 110
17 Phoenix, Arizona 85018-2735
18 (602) 953-5588

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

- 21 1. Whether the Judgment Debtor(s) was employed by the Garnishee on the date
22 the Writ was served.
- 23 2. Whether the Garnishee anticipates owing earnings within sixty (60) days after
24 the date of service of the Writ.
- 25 3. If the Garnishee is unable to determine the identity of the Judgment Debtor(s)
26 after making a good faith effort to do so, a statement of the effort made and
27 the reason for such inability.
4. The dates of the next two 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 specified period.
6. The amount of the outstanding Judgment now due and owing as stated in the
Writ.
7. Whether the Judgment Debtor(s) is subject to an existing wage assignment,
garnishment or levy, and if so, the name, address, and telephone number of
that Judgment Creditor.

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

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

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

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

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

10 1. The garnishment constitutes a lien against non-exempt earnings.

11 2. 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
12 earned, A.R.S. §12-1598.10.

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

14 a. The underlying judgment is satisfied in full, is vacated or ex-
pires.

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

16 c. The Judgment Creditor releases the garnishment.

17 d. The proceedings are stayed by a court of competent jurisdic-
18 tion, including the United States Bankruptcy Court.

19 e. The Judgment Debtor(s) has not earned any non-exempt earn-
20 ings for at least sixty (60) days.

21 f. The Court orders that the garnishment be quashed.

22 4. Garnishments, levies and wage assignments which are not for the support of a
23 person are inferior to wage assignments for the support of a person. Garnish-
ments which are not for the support of a person and levies are inferior to gar-
nishments for the support of a person.

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

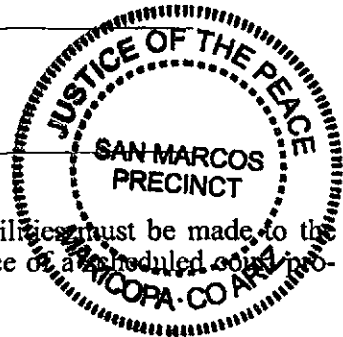
SUMMONS

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

SIGNED AND SEALED THIS DATE: 8/12/2016

Clerk

/s/ Keith Frankel
Judge



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 Germaine Law Office, PLC
2 4040 East Camelback Road, Suite 110
3 Phoenix, Arizona 85018-2735
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6 Sanford J. Germaine (012722)
7 sgermaine@germaine-law.com
8 Attorneys for Plaintiff

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IN THE SAN MARCOS JUSTICE COURT
201 E. Chicago St., Chandler, AZ 85225
STATE OF ARIZONA, COUNTY OF MARICOPA

PHOENIX CORVETTE SALES LTD,

Plaintiff

vs.

GREGORY ERVIN and JANE DOE ERVIN, husband
and wife.,

Defendant(s).

No. CC2015-230000RC

DEFAULT JUDGMENT

This cause came on regularly by motion pursuant to Rule 140(e), JCRCP; the Defendant(s), GREGORY ERVIN, appearing neither in person nor by counsel, and it appearing to the Court that the Defendant(s) were duly served with a copy of the Summons and Complaint herein in the State of Arizona; that said Defendant(s) failed to answer or otherwise appear, and the default of the Defendant(s), has been duly entered; that Plaintiff is entitled to judgment against said Defendant(s), and there being no just cause for delay.

That Plaintiff is entitled to Judgment against the Defendant(s), GREGORY ERVIN, for the sum of \$7,542.42; for accrued interest in the sum of \$0.00, plus accruing interest on the principal at the rate of 29.90% per annum from December 10, 2015 until paid; for Plaintiff's reasonable attorney's fees in the sum of \$2,500.00 and for Plaintiff's costs herein expended and incurred in the sum of \$280.75 and for taxable accruing costs, together with interest on the attorney's fees and costs at the

1 rate of 4.50% per annum, from the date of Judgment, until paid.

