

FRANKLIN COUNTY MUNICIPAL COURT

COLLECTING
YOUR
SMALL CLAIMS
JUDGMENT

SMALL CLAIMS DIVISION

375 South High Street, 16th Floor

Columbus, Ohio 43215

Phone: (614) 645-7381

Fax: (614) 645-8465

www.fcmcclerk.com



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Collection forms and fees may be mailed or filed with the Clerk of Court on the 3rd floor. The Clerk’s office closes at 4:30 pm. All forms are available at smallclaims.fmcclerk.com.

Small Claims Division staff can help explain the collection forms please call 614-645-7381 to schedule an appointment. Information provided by court staff is not legal advice.

This informational guide is not legal advice. If you need legal advice, visit the Columbus Bar Association Lawyer Referral Service at www.cbalaw.org (click on “Resources” then click “Resources for the Public”) or call 614-221-0754.

Clerk of Court
Monday – Friday
8 am to 4:30 pm
375 S. High Street, 3rd
Floor
Columbus, OH 43215
614-645-7220
www.fmcclerk.com

Small Claims Division
Monday – Friday
8 am to 5 pm
375 S. High Street, 16th
Floor
Columbus, OH 43215
614-645-7381
smallclaims.fmcclerk.com

About Collecting a Judgment

Even though the Court awarded you a judgment, the Judgment Debtor (“Debtor”) may not voluntarily pay you. You can use the methods explained here to help you get paid. You will need the case number and the names and addresses of the parties in your case. There are fees and court costs for each collection option.

This guide contains a few options for collecting money if you won a small claims judgment:

1. Bank Account Attachment
2. Wage Garnishment
3. Judgment Lien on Real Estate
4. Suspension of Driver's License

You can collect the following amounts (the “total probable amount due”):

- Your Judgment Amount (you can access your Judgment amount online using your case number at www.fcmcclerk.com/case/)
- Filing Fees and Court Costs (including the filing fee for a collection method)
- Interest on the Judgment (you may not collect interest if too much time passes and your judgment becomes “dormant”)
- The interest rate depends on the date your judgment was filed. The date is located on the Judgment Entry you received in the mail, or you can access your case information on www.fcmcclerk.com/case/.
- A Judgment Interest Calculator that automatically calculates interest is available at smallclaims.fcmcclerk.com.
- You must calculate new interest each time you receive a payment from the Debtor or pay a court fee.

Your judgment will remain active for at least five years. Even if it is impossible to collect your money now, you may be able to collect it later. If your judgment becomes inactive (“dormant”), you may “revive” your judgment by filing a “Motion to Revive” at any time within the next ten years.

Collection Method 1: Bank Account Attachment ("OTW")

This method takes money from the Debtor's bank account.

You will need the Debtor's:

1. Bank Name (any bank in Ohio)
2. Bank Address (if the bank is not in Franklin County, ask the Clerk to mail Attachment by certified mail)

File the "OTW" Garnishment Packet with the Clerk of Court:

- (One copy) "Instructions for Service of Garnishment" (mark "Bailiff Service" or "Certified Mail"; include the address for the Debtor's Bank). Please use bailiff service if the bank is in Franklin County.
- (One original plus four copies) "Affidavit & Order & Notice of Garnishment of Property Other Than Personal Earnings & Answer of Garnishee." ***You must sign the "Garnishment Affidavit" in front of a notary public or a deputy clerk in the Clerk of Court's office.**
- (Two copies) "Notice to Judgment Debtor and Request for Hearing."
- For each bank, a check or money order for \$1.00 payable to the Debtor's bank (the Garnishee).
- Filing fee of \$40.00 per bank payable to "Franklin County Municipal Court." The Clerk accepts cash, money order, check, Visa, and MasterCard.

If the attachment is successful, the Clerk will mail your money in about 30 days unless the Debtor requests a hearing. You may call the Clerk's Civil Division at 614-645-7220 to check the status of your attachment (provide your case number). You may file a Bank Attachment again if you do not receive the entire judgment amount.

Collection Method 2: Wage Garnishment

This method takes money from the Debtor's paycheck.

You will need the Debtor's:

1. Employer Name
2. Employer Address (ask the employer for the address where they accept garnishment requests)

Begin the Wage Garnishment Process:

- Complete two copies of the "Notice of Court Proceeding to Collect Debt" (the "15 Day Demand")
- Mail the Debtor a copy of the 15 Day Demand by ordinary US mail and obtain a "Certificate of Mailing" receipt from the Post Office (ask for Form 3817).
- Wait at least 15 days but not more than 45 days before completing the Wage Garnishment Packet.

If the Debtor does not pay you, file the following "Wage Garnishment Packet" with the Clerk of Court:

- (One copy) 15 Day Demand Notice.
- Certificate of Mailing receipt from the Post Office.
- (One copy) "Instructions for Service of Garnishment" (mark either "Bailiff Service" or "Certified Mail" and provide the address for the Debtor's Employer). Please use bailiff service if the Garnishee is in Franklin County.
- (One original plus four copies) "Affidavit & Order & Notice of Garnishment of Personal Earnings & Answer of Employer." *You must sign the "Garnishment Affidavit" in front of a notary public or a deputy clerk.
- (Two copies) "Notice to the Judgment Debtor and Request for Hearing."
- (One copy) "Interim Report and Answer of Garnishee."
- (One copy) "Employer Guide to Processing Continuous Orders of Garnishment."
- Filing fee of \$85.00 per employer payable to "Franklin County Municipal Court." The Clerk accepts cash, money order, check, Visa, and MasterCard.

