

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

If You Need Information to Start Collections

What is an oral judgment debtor examination?

An oral examination requires the Judgment Debtor to appear in court and answer your questions under oath about personal assets and/or earnings, and any other information that you might need for a collection method.

At the Clerk's Office, tell the staff you are filing a Motion for Oral Examination. Provide your case number and ask for your case file. Once you get your file, go to the cashier with the following:

- (One original and two copies) Complete the "Motion for Oral Examination" and file it with the Clerk of Court.
- (one copy) "Instructions for Service of Summons" form (mark the type of service you are requesting and provide the Judgment Debtor's name and address)
- Pay Service fee to "Franklin County Municipal Court." The Clerk accepts cash, check, Visa, and MasterCard. The following Service options are available for each Judgment Debtor:
 - \$8.00 for ordinary mail delivery
 - \$11.00 for certified mail service
 - \$30.00 for Bailiff Service in Franklin County
 - \$46.00 for Bailiff Service by Sheriff of Delaware, Licking, Union, Madison, Pickaway, or Fairfield County (if Judgment Debtor outside of Franklin County)
- Take the case file and forms to the "Duty Room" on the 10th Floor for a judge to review. The Duty Room is open from 9:00 am to Noon and 1:30 pm to 4:30 pm. A hearing date will be assigned.

For Bailiff Service, the Judgment Debtor must live in Franklin, Delaware, Licking, Union, Madison, Pickaway, or Fairfield County. If the Judgment Debtor does not live in any of those seven counties, the order may be sent to the Judgment Debtor by certified or ordinary mail, but the Judgment Debtor cannot be forced to appear in court.

If the Judgment Debtor does not live in any of those seven counties and you want the Judgment Debtor personally served with the Order for an Oral Examination by a Bailiff, you must certify the judgment (file a copy of the certificate of judgment) with the Common Pleas Court in the county where the Judgment Debtor lives, and then conduct the oral examination in that county.

What questions do I ask at the oral examination?

You are free to ask the Debtor any questions that are relevant to his or her assets and/or earnings. Examples include:

- **Personal information:** the Debtor's full legal name, place of residence, social security number, and date of birth.
- **Current employment history:** the Debtor's current employer, the employer's address, the Debtor's current rate of pay, the Debtor's pay schedule, the last time the Debtor received a paycheck, when was the last time the Debtor's pay was garnished.
- **Past employment history if not employed:** the Debtor's last employer, period of employment, last rate of pay, reason for leaving job, and current income to pay living expenses.
- **Business interests:** whether the Judgment Debtor owns an interest in a business, partnership, or corporation, the type of business, the Debtor's interest in the business, and the name and address of the business.
- **Money on deposit:** whether the Debtor has money in a checking account, savings account, credit union account, money market account, or with a financial broker.
- **Personal asset ownership:** whether the Judgment Debtor owns stock, stock options, bonds, or certificates of deposit.
- **Real estate ownership:** whether the Debtor owns a home or other land, whether the deed in the Debtor's name or with others, the address of the property, financing information, who holds the mortgage(s), whether there is an outstanding balance due on the mortgage(s), and are there any liens against the property.
- **Creditor status:** whether the Judgment Debtor is owed payment on a loan or other bill, or on a judgment.
- **Debtor status:** whether the Judgment Debtor owes any money to a different creditor, or if there are any outstanding judgments against the Judgment Debtor.

If the Judgment Debtor appears and answers your questions, refer back to the previous sections for the methods you can use to collect your judgment.

FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

SERVICE _____

CASE NO. _____ CV _____

Plaintiff

Defendant

MOTION

Plaintiff moves the court for an order requiring _____ to appear to answer questions under oath concerning defendant's property, earnings, and other assets.

Plaintiff/Attorney for Plaintiff

AFFIDAVIT

State of Ohio }
County of Franklin } ss.

