

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TJ 2016-004386

07/16/2019

HONORABLE LINDSAY P. ABRAMSON

CLERK OF THE COURT
A. Aycock
Deputy

CANDLEWOOD ESTATES AT TROON
NORTH HOMEOWNERS ASSOCIATION

JEFFREY B CORBEN

v.

LARRY ALLAN ABEL

LARRY ALLAN ABEL
10918 E SUTHERLAND WY
SCOTTSDALE AZ 85262-4673

COMM. ABRAMSON

MINUTE ENTRY

The Court has received Judgment Creditor's Application for Amount of Attorney Fees incurred Post-Judgment, Pre-Garnishment.

On April 4, 2019 the Arizona Court of Appeals issued its opinion in *Ironwood Commons Community Homeowners Association, Inc. v. Randall*. In the opinion, the Court held that "because A.R.S. § 12-1598.07(E) is the exclusive means by which attorneys' fees may be granted in a proceeding to garnish earnings, the trial court erred by awarding Ironwood attorneys' fees related to the garnishment proceeding. As shown in its affidavit, Ironwood requested attorneys' fees for tasks related to general collection efforts, such as "pursu[ing] [the] transcript of judgment" and preparing the judgment renewal. But it also requested fees for tasks related to the garnishment proceeding, such as obtaining the debtor's employment information. See A.R.S. § 12-1598.03(A)(4) (providing that the judgment creditor must file an application to obtain a writ of garnishment stating, inter alia, "[t]hat the garnishee is believed to be an employer of the judgment debtor"). Though Ironwood argues the fees sought did not include any fees for

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preparation of garnishment documents, if the fees relate to preparing for the garnishment proceeding, they are recoverable only under A.R.S. § 12-1598.07(E).”

The application for attorneys’ fees contains entries related to employment searches.

IT IS ORDERED that Judgment Creditor file, by August 16, 2019, either 1) an affidavit confirming that the Application complies with this new opinion or 2) file an amended application.