

COLLECTION OF JUDGMENT DEBT

Once you have obtained a Judgment, you may then request that any personal property owned by the debtor (which is subject to be levied on) be taken to satisfy the judgment. For example: garnishment of wages or attaching checking and/or savings accounts.

A. To garnish the wages of a debtor:

1. Complete and file a "*Praecipe*" form with the court. This form is available from the Trial Court Administrator's office.

2. Obtain the writ of garnishment forms and complete the necessary information. These forms may be obtained from stores which have legal documents. They are **NOT** available from the court. You will need to **provide the court with the original and four (4) copies**. Copies should be made before submitting to the court.

3. After completing the garnishment forms and copies, bring them to the Trial Court Administrator's office so that they may be issued. The fee is \$12.00.

4. After the writ is issued, it is your responsibility to arrange service. The Sheriff will charge \$15.00 for service. If the garnishee is a financial institution, you will need to call them regarding their search fee.

5. The court does not have jurisdiction outside the State of Oregon. If you wish to have wages garnished, etc. out of Oregon, you will need to see an attorney.

THE TRIAL COURT ADMINISTRATOR'S OFFICE CANNOT GIVE YOU LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS IN THE PREPARATION OF ANY LEGAL DOCUMENT, YOU SHOULD CONTACT AN ATTORNEY.

B. To attach the savings and/or checking accounts of the debtor:

1. The procedure is the same as garnishing wages. You should check with the bank to see if they also have a fee. This fee needs to accompany your writ.

C. If you do not know where the debtor works or where they bank:

1. Obtain a "*Notice of Demand*" form from the Trial Court Administrator's office. (Either a "*Notice of Demand*" or a return of service of an unsatisfied garnishment must be submitted to the court before the following steps may be taken). The "*Notice of Demand*" must be mailed by either certified or registered mail. The debtor must sign for the document. The signature slip must be attached to the "*Notice of Demand*" form when filed with the court. If they do not sign or accept the mailing, it is ineffective service.

2. File a "*Motion for Order Requiring Appearance of Judgment Debtor*" with the court. This form is available from the Trial Court Administrator's office. After the "*Motion...*" is completed, an "*Order for the Appearance of Judgment Debtor*" needs to be completed and submitted to the Judge. This will require the debtor to appear in court and, under oath, answer any questions concerning any wages, employment, property, etc.

D. If you wish to have your small claim judgment transcribed to Circuit Court (to put a lien on real property), you must file a "*Praecipe*" and pay the fee of \$14.00.

IT IS THE RESPONSIBILITY OF THE CREDITOR TO REQUEST A SATISFACTION OF JUDGMENT FORM WHICH IS TO BE FILED WITH THE COURT AFTER FULL PAYMENT HAS BEEN RECEIVED.