Within 15 days, the Debtor's employer must state whether the Debtor works there and, if so, provide payroll information. After 30 days, you may call the Clerk's Civil Division at 614-645-7220 to check the information provided by the employer.

The Debtor may request a hearing to review the garnishment (you will get notice by mail). If the garnishment is successful, the Clerk will mail your money after the employer submits the first check to the Clerk's office. You may call the file room at 614-645-7200 to check the status of your garnishment (provide your case number).

Garnishments filed first take effect first and remain in effect for at least six months ahead of all others. You may file again if you do not receive all your money.

Collection Method 3: Judgment Lien on Real Estate

This method places a lien on the Debtor's real estate and you could collect money if the real estate enters foreclosure, is refinanced, or is sold. You will need addresses for the Debtor's real estate.

You will need to do the following:

- Complete the "Instructions to the Clerk" (mark "Certificate of Judgment") and take it to the Clerk on 3rd Floor.
- Pay filing fee of \$10.00 to prepare the Certificate of Judgment, payable to "Franklin County Municipal Court." The Clerk accepts cash, money order, check, Visa, and MasterCard.
- File the Certificate of Judgment with the Clerk of the Common Pleas Court in the county where the Debtor owns real estate (if Franklin County, file Certificate of Judgment at the Court of Common Pleas at 345 South High Street, 2nd Floor, Columbus, Ohio, 43215).
- Pay the filing fee to the Common Pleas Court (fees may vary by county, for Franklin County, call 614-525-3621).
- File Certificate of Judgment with the County Recorder of the county where the property is located. The Franklin County Recorder is located at 373 S. High Street, 18th floor.
- Pay recording fee to the County Recorder (contact the Franklin County Recorder at 614-525-3930 for fee amount).
- Send the Debtor a written notice that you filed a lien.

A judgment lien on real estate remains in effect for five years. You may renew the lien every five years, if necessary, and if payment is delayed, you are entitled to interest from the date of judgment.

Collection Method 4: Suspension of Driver's License

If you got your judgment because the Debtor operated a motor vehicle negligently, and it has been at least 30 days since you got your judgment, you may get the Debtor's Ohio Bureau of Motor Vehicles (BMV) driver's license suspended.

You will need to do the following:

- Complete the "Instructions to the Clerk" (mark "Certificate of Judgment to BMV"). You must list the date of the accident.
- Provide at least two of the following items of information (a police report may have the information):
 - The Debtor's driver's license number
 - The Debtor's social security number
 - The Debtor's date of birth
- Provide filing fee of \$10.00 payable to "Franklin County Municipal Court."

The Clerk will issue a "Certificate of Judgment to BMV" and forward it to the BMV. The Debtor's license will be suspended when the BMV receives the Certificate of Judgment. The Debtor's Ohio driver's license will remain suspended until the Debtor pays or makes an agreement this is filed with the court. Additional information is available at:
<http://www.bmv.ohio.gov/judgments.stm>.

If You Need Information for a Collection Method

Oral Examination

An oral examination requires the Debtor to appear in court and answer your questions under oath about personal assets and/or earnings, and any other information 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) Of the completed "Motion for Oral Examination"
- "Instructions to Bailiff" form (mark either "Bailiff" or "Mail" and provide the Debtor's address)
- Service fee payable to "Franklin County Municipal Court." The Clerk accepts cash, money order, check, Visa, and MasterCard. The following Service options are available for each 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 the Debtor is outside of Franklin County)
- Take the case file and forms to the "Duty Room" on the 10th Floor. The Duty Room is open from 9:00 am to Noon and 1:30 pm to 4:30 pm. A judge will sign the Order and the Bailiff will serve the Debtor.

For personal service by a court Bailiff, the Debtor must live in Franklin, Delaware, Licking, Union, Madison, Pickaway, or Fairfield County. If the Debtor does not live in one of those counties, the order may be sent to the Debtor by certified or ordinary mail, but the Debtor cannot be forced to appear in court. If you still want the Debtor personally served by a Bailiff, you must file a copy of the certificate of judgment with the common pleas court in the county where the 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**. Focus only on getting the information you need for a collection method.

- **Personal information:** the Debtor's full legal name, place of residence, social security number, and date of birth.
- **Current employment information:** the Debtor's current employer, employer's address, Debtor's current rate of pay, Debtor's pay schedule, the last time the Debtor received a paycheck, 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 Debtor owns an interest in a business, partnership, or corporation, the type of business, the Debtor's interest in the business, and the business name and address.
- **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 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 is in the Debtor's name or with others, the address of the property, 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 Debtor is owed payment on a loan or other bill, or on a judgment.
- **Debtor status:** whether the Debtor owes any money to a different creditor, or if there are any outstanding judgments against the Debtor.