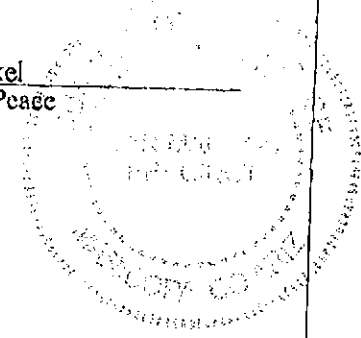
2 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff,
3 PHOENIX CORVETTE SALES LTD, have judgment against the Defendant(s), GREGORY ERVIN,
4 for the sum of \$7,542.42 principal; for accrued interest in the sum of \$0.00, plus accruing interest on
5 the principal at the rate of 29.90% per annum from December 10, 2015 until paid; for Plaintiff's rea-
6 sonable attorney's fees in the sum of ^{400.00}~~\$2,500.00~~ and for Plaintiff's costs herein expended and incurred
7 in the sum of \$280.75 and for taxable accruing costs, together with interest on the attorney's fees and
8 costs at the rate of 4.50% per annum, from date of Judgment, until paid.

9 The Court hereby finds that there is no just reason for delay in entering Judgment against the
10 party(s) named herein and hereby directs entry of final Judgment in this matter.

11 IT IS ORDERED that the Court retain continuing jurisdiction over the issues of attorney's
12 fees and costs.

13 DONE IN OPEN COURT this 28 day of April 2016.

14
15 /s/ Keith Frankel
16 Justice of the Peace
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A circular court seal is located on the right side of the page, partially overlapping the signature line. The text "JUDICIAL DISTRICT OF ALBERTA" is visible around the perimeter of the seal, and "JANUARY 2016" is stamped in the center.

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 4040 East Camelback Road, Suite 110
 Phoenix, Arizona 85018-2735
 Telephone: (602) 953-5588
 Fax: (602) 953-5590
 Sanford J. Germaine (012722)
 sgermaine@germaine-law.com
 Attorneys for Plaintiff

IN THE SAN MARCOS JUSTICE COURT
 201 E. Chicago St., Chandler, AZ 85225
 STATE OF ARIZONA, COUNTY OF MARICOPA

PHOENIX CORVETTE SALES LTD,

Plaintiff/Judgment Creditor

vs.

GREGORY ERVIN and JANE DOE ERVIN, husband
 and wife,,

Defendant/Judgment Debtor

BLUUME, LLC,

Garnishee

No. CC2015-230000RC

ANSWER OF GARNISHEE

(Earnings—Continuing Lien)

Gregory Ervin
SS# XXX-XX-1046

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

Date Served: _____

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

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

4
5 5. State the dates of the Judgment Debtor's next two (2) paydays occurring after the date of ser-
6 vice of the Writ:

7 5a. _____ 5b. _____

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

9 ☐ Yes ☐ No

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

11 ☐ daily ☐ bi-weekly ☐ monthly
☐ weekly ☐ semi-monthly ☐ other: _____
Specify

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

13 Judgment Balance: _____

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

15 ☐ Yes ☐ No.

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

17
18
19 9. Did the Garnishee answer "yes" to either question #2 or #3?

20 ☐ Yes ☐ No

21 If yes, copies of this Answer and copies of the Notice to Judgment Debtor, Request for Hear-
22 ing and Non-exempt Earnings Statement were delivered to the Judgment Debtor on:

23 _____

24 By: ☐ hand delivery;

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

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

1 10. Copies of this Answer and Non-Exempt Earnings Statement were delivered on
2 _____ to the Judgment Creditor, or his attorney, if applicable, at the following
3 address:
4

5 By: ☐ hand delivery;
6 ☐ regular first class mail;
7 ☐ service pursuant to the Rules of Civil Procedure applicable to a Summons.
8

9 11. Garnishee's name, address and telephone number is [*You, the employer, are the garnishee*]:
10
11

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

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

16 STATE OF ARIZONA

17 County of _____ } ss.
18

19 _____
Signature of Garnishee or Authorized Agent

20 SUBSCRIBED AND SWORN THIS DATE: _____
21

22 _____
Notary Public
23

24 Answer of Garnishee
25 (Earnings - Continuing Lien)
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8 Attorneys for Plaintiff

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10
11 IN THE SAN MARCOS JUSTICE COURT
12 201 E. Chicago St., Chandler, AZ 85225
13 STATE OF ARIZONA, COUNTY OF MARICOPA

14 PHOENIX CORVETTE SALES LTD,)

15 Plaintiff/Judgment Creditor)

16 vs.)

