

1 Edward O. Burke  
2 Maricopa County Superior Court  
3 125 W. Washington St. #101  
4 Phoenix, AZ 85003

5  
6 IN THE SUPREME COURT  
7 STATE OF ARIZONA

8 **PETITION TO ADOPT RULE** )  
9 **GOVERNING APPLICATION TO** ) Supreme Court No. R-07-\_\_\_\_  
10 **TRANSFER STRUCTURED** )  
11 **SETTLEMENT PAYMENT** )  
12 **RIGHTS** )  
13 ) —  
14 )

15 The current process for approving the sale of structured settlement payment rights  
16 under A.R.S. § 12-2901 et. seq. does not require a payee to advise the court if prior  
17 applications to transfer some or all of the payee's rights have been filed and what  
18 disposition has been made of them. This is important information a judge should have.  
19 In one case in Maricopa County an 18 year old payee had a structured settlement  
20 arrangement which provided her \$8000 per month plus \$1,000,000 per year for thirteen  
21 years. In less than two years she applied four times to sell portions of her payment  
22 rights and in each case the judge considering her application was not initially told that  
23 she had filed prior applications. In another case a transfer application was approved for  
24 rights that had been transferred 2 years earlier to a different factor.

25 The proposed rule, as set forth in Exhibit A, would require the payee to give the  
26 court complete information regarding prior transfers so that the court will be fully  
informed prior to deciding whether the proposed transfer is in the best interest of the  
payee and his or her dependents. A similar rule has been adopted in Pennsylvania. See,  
Pa.R.C.P. No. 229.2.

1 This proposed rule will be considered by the Maricopa County civil bench at its  
2 January meeting.

3  
4 Dated this 20th day of December, 2007.

5  
6 \_\_\_\_\_/s/ Edward O. Burke\_\_\_\_\_

7 \_\_\_\_\_Judge Edward O. Burke  
8 Maricopa County Superior Court  
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# Exhibit A

## Rule \_\_\_\_ Application to Transfer Structured Settlement Payment Rights

(a) Every application for approval of the transfer of structured settlement rights filed pursuant to A.R.S. § 12-2901 et. seq. shall include a Payee's Declaration in Support of Application in the following form;

### (CAPTION)

#### Payee's Declaration in Support of Application to Transfer Structured Settlement Payment Rights

I, \_\_\_\_\_, the payee, verify that the statements below are true and correct:

1. Payee's name, address and age: \_\_\_\_\_.

2. Marital Status:

Never Married;  Married;  Separated;  Divorced

If married or separated, name of spouse: \_\_\_\_\_.

3. Minor children and other dependents:

Names, ages, and places of residence: \_\_\_\_\_.

4. Income:

(a) Payee's monthly income and sources:

\_\_\_\_\_.

(b) If presently married, spouse's monthly income and sources:

\_\_\_\_\_.

5. Are you subject to any child support or spousal maintenance orders?:

Yes  No

If yes, state the amount of the obligation, to whom payable, whether there are arrearages, and the name of the jurisdiction in which the award was made, the names of the parties in the case and the case number for each obligation:

6. Are you subject to any orders in any civil, probate, or criminal case which requires you to pay money to any person?

1 If yes, state the amount of the obligation, to whom payable, whether there are arrearages, and  
2 the name of the jurisdiction in which the award was made, the names of the parties in the case  
and the case number for each obligation:

3 7. Previous transfers: Have you previously filed a application to transfer payment rights  
4 under the structured settlement that is the subject of this application?

5  Yes  No

6 If yes, for each application that you filed,

7 (a) If the transfer was submitted for court approval, list the court, the case  
caption and case number, and state whether the court approved or disapproved the  
8 transfer:

9 (b) If the transfer was approved,

10 (i) State the name of the transferee and identify (listing due dates and  
payment amount(s)) the payments involved in the transfer:

11 \_\_\_\_\_.

12 (ii) State the amount of money and the manner in which the money was  
used: \_\_\_\_\_.

13 (c) Have you ever transferred payments without court approval? If so, please  
14 explain:

15 8. Payment of debts:

16 If you seek the transfer in order to pay debts, list each debt, including the name of the  
creditor and the amount presently owed:

17 Debt	Creditor	Amount Owed
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

19 **Declaration**

20 I declare (verify, certify, or state) under penalty of perjury that the foregoing is true and  
21 correct.

22 DATE: \_\_\_\_\_

23 Signature