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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Almo Music Corp.; A.J. Croce d/b/a Croce Publishing; Ingrid Croce d/b/a Time In A Bottle Publishing; Carly Simon d/b/a C'est Music Co.; Chappell & Co., Inc.; Larry Stock Music Co.; Jobete Music Co., Inc.; Quartet Music, Inc.; and Range Road Music,

No. MC 11-0049-PHX-JAT

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**JUDGMENT
ON WRIT OF GARNISHMENT**

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Plaintiffs,

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vs.

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Ettled, LLC; and George Roy Ettwein,

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Defendants.

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American Express,

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Garnishee.

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Pending before the Court is Plaintiffs' Motion for Garnishment Judgment (Doc. 24).

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The Court now rules on the Motion.

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I. BACKGROUND

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On June 12, 2009, Judgment was entered against Defendants Ettled, LLC, George Roy Ettwein, and Black Forest of Asheville, Inc. ("Judgment Debtors"), in favor of Plaintiffs ("Judgment Creditors"), in the amount of \$13,000. (Doc. 1).

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On February 13, 2012, Judgment Creditors requested a writ of garnishment against

1 Garnishee American Express Travel Related Services, Inc. (“AmEx”) (Doc. 24). In its
2 Answer, AmEx indicated that, at the time the writ was served, it was in possession of
3 \$100.74 in monies of Judgment Debtors. (Doc. 24-1 at ¶ IV). Copies of the Writ and
4 Summons, underlying Judgment, Notice to Judgment Debtors, Requests for Hearing, and
5 AmEx’s Answer were attached to the Judgment Creditors’ Motion for Garnishment and
6 mailed to Judgment Debtors on February 13, 2012 (Doc. 24 at 2).

7 **II. LEGAL STANDARD**

8 Process to enforce a judgment for the payment of money is a writ of execution, unless
9 the court directs otherwise. FED. R. CIV. P. 69(a)(1). Generally, a federal writ of execution
10 “must accord with the procedure of the state where the court is located.” *Id.* Arizona’s
11 statutory scheme regarding garnishment of monies or property is located at Arizona Revised
12 Statutes (“A.R.S.”) sections 1570-1597.

13 “A party who has an objection to the writ of garnishment, the answer of the garnishee
14 or the amount held by the garnishee or a party claiming an exemption for garnishment may,
15 not later than ten days after the receipt of the answer, file a written objection and request for
16 hearing.” ARIZ. REV. STAT. ANN. § 12-1580(A) (2011). “[I]f the answer shows that the
17 garnishee was indebted to the judgment debtor at the time of service of the writ, and no
18 objection to the writ or answer is timely filed, on application by the judgment creditor the
19 court shall enter judgment on the writ against garnishee for the amount of the nonexempt
20 monies of the judgment debtor owed or held by the garnishee at the time of the service of the
21 writ.” *Id.* at § 12-1584(A). Under Arizona’s garnishment statute, a presumption exists “that
22 a document has been received five days after it is mailed.” *Id.* at § 12-597(A).

23 **III. ANALYSIS**

24 Judgment Creditors have properly complied with Arizona’s garnishment statutes
25 regarding the Writ of Garnishment of nonearnings. Judgment Debtors presumptively
26 received notice of the Writ of Garnishment and the Motion for Garnishment Judgment.
27 Judgment Debtors have not filed an objection to the writ or garnishment or the Motion for
28 Garnishment Judgment. AmEx has not requested a reimbursement fee for its costs incurred

1 in preparing its answer.

2 **IV. CONCLUSION**

3 Based on the foregoing,

4 **IT IS ORDERED** that Judgment Creditor's Motion to Expedite Entry of Judgment
5 (Doc. 31) is granted.

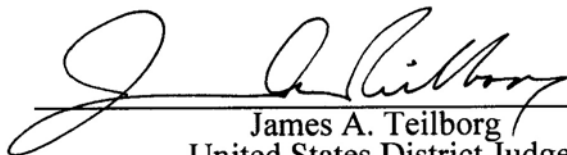
6 **IT IS FURTHER ORDERED** that Judgment Creditors' Motion for Garnishment
7 Judgment (Doc. 24) is granted.

8 Judgment Creditors shall have judgment against Garnishee American Express Travel
9 Related Services, Inc. from the amount disclosed in American Express Travel Related
10 Services, Inc.'s Answer in Garnishment as to Judgment Debtors Ettled, LLC and George Roy
11 Ettwein in the amount of \$100.74.

12 American Express Travel Related Services, Inc. shall remit the sum of \$100.74 to
13 Judgment Creditors through their attorney, Peter J. Rathwell, Snell & Wilmer L.L.P., One
14 Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004-2202.

15 DATED this 10th day of April, 2012.

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James A. Teilborg
United States District Judge