17 GREGORY ERVIN and JANE DOE ERVIN, husband))
18 and wife,,)

19 Defendant/Judgment Debtor)

20 BLUUME, LLC,)

21 Garnishee)
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No. CC2015-230000RC

INITIAL NOTICE
TO JUDGMENT DEBTOR
(Earnings)

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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, el acreedor tiene derecho a solo una parte de su salario. A continuación figura una explicación de sus derechos. Se puede obtener una traducción española 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.

The Writ of Garnishment 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 by the Court or released by the Judgment Creditor.

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

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

- 7 1. Answer of Garnishee.
- 8 2. Notice to Judgment Debtor, which explains your rights and the procedures in the
9 Garnishment process.
- 10 3. Request for Hearing form, which you can use to request a hearing if you believe that
11 the amount withheld from your earnings is greater than the law allows or that the
12 Garnishment is invalid.

13 On each normal payday you should receive some earnings (paycheck) for the amount the
14 Garnishee calculates is protected by law. That calculation is made on a Non-exempt Earnings State-
15 ment, a copy of which should accompany your paycheck. If the Judgment Creditor's debt is subject
16 to an effective agreement for debt scheduling between you and a qualified consumer credit counsel-
17 ing service, or if you do not receive a paycheck, or if a copy of the Non-exempt Earnings Statement
18 does not accompany your paycheck, you may request a hearing.

19 To request a hearing for the reasons described above, fill out the attached Request for Hear-
20 ing form and deliver it to this Court clerk's office. At the same time you must deliver a copy (photo-
21 copy or handwritten) of the Request for Hearing to the Garnishee and to the Judgment Creditor, or
22 his attorney, at the address stated on the Writ of Garnishment.

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

26 If you request a hearing, the Court will set the hearing within ten (10) days of the date you
27 submitted your Request for Hearing, and the Court will notify you, the Judgment Creditor and the
28 Garnishee of the date, time and place of the hearing.

1 Germaine Law Office, PLC
2 4040 East Camelback Road, Suite 110
3 Phoenix, Arizona 85018-2735
4 Telephone: (602) 953-5588
5 Fax: (602) 953-5590
6 Sanford J. Germaine (012722)
7 sgermaine@germaine-law.com
8 Attorneys for Plaintiff

9
10
11 IN THE SAN MARCOS JUSTICE COURT
12 201 E. Chicago St., Chandler, AZ 85225
13 STATE OF ARIZONA, COUNTY OF MARICOPA

14 PHOENIX CORVETTE SALES LTD,)

15 Plaintiff/Judgment Creditor)

16 vs.)

17 GREGORY ERVIN and JANE DOE ERVIN, husband)
18 and wife,,)

19 Defendant/Judgment Debtor)

20 BLUUME, LLC,)

21 Garnishee)
22)
23)
24)
25)
26)
27)

No. CC2015-230000RC

REQUEST FOR HEARING ON
GARNISHMENT OF EARNINGS

I REQUEST A HEARING BECAUSE:

- 18 [] On my normal payday I received no earnings (paycheck).
19 [] A copy of the Non-exempt Earnings Statement did not accompany my paycheck.
20 [] The Judgment Creditor does not have a valid Judgment or that Judgment has been paid in
21 full.
22 [] My employer has not delivered to me the Notice to Judgment Debtor, Answer of Garnishee
(Employer) and Request for Hearing forms within fifteen (15) days.
23 [] The debt of the Judgment Creditor is subject to an effective agreement for debt scheduling
24 between me and a qualified consumer credit counseling service.

