

Collection of Small Claim After Judgment

If you are the winning party, the judgment entered by the court is a legal determination that another person owes you a certain sum of money, and court costs. Your judgment will be recorded (i.e., entered and indexed) in the judgment docket of this county.

Collecting the judgment is your responsibility. The length of time it will take to collect will depend upon both your diligence and the debtor's ability to pay. When the judgment is entered, payment may be ordered in full or by installments. In addition, the court may order that the payments be made to the clerk's office. If payments are made to the clerk's office, neither that office nor the court will monitor payments, but you may call the clerk's office to ask about payments. If payment is not made, you have several legal methods of collection.

Filing a Proceedings Supplemental is the first step. When a Proceedings Supplemental is filed, the debtor is ordered to appear in court and answer questions under oath about his or her ability to pay based upon income, assets, liabilities, family size, etc. If you know that the debtor has a job and know the address of his or her employer, you may ask the clerk to issue Interrogatories to the employer when you file the Proceedings Supplemental. The court can determine from the answers to the Interrogatories whether the debtor has wages which can be garnished.

At the hearing, you will have the opportunity to ask the debtor, or inform the court, about the debtor's ability to pay. At the conclusion of the hearing, the judge may order any of the following:

- 1) the Defendant to pay the judgment in full or in installments (the installments may be modified at any time in the future);
- 2) the Defendant to supply the court with current information regarding employment status and address;
- 3) the Defendant to reappear sometime in the future to provide additional information;
- 4) a garnishment of the debtor's earnings;
- 5) execution against the debtor's personal property.

At any time in the future if the debtor fails to follow a court order or if you have reason to believe that the debtor's ability to pay has improved, you may ask that the debtor be ordered to come back to court. This can be done throughout the lifetime of the judgment.

If the debtor is served with notice of the hearing and does not attend, the court, may set a show cause hearing in order to determine whether the debtor is in contempt of court for failing to appear.

If the debtor cannot be found to be served with the order to appear, the winning party can request that the hearing be continued for a period of time to allow more time to find the debtor and to serve him or her with notice of the hearing.

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip

E-mail

Phone #

Defendant(s)

Verified Motion for Proceedings Supplemental

Plaintiff, being duly sworn upon oath and subject to the penalties for perjury, states:

1. Plaintiff owns the Judgment rendered in this case against Defendant(s);
2. Plaintiff has no reason to believe that levy of execution against Defendant(s) will satisfy the Judgment;
and
3. Plaintiff's Judgment remains unsatisfied.

Plaintiff moves this Court to issue an order requiring Defendant(s) to appear to testify concerning his/her/their property.

Date: ____/____/____

Signature of Plaintiff

Certificate of Service

I hereby certify that a copy of the foregoing has been served upon Defendant(s) via regular, U.S. mail, postage-prepaid, on ____/____/____.

Signature of Plaintiff

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip

E-mail

Phone # **Defendant(s)**

Order to Appear for Proceedings Supplemental

1. Plaintiff owns the Judgment rendered in this case against Defendant on _____ in the amount of \$ _____, and court costs of \$ _____, all to bear interest at the rate of 8% per annum from the date of the Judgment.

2. Plaintiff has moved this Court for an order requiring Defendant(s) to appear to testify concerning his/her/their property, wages, assets, profits, and other non-exempt property subject to satisfaction of this Judgment.

This Court hereby ORDERS Defendant(s) to appear in **Hearing Room B**, Third Floor, Hendricks County Courthouse, 51 W. Main St., Danville, IN 46122 on _____. Failure to appear may result in this Court acting in your absence and/or issuance of a show cause order.

Date: _____

Judge

- Service by certified mail
- Sheriff's service

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip **Defendant(s)**

Name(s)

Street Address

City, State, Zip **Garnishee Defendant**

Motion for Interrogatories to Be Answered by Garnishee Defendant

Plaintiff moves this Court to ORDER Garnishee Defendant to answer interrogatories, attached hereto as Exhibit A, concerning Defendant’s wages, salary, commission, earnings, and income.

Date: ____/____/____

Signature of Plaintiff

Certificate of Service

I hereby certify that a copy of the foregoing has been served upon Defendant and Garnishee Defendant via regular, U.S. mail, postage-prepaid, on ____/____/____.

Signature of Plaintiff

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip **Defendant(s)**

Name(s)

Street Address

City, State, Zip **Garnishee Defendant**

Interrogatories to Be Answered by Garnishee Defendant

1. State the full name, title, and address of the individual responding to these interrogatories.

Answer: _____

2. Is Defendant on Garnishee Defendant's payroll?

Answer: _____

3. State Defendant's full name and address according to your business' personnel records.

Answer: _____

4. State Defendant's average, weekly disposable earnings from your business and whether Defendant is an hourly or salaried employee.

Answer: _____

5. Does Defendant draw or receive any other income, commission, or earnings from your business other than the above-referenced wages or salary?

Answer: _____

6. To the best of your knowledge, are there any other garnishment orders in effect, or child support withheld, by your business from Defendant's wages or salary?

Answer: _____

I affirm under penalty of perjury that the foregoing representations are true.

Date: ____/____/____

Signature

Please return to:

Hendricks County Superior Courts
51 W. Main St. # 104
Danville, IN 46122

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip **Defendant(s)**

Name(s)

Street Address

City, State, Zip **Garnishee Defendant**

Order to Garnishee Defendant to Answer Interrogatories

Plaintiff moved this Court to order Garnishee Defendant to answer interrogatories concerning Defendant's wages, salary, commissions, earnings, and income.

This Court, being duly advised, now ORDERS Garnishee Defendant to answer the interrogatories attached as Exhibit A to Plaintiff's motion. Garnishee Defendant shall provide the Court with its interrogatory responses on or before _____.

Date: _____

Judge

Distribution to:

All parties of record

Garnishee Defendant

- Service by certified mail
- Sheriff's service

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip

E-mail

Phone #

Defendant(s)

Order on Rule to Show Cause

On ____/____/____, Defendant(s) failed to appear for proceedings supplemental to testify concerning his/her/their property, wages, assets, profits, and other non-exempt property subject to satisfaction of the Judgment entered in favor of Plaintiff and against Defendant(s).

This Court hereby ORDERS Defendant(s) to appear in **Hearing Room B**, Third Floor, Hendricks County Courthouse, 51 W. Main St., Danville, IN 46122 on _____ to show cause why he/she/they should not be held in contempt of Court for violation of this Court's previous order.

In the event Defendant(s) fail to appear at this show cause hearing after being personally served with this Order, a body attachment may be issued for his/her/their arrest.

Date: _____

Judge

Distribution to:

All parties of record (Defendant(s) by **personal service only**)

Defendant's Name(s)

Street Address

City, State, Zip