

FRANKLIN COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION
HOW TO REVIVE A DORMANT JUDGMENT

What is a dormant judgment?

A judgment becomes dormant if no action is taken to enforce it for a period of five (5) years. When a judgment is dormant no interest accrues and no collections proceedings can go forward until the judgment is revived.

The Judgment Creditor (the person who has the judgment) may file a motion to revive the judgment any time within ten (10) years after the judgment becomes dormant. If the court grants the motion the judgment is revived and the Judgment Creditor can take steps to collect the judgment. The judgment will become dormant again in five years if no action is taken to collect.

How do I revive a dormant judgment?

To revive a dormant judgment the Judgment Creditor can take the following steps:

1. Complete a "Motion to Revive Dormant Judgment" form. You will need the date the judgment was filed and the date the judgment became dormant (five years after the last action to enforce the judgment was taken).
2. Complete the Instructions to the Clerk and Instructions for Service of Summons and select the type of service you are requesting.
3. File the motion with the court. The cost to file the motion is \$30.00 for up to three defendants.

The Clerk will prepare a summons and send a copy of the motion to the Judgment Debtor. The Revivor will not be approved until service is completed. The Judgment Debtor has 28 days from the date when the motion is served to respond. If the Judgment Debtor responds to the motion, the case will be referred to a judge for consideration.

What happens if the debtor does not respond to the motion?

If the Judgment Debtor does not respond by the 31st day after service, you may file the "Entry for Revivor of Judgment" with the Clerk of Court on the 3rd floor. To obtain a copy of the Judge's signed Entry, enclose a self-addressed stamped envelope with the Entry.

To determine the date the Judgment Debtor was served, you can view your case docket using your case number at: www.fcmcclerk.com.

What do I do if the court revives the judgment?

Once the judgment is revived you can start one of the collection proceedings available through the court.

FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

Plaintiff,
v. _____ Case No. _____ CV _____

Defendant.

ENTRY FOR REVIVOR OF JUDGMENT

This cause came to be heard on the motion for revivor of the Judgment herein, and the Court finds that the Judgment Debtor, _____, has been served with a copy of the Motion to Revive Dormant Judgment and has failed to file a response with the Court that explains why the Judgment should not be revived.

IT IS THEREFORE ORDERED that the Judgment entered on _____, _____ for the sum of _____, including costs and interest at the rate of _____% per annum.

Judge

APPROVED:

 Judgment Creditor Judgment Creditor's Attorney

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

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| <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> |
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