25 Name of Judgment Debtor (print)

Signature of Judgment Debtor

26 Date

Mailing Address

27 Telephone Number

City, State and ZIP Code

1 Germaine Law Office, PLC
2 4040 East Camelback Road, Suite 110
3 Phoenix, Arizona 85018-2735
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5 Fax: (602) 953-5590
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8 Attorneys for Plaintiff

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11 IN THE SAN MARCOS JUSTICE COURT
12 201 E. Chicago St., Chandler, AZ 85225
13 STATE OF ARIZONA, COUNTY OF MARICOPA

14 PHOENIX CORVETTE SALES LTD,
15
16 Plaintiff/Judgment Creditor

17 vs.

18 GREGORY ERVIN and JANE DOE ERVIN, husband
19 and wife,,

20 Defendant/Judgment Debtor

21 BLUUME, LLC,

22 Garnishee

No. CC2015-230000RC

NOTICE

TO JUDGMENT DEBTOR

(Earnings)

23 This is your second notice that a Writ of Garnishment has been issued in this case. The Writ
24 is a court order requiring the Garnishee to withhold a certain amount from your earnings and to con-
25 tinue to 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
27 from collection by a Writ of Garnishment. In some cases of very low income, no amount can be gar-
nished except for an Order for Support of a Person.

If you believe that too much of your earnings have been withheld from your paycheck, or that
no amount should be withheld, you may request a hearing before this Court.

Among the reasons for requesting a hearing are:

1. The Judgment Creditor does not have a valid Judgment against you or the Judgment has been paid in full.
2. The Garnishee's Answer is incorrect.
3. Your earnings are already subject to a Writ of Garnishment or are subject to a court ordered Assignment for Payment of Support.

4. The Judgment Creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified consumer credit counseling service.

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

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

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

The non-exempt portion of your earnings will continue to be withheld by the Garnishee and delivered to the Judgment Creditor until the Judgment is paid in full, or the Garnishment is ordered to stop. Whether or not you request a hearing at this time, if you believe too much money is withheld from your earnings pursuant to this Garnishment at some time in the future, you will have the 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 THIS REQUEST FOR HEARING WITHIN TEN (10) DAYS AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW GOOD CAUSE FOR FILING THE REQUEST LATE.

1 Germaine Law Office, PLC
2 4040 East Camelback Road, Suite 110
3 Phoenix, Arizona 85018-2735
4 Telephone: (602) 953-5588
5 Fax: (602) 953-5590
6 Sanford J. Germaine (012722)
7 sgermaine@germaine-law.com
8 Attorneys for Plaintiff

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IN THE SAN MARCOS JUSTICE COURT
201 E. Chicago St., Chandler, AZ 85225
STATE OF ARIZONA, COUNTY OF MARICOPA

PHOENIX CORVETTE SALES LTD,

Plaintiff/Judgment Creditor

vs.

GREGORY ERVIN and JANE DOE ERVIN, husband
and wife,,

Defendant/Judgment Debtor

BLUUME, LLC,

Garnishee

No. CC2015-230000RC

REQUEST FOR HEARING ON
GARNISHMENT OF EARNINGS

I REQUEST A HEARING BECAUSE:

- [] 1. The Judgment Creditor does not have a valid Judgment against me.
- [] 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 order for payment of support.
- [] 5. Other: _____

Name of Judgment Debtor (print)

Signature of Judgment Debtor

Date

Mailing Address

Telephone Number

City, State and ZIP Code

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

NON-EXEMPT EARNINGS STATEMENT
(Judgment Not For Support)

SAN MARCOS JUSTICE COURT

JUDGMENT DEBTOR: Gregory Ervin

JUDGMENT CREDITOR: Phoenix Corvette Center, LTD

CASE No.: CC2015-230000RC

Pay Period _____ to _____
(Beginning Date) (Ending Date)

ANSWER ALL PERTINENT QUESTIONS

1. The Judgment Debtor is an employee [] YES [] NO
or is otherwise owed earnings:

If the answer is "NO", enter the
Judgment Debtor's last date of em-
ployment 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 appro-
priate pay period: weekly (thirty
times minimum wage); biweekly
(sixty times minimum wage); semi-
monthly (sixty-five times minimum
wage); monthly (one hundred thirty
times minimum wage). 3. \$ _____