_____ says that s/he is the plaintiff or attorney for the plaintiff in this case. On _____ judgment was obtained in the sum of \$_____, plus court costs and interest. This judgment has not been satisfied; there is a balance due and owing of \$_____, plus costs, and interest.

Plaintiff /Attorney for Plaintiff

Sworn before me and subscribed in my presence this _____ day of _____, _____.

 Notary Public Deputy Clerk

ORDER FOR EXAMINATION OF JUDGMENT DEBTOR

On the motion of the plaintiff, it is hereby ordered that

_____ appear for examination on Wednesday, the _____ day of _____, 20____ at 10:30 a.m. in Court Room No. 10A.

Judge, Franklin County Municipal Court

IMPORTANT

THIS IS A COURT ORDER THAT DEMANDS YOUR COMPLIANCE. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME NOTED ABOVE, YOU RISK BEING BROUGHT BEFORE THE JUDGE BY A BAILIFF OR POLICE OFFICER AND BEING PUNISHED FOR CONTEMPT OF COURT.

The State of Ohio }
County of Franklin } ss.

On the _____ day of _____, _____,

I served this motion, affidavit, and order on the within named judgment debtor,

By: _____ Deputy Bailiff

FRANKLIN COUNTY MUNICIPAL COURT **CASE NO:** _____

INSTRUCTIONS FOR SERVICE OF SUMMONS

To: Clerk, Franklin County Municipal Court, please issue summons for:

Personal Service Residence Service Certified Mail Ordinary Mail

Other: _____

On the defendant(s) as listed below, in the instructions to server.

DATE: _____ (Signed) _____
Signature of Requesting Party

To: _____ (Server)

You are instructed to make:

Personal Service Residence Service Certified Mail Ordinary Mail

Upon the following defendant(s) and at the address(s) listed below:

Special instructions for server:

**INSTRUCTIONS
TO THE CLERK
LORI M. TYACK, CLERK
FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO**

_____ Plaintiff	Case No. _____ CV _____
VS.	Signature _____
_____ Defendant	Attorney Code _____
_____ Date	Attorney for _____

To the Clerk: Please issue

- | | |
|--|---|
| <p>_____ Writ of Restitution - \$35.00 (Includes Service)
(Red Tag)</p> <p>_____ Set Out - \$45.00(Includes Service)</p> <p>_____ Replevin - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution/Vehicle - \$835.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Exemplified Copy or Certificate of Copy - \$20.00</p> <p>_____ Certificate of Judgment - \$10.00</p> <p>_____ Revivor - \$30.00
(Up to 3 defendants and/or addresses with 1 type of service)</p> <p>_____ Certificate of Judgment to BMV - \$10.00
Date of Loss _____
Date of Birth _____
Social Security # _____
Drivers License # _____
License Plate # _____</p> <p>_____ Appeal - \$50.00</p> <p>_____ Transfer from Small Claims - \$45.00</p> <p>_____ Certified Copies - \$1.00 ea.</p> <p>_____ Other _____</p> | <p>_____ Assignment of Judgment - \$20.00</p> <p>_____ Docket Transcript - \$20.00</p> <p>_____ Out of County Sheriff - \$41.00
County Name _____</p> <p>_____ Post Judgment Motion - \$20.00</p> <p>_____ Objection to Magistrate's Report - \$20.00</p> <p>_____ Amended Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Third Party Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Counterclaim/Crossclaim - \$20.00 ea.
(plus service fees, if requested)</p> <p>_____ Order to Show Cause - \$50.00
(Includes Service)</p> <p>_____ Ordinary Mail Svc - \$3.00 ea.</p> <p>_____ Certified Mail Svc - \$6.00 ea.</p> <p>_____ Bailiff Svc - \$25.00 ea.</p> <p>_____ Jury Demand Fee - \$10.00</p> <p>_____ Jury Demand Deposit - \$500.00</p> <p>_____ New Address _____</p> <p>_____ Street _____</p> <p>_____ City _____ State _____ Zip code _____</p> |
|--|---|