

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

TJ 2013-005494

02/23/2015

COMMISSIONER MICHAEL L. BARTH

CLERK OF THE COURT  
A. Aycock  
Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS ASSOCIATION INC      JAVIER B DELGADO

v.

JEREMY D SPREITZER

MINUTE ENTRY

This court is in receipt of Judgment Creditor's Application for Post-Judgment Attorney's Fees and Costs of Collection. It is ordered rejecting Judgment Creditor's request for an award of attorney's fees for the reason that the request includes fees incurred in connection with preparation of garnishment pleadings. The Court of Appeals recently ruled that because garnishment actions were created by statute, garnishment actions are governed by statute as opposed to the terms of the contract. Blum v. Cowen, 690 Ariz. Adv. Rep. 4 (Ct. App. 7/3/14). The applicable garnishment statute does not authorize the recovery of attorney's fees incurred in connection with a garnishment proceeding unless certain conditions are met. See A.R.S. § 12-1598.07(E). Those conditions are not present here. Absent a showing of good cause, attorney's fees incurred in preparing and filing an amended application for recovery of attorney's fees not including attorney's fees incurred in preparing garnishment pleadings, will not be granted.