

Judgment Creditor's Checklist for Identifying the Judgment Debtor's Property

Keep a copy of all documents for your records.
Attend all court hearings.

(1) Ex Parte Motion for Hearing to Identify Judgment Debtor's Property

- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Paragraph (1): Print the date the judgment was entered and the amount of the judgment. Check whether the plaintiff/petitioner or defendant/respondent is the judgment debtor. (The judgment debtor is the person who owes the money judgment. The judgment creditor is the person entitled to be paid the money judgment.)
- Attach the required documents and forms.
- Date and sign the form.
- File the original form with the judicial services representative.

(2) Proposed Order Scheduling Hearing to Identify Judgment Debtor's Property

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Paragraph (1): Complete the same as Paragraph (1) in the Ex Parte Motion.
- Do not complete the rest of the form. The judicial services representative will do this.

(3) Answers to Questions about Debtor's Property

- Do not print your name and contact information at the top of the first page. The judgment debtor will do this.
- Do not check whether you are the plaintiff/petitioner or defendant/respondent. The judgment debtor will do this.
- Complete the heading exactly as it appears in the Judgment.
- On the last page, print your (or your lawyer's) name and the address where you want the debtor to send the Answers.

(4) Serve the debtor

After the judicial services representative has scheduled the hearing and signed the Order Scheduling Hearing to Identify the Debtor's Property, you must serve the debtor with:

- Order Scheduling Hearing to Identify Judgment Debtor's Property
- Answers to Questions about Judgment Debtor's Property

How you serve the debtor affects your rights if the debtor does not attend the hearing. If the debtor does not attend the hearing, you can ask the court to issue a Bench Warrant or an Order to Show Cause (why the debtor should not be held in contempt of court) subject to the following conditions.

- You can ask for a Bench Warrant if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served on the debtor personally.
- You can ask for an Order to Show Cause if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served by some other method, such as mailed to the debtor or left with someone to give to the debtor.

If you serve the debtor, complete the Certificate of Service and file it with the judicial services representative.

If you have a constable, deputy sheriff or process server serve the debtor personally, they will complete a proof of service and file it with the court.

(5) Cancel the hearing if the debtor serves the Answers on you

If the debtor serves you with the Answers to Questions about Judgment Debtor's Property and you are satisfied that the answers are complete and true, call the judicial services representative to cancel the hearing.

Notify the debtor that the hearing is canceled.

If you fail to cancel the hearing when one is not needed, or fail to notify the debtor that the hearing has been canceled, you may have to pay the debtor's costs to attend the hearing.

(6) Hearing to Identify Property of the Judgment Debtor

Be sure to cancel the hearing and notify the debtor if the debtor serves you with the Answers to Questions about Judgment Debtor's Property and the answers are true and complete.

If you have not received the Answers or if you are not satisfied with them, prepare for the hearing by making a list of questions about the debtor's property. If you are not represented by a lawyer, be prepared to question the debtor yourself.