Written Questionnaire

The “Written Questionnaire” is an alternative to the Oral Examination and contains questions about a Debtor's assets and liabilities.

At the Clerk’s Office, tell the staff you are filing a Written Questionnaire and ask for your case file (you will need your case number). Once you get your file, go to the cashier with the following:

- (One original and two copies) “Motion and Order” form and the “Judgment Debtor Questionnaire” form.
- Provide “Instructions to Bailiff” form (mark either “Bailiff” or “Mail” and provide the Debtor’s address.
- Pay Service fee to “Franklin County Municipal Court”. The Clerk accepts cash, money order, check, Visa, and MasterCard. The following Service options are available for each 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 the Debtor is outside of Franklin County)
- Take the case file and forms to the “Duty Room” on the 10th Floor. The Duty Room is open from 9:00 am to Noon and 1:30 pm to 4:30 pm. A judge will sign the Order and the Bailiff will serve the Debtor.

After a reasonable amount of time passes (14 days) you can contact the Clerk's Office at 614-645-7220 to find out if the Debtor returned the questionnaire (provide your case number). If the questionnaire is returned, refer to the previous sections of this guide for the methods to collect your judgment.

If the Debtor does not live in Franklin, Delaware, Licking, Union, Madison, Pickaway, or Fairfield County and you want the Debtor personally served with the Written Questionnaire by a Bailiff, you must file a copy of the certificate of judgment with the Common Pleas Court in the county where the Debtor lives.

If the Judgment Debtor Fails to Appear in Court for the Oral Examination or Answer the Written Questionnaire

If a court Bailiff personally served the Debtor with the Order for Oral Examination, you may ask the magistrate to authorize a “Capias Order” for the arrest of the Debtor. **You will need the Debtor’s birth date or social security number.**

- The magistrate will give you the case file and a “green sheet” authorizing the Capias.
- Take the file and green sheet to the Small Claims Division (16th Floor) and ask for the Capias Form.
- Take form to the Cashier on the 3rd floor and pay the \$10.00 fee. The Clerk accepts cash, money order, check, Visa, and MasterCard.
- Take the Capias Form to the Duty Room on the 10th floor for the Judge’s signature. The Duty Room is open from 9:00 am to Noon and 1:30 pm to 4:30 pm.
- Take the signed form to the Clerk on the 3rd floor.

If you requested an Oral Examination and the Debtor is arrested, the Court may allow you to ask the Debtor questions before the Debtor is released. If the Debtor posts bond and is released, the court will schedule a new oral examination hearing.

You may also want to check periodically with the Clerk of Court, Criminal Division, to determine if the Debtor posted bond. If the Debtor posts bond in a traffic or criminal case, you may be able to seize the bond money held by the Clerk. You will need to use the forms and procedures followed in the “Bank Attachment” section earlier in this guide. The phone number for the Criminal Division is 614-645-8186.

If you used Bailiff Service to personally serve the Judgment Debtor with the Written Questionnaire Order, you may ask the court to charge the Debtor with contempt of court for failing to answer the Written Questionnaire.

Reminder Checklist: Wage Garnishment

- You mailed a 15-Day Demand and waited at least 15 days before you file your Wage Garnishment Packet.
- You have a “Certificate of Mailing” showing when you mailed the 15-Day Demand.
- If the employer is a company, it is helpful to send the wage garnishment forms to the company’s human resources department.
- You provide instructions for service. Request “Bailiff Service” if the employer is in Franklin County.
- You have the \$85.00 filing fee

Reminder Checklist: Bank Account Attachment

- You provide the Debtor’s bank name and address is correct and complete (street number, street, city, state and zip code). The bank is the “Garnishee.” Call the bank if you need the address.
- You provide instructions for service. Request “Bailiff Service” if the bank is in Franklin County.
- You have the \$40.00 fee.
- You have a check or money order for \$1.00 payable to the Debtor’s bank.

File a Satisfaction of Judgment Once You Collect All of Your Money

Your cooperation in filing a Satisfaction of Judgment will help ensure that court records are kept up to date!

- Once you collect your money, file a “Satisfaction of Judgment” form with the Clerk of Court (in-person or by mail). Include your case number and you name.
- There is no fee to file the Satisfaction of Judgment.

Reminder Checklist For All Collection Methods

The Clerk will not process your collection forms unless you meet the following requirements:

- The final judgment in your case awards you money.
- Your final judgment is not dormant (a judgment becomes dormant five years after the last docket entry).
- The case is not stayed. For example, there is no bankruptcy stay that prohibits action in the case.
- Your paperwork is complete and legible.
- Your case number is correct.
- You provide a current and correct address for yourself (the Judgment Creditor) including your full name, street number, street, city, state and zip code.
- You provide a current and correct address for the Debtor including name, street number, street, city, state and zip code.
- You have the original forms and exact number of copies listed on the top of each collection document.
- Your forms are notarized; either signed in front of a notary or a Deputy Clerk in the Clerk's office.

All forms are available at smallclaims.fcmcclerk.com.