- 1 4. Subtract line 3 from line 2b and enter. 4. \$ _____
- 2
- 3 5. Enter the amount from line 2c or line 4 whichever is smaller. 5. \$ _____
- 4
- 5 6. Enter the amount withheld from the Judgment Debtor's earnings because of a court ordered Assignment for Support of a Person or a Garnishment or Levy for the Collection of Taxes. 6. \$ _____
- 6
- 7
- 8 7. Subtract line 6 from line 5 and enter here. THIS IS THE AMOUNT OF NON-EXEMPT EARNINGS YOU ARE TO WITHHOLD AND FORWARD TO THE JUDGMENT CREDITOR WITH THIS STATEMENT. 7. \$ _____
- 9
- 10
- 11
- 12
- 13

14 _____ Garnishee's Name (print) Garnishee's Signature

15

16 _____ Date _____ Mailing Address

17

18 _____ City, State and ZIP Code

19

20 _____ Telephone Number

21

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25

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27

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11 IN THE SAN MARCOS JUSTICE COURT
12 201 E. Chicago St., Chandler, AZ 85225
13 STATE OF ARIZONA, COUNTY OF MARICOPA

14 PHOENIX CORVETTE SALES LTD,)
15)
16)

17 Plaintiff/Judgment Creditor)
18)
19)

20 vs.)
21)
22)

23 GREGORY ERVIN and JANE DOE ERVIN, husband)
24 and wife,,)
25)

26 Defendant/Judgment Debtor)
27)
28)

29 BLUUME, LLC,)
30)
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32 Garnishee)
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No. CC2015-230000RC

REQUEST FOR HEARING

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

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

8 I request a hearing for the following reason:

9 [] The Non-exempt Earnings Statement is incorrectly filled out.

10 [] Other: _____.

11 _____
12 Name of Judgment Debtor (print)

13 _____
14 Signature of Judgment Debtor

15 _____
16 Date

17 _____
18 Mailing Address

19 _____
20 Telephone Number

21 _____
22 City, State and ZIP Code

INSTRUCTIONS TO GARNISHEE:

GARNISHMENT OF EARNINGS

You have been served with two (2) copies of a Writ and Summons of Garnishment, a copy of the underlying Judgment, four (4) copies of an Answer form, two (2) copies of a Notice to Judgment Debtor, two (2) copies of a Request for Hearing form, 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 Writ and Summons 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 Writ and Summons of Garnishment, you must file an Answer to the Garnishment with the Clerk of the Court (SAN MARCOS JUSTICE COURT - 201 E. Chicago St., Chandler, AZ 85225) 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 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 Judg-

1 ment Debtor in the Answer. The Answer shall contain the information which is set forth in the An-
2 swer form provided you, and you may use that form. The case number and the names of both the
3 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.

4 If it appears from the Answer you file that the Judgment Debtor was employed by you, or that
5 you otherwise owed earnings to the Judgment Debtor when the Writ was served, or earnings would
6 be owed within sixty (60) days thereafter and there is no timely written objection to the Writ or your
7 Answer, on application by the Judgment Creditor, the Court will order that the non-exempt earnings
8 withheld by you after service of the Writ be transferred to the Judgment Creditor who is entitled to
9 such monies subject to the Judgment Debtor's right to objection and hearing. The Court will order
10 that the garnishment is a continuing lien against the non-exempt earnings of the Judgment Debtor.
11 The Judgment Creditor will deliver a copy of this order of Continuing Lien to you. *When you receive*
12 *this order, you are to immediately send all of the earnings withheld since service of the Writ of*
13 *Garnishment to the Judgment Creditor's attorney (made payable to GERMAINE LAW OFFICE,*
14 *PLC).* Furthermore, you are to withhold and send to the Judgment Creditor's attorney the non-
15 exempt earnings of the Judgment Debtor each succeeding payday until the occurrence of any of the
16 following:

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

25 If no objection is filed to your Answer to the Writ and Summons of Garnishment and the
26 above mentioned Order of Continuing Lien is not entered within forty-five (45) days after the filing
27 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.

28 You have been provided with four (4) copies of the Non-exempt Earnings Statements. **Be-**
29 **ginning with the pay period during which the Writ was served, and while the Order of Contin-**
30 **uing Lien remains in effect, for each pay period you must do the following:**

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

36 **NEITHER THE ORIGINAL NOR A COPY OF THE NON-EXEMPT EARNINGS**
37 **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

1 **SEND ANY WITHHELD EARNINGS TO THE COURT.**

2 The Judgment Creditor must deliver to you sufficient copies of the appropriate Non-exempt
3 Earnings Statement and Request for Hearing forms so that you are able to comply with these re-
quirements unless the Judgment Creditor is advised that you will supply your own forms.

4 While a continuing lien is in effect you may deduct from the non-exempt earnings of the
5 Judgment Debtor the amount of \$5.00 each payday as a fee for preparing and delivering the Non-
exempt Earnings Statement.

6 If a party has an objection to the Writ and Summons of Garnishment, your Answer to the Writ
7 and Summons of Garnishment, or a Non-exempt Earnings Statement, he may file a written objection
8 and Request for Hearing form. A hearing must be requested no later than ten (10) days after receipt of
9 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
10 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.

11 You may conclusively rely on and you are not liable to the Judgment Debtor for acting in re-
liance on the validity and authenticity of a garnishment that is regular on its face. **However, for non-**
12 **compliance with your responsibilities set forth in these instructions, the garnishment law pro-**
vides as follows:

13 If you fail to answer the Writ and Summons of Garnishment with ten (10) days, the Judgment
14 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
15 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
16 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
17 service and a petition requiring you to appear or answer was filed.

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

19 If a garnishee fails after written notice to deliver non-exempt earnings to the Judgment Credi-
tor within thirty(30) days after the ending date of the pay period, or fails after written notice to deliv-
20 er the Non-exempt Earnings Statement to the Judgment Debtor with the exempt earnings, the Judg-
ment Debtor may petition the Court for relief. The Court shall, after notice, hold a hearing to deter-
21 mine whether such failure, if any, was willful or the result of gross negligence. If the Court deter-
mines that the failure was willful or the result of gross negligence, the Court shall find the garnishee
22 in contempt and shall award the Judgment Debtor all of the following:

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

27 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 fails

1 to deliver to the Judgment Creditor the non-exempt earnings of the Judgment Debtor, if any, and the
2 copy of the Non-exempt Earnings Statement, within fourteen (14) days of the end of the pertinent
3 pay period, and the Judgment Creditor thereafter delivers a written demand for the non-exempt earn-
4 ings and statement, and the garnishee does not comply within fourteen (14) days of the receipt of the
5 written demand, the Judgment Creditor may petition the Court for relief. The Court shall, after no-
6 tice, hold a hearing to determine whether the failure to comply with the written demand within four-
7 teen (14) days of receipt, if any, was willful or the result of gross negligence. If the Court determines
8 that the failure was willful or the result of gross negligence, the Court shall find the garnishee in con-
9 tempt and shall award the Judgment Creditor all of the following:

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

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

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

- 13 A. Except as provided in subsections B and C, conflicting Wage Assignments, Garnish-
14 ments and Levies rank according to priority in time of service.
- 15 B. Garnishments, Levies and Wage Assignments which are not for the support of a per-
16 son are inferior to Wage Assignments for the support of a person. Garnishments
17 which are not for the support of a person and Levies are inferior to Garnishments for
18 the support of a person.
- 19 C. If a Judgment Debtor's earnings become subject to more than one Writ of Garnish-
20 ment pursuant to this Article, and because of the application of the priorities set forth
21 in subsections A and B, a Judgment Creditor recovers no non-exempt earnings for
22 two (2) consecutive paydays, the lien on earnings of such Judgment Creditor is inva-
23 lid and of no force and effect, and the garnishee shall notify the Judgment Creditor
24 accordingly.
- 25
- 26
- 27

1
2
3
4 LAW OFFICES
5 GERMAINE LAW OFFICE, PLC
6 4040 East Camelback Road, Suite 110
7 Phoenix, Arizona 85018-2735
8 (602) 953-5588

9 **NOTICE**

10
11 If you require additional Non-exempt Earnings Statements to comply with the duties of the
12 Garnishee, please contact our office whenever such additional forms are needed and they will be sent
13 to you.

14 Very truly yours,

15
16
17 Sanford J. Germaine
18 GERMAINE LAW OFFICE, PLC
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DL Investigations & Attorney Support LLC
7501 N. 16th Street, Suite 200
Phoenix, AZ 85020
(602) 285-9901

Inv. # **San Marcos Justice Court, Maricopa County, State of Arizona**
112687 **201 E. Chicago Street, Chandler AZ 85225**
PHOENIX CORVETTE SALES, LTD.

Plaintiff / Petitioner,
vs.
GREGORY ERVIN AND JANE DOE ERVIN
Defendant / Respondent.

NO. **CC2015230000RC**
CERTIFICATE OF NON-SERVICE OF
PROCESS BY A PRIVATE PERSON

Geoffrey Roberts, the undersigned certifies under penalty of perjury: That I am fully qualified pursuant to RCP 4 (d), 4 (e), 45 (b) and/or ARS 13-4072, to serve process in this case, and received for service the following documents in this action:

Garnishee's Answer(4), Notice to Judgment Debtor or Defendant(2), Writ of Garnishment & Summons(2), Judgment, Instructions to Garnishee, Request for Hearing on Garnishee(2), Initial Notice to Judgment Debtor(2), Initial Request for Hearing on Garnishment of Earnings(2), Non-Exempt Earnings Statement(4), Request for Hearing on Non-Exempt Earnings Statement(4), Notice

from **Sanford Germaine c/o Germaine Law Office, P.L.C.** on **8/19/16**;

Affiant states that I made due and diligent search within Maricopa County, Arizona, by performing each of the acts set forth below, indicated by 'X' and that s/he has been unable to locate the defendant(s) named below within Maricopa County, Arizona:

NAMED DEFENDANTS: BLUUME, L.L.C., c/o Austin Vickers Stat. Agent

- ☐ Searched local telephone directories and Information Service
- ☐ Inquired of the U.S. Post Office concerning forwarding address
- ☐ Inquired of last known residence of defendants
- ☐ Inquired of neighbors at last known residence
- ☒ Other:

8/19/16@3:00pm 21 E. 6th Street, Ste.114, Tempe, 85281 I spoke to an occupant of this property. Austin Vickers is the landlord but does not occupy any space here. I called the client and updated. 8/25/16@2:30pm 4900 N. Scottsdale road, #4500, Scottsdale, 85251 There is no one here that is authorized to accept service. I got the owner's phone number and tried calling it several times. There was no answer and he did not return any of my calls. I called the client and left a message. Per client, hold service. 9/7/16 Per client, RTA docs.

Statement of Costs

Services	
Mileage	\$62.40
Sp. Handl.	
Witness	
Advances	
Cert. Prep	\$10.00
Other	
Total	\$72.40


Affiant - Registered in
Maricopa County

ORIGINAL

The above is covered by A.R.S. as amended 41-314 & 11-45 and Rules 4, 5 and 45.

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

User Id: MLEEBLAI
Invoice No.: 5167122

Check Batch:
Invoice Date: 09/14/2016
Date Received: 09/14/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1930640-3 BLUUME, LLC	\$25.00
Total Documents: \$		25.00
CHECK	1208	\$25.00
PAYMENT		
Balance Due: \$		0.00

Corporate Inquiry

09/14/2016

State of Arizona Public Access System

12:08 PM

File Number: L-1930640-3

Corp. Name: BLUUME, LLC

Domestic Address
21 E 6TH ST STE 114

TEMPE, AZ 85281

Second Address

Agent: AUSTIN VICKERS
Status: APPOINTED 06/04/2014
Mailing Address:
21 E 6TH ST STE 114

TEMPE, AZ 85281

Agent Last Updated: 08/12/2014

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 06/04/2014

Approval Date: 06/06/2014

Last A/R Received: /

Date A/R Entered:

Next Report Due:

INVALID KEY FUNCTION. (A058)

Tina Nemeth

