

COMMON COLLECTION PROCEDURES FOLLOWING JUDGMENT

Once a judgment has been secured the creditor should call the debtor, advise him that the judgment has been secured and see if voluntary compliance can be had. If this is unsuccessful the following procedure may be taken:

- I. Bring the name of the bank used by the defendant to the Clerk of the Court (small claims desk) and ask for the forms entitled:

1. “Garnishment Summons-Nonwage”
2. “Affidavit for Garnishment-Nonwage” (the reverse side of this form will be entitled “Interrogatories to Garnishee”).

Complete the appropriate portions of the documents, keeping a copy for yourself, then give the sheriff one white original copy and two yellow copies of each form. You must then appear in Court on the return date set forth on the forms, and if timely service has been made upon the bank, you will be entitled to an order from the Court directing the bank to turn over to you a portion of the funds they may be holding for the debtor.

- II If you do not know the bank used by the debtor, but do know the name of his employer, then bring this information to the Clerk of Court’s Office and ask for the forms entitled:

1. “Wage Deduction-Summons”
2. “Affidavit for Wage Deduction Order” (the reverse side will read “Interrogatories to the Employer”).

Complete the appropriate portions of the documents and give the sheriff one white copy and two yellow copies of each, keeping a copy of each for yourself.

You must then appear in Court on the return date and ask that any monies withheld by the employer be turned over to you.

- III If you do not have any of the above information, and the debtor is an individual, rather than a company, bring his or her name and address to the Court Clerk and ask for the form entitled:

- “Citation to Discover Assets”

Fill in the appropriate portion of the form and take one white and two yellow copies to the sheriff for service. You must then appear in court on the return date and you will be entitled to ask the debtor, under oath, questions regarding his assets such as where he banks, where he works, what property he owns, who owes him money, etc.

You may then proceed with the aforementioned Steps I and II to attach any assets discovered, unless other arrangements are made by the defendant for payment.

- IV. If the debtor is a company, rather than an individual, you will have to get the name of an owner or officer before serving the “Citation” referred to in Step III.

The names and addresses of corporate officers can be secured from a book entitled “The Corporate Index” located in the Recorder of Deeds Office on the Sixth Floor of the Courthouse.

The names and addresses of owners of a business that is not incorporated can be secured from the “Assumed Name Index” located in the County Clerk’s Office (this office is off of the southwest corner of the court building rotunda).

Once you have the name of an individual officer or owner you can serve them with a “Citation to Discover Assets” as described in Step III.

- V. If the debtor or his agent does not appear on the return date of the “Citation” you have the right to ask that the sheriff arrest him/her and bring him/her to the courtroom for questioning.
- VI. If the debtor owns his own home, but has no liquid assets, you may ask the Clerk of the Court for a form entitled “Memorandum of Judgment”. When this form is filed with the Recorder of Deeds (sixth floor of the Courthouse) your claim becomes a lien upon the real estate.

NOTE: 1. The sheriff’s fee for serving the documents described must be paid in advance; such costs , however, are to be added to the amount due from the debtor.

- 2. The above is not intended to be a complete listing of all the remedies available to a creditor. Also, there are limitations such as homestead and personal property exemptions that may affect the collection of a debt. Please see your attorney regarding these matters.