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Collecting Money from a Judgment

If you sued someone for money and received a judgment against that person, you are called the "judgment creditor" and the person against whom you received the judgment is called a "judgment debtor". As a judgment creditor, you have the right to begin to collect the money before the judgment expires based on the statute of limitations in [MCL 600.5809](#). The statute of limitations is tolled (stopped) during the time that the judgment is being paid in installments. See [MCL 600.6107](#) and [MCL 600.6235](#). If the judgment expires, your legal options for collecting money are no longer available. In order to continue collecting on a judgment after the expiration date, the judgment must be renewed. A motion to renew a judgment must be filed before the original judgment expires. A renewal of a judgment extends the judgment for the same period of time as the original judgment. See [MCL 600.2903](#) and [MCL 600.5809](#).

How Much You Can Collect

You can collect the amount stated in your judgment plus any interest that accumulates during the time the judgment debtor pays off the judgment. [See information on interest rates](#). >>. For help in calculating interest rates, you may want to contact a certified public accountant or a bank.

How to Collect Your Money

There are several ways you can collect your money.

- If the judgment debtor has the money and is present at the trial, s/he can pay you right then. If that happens, file a satisfaction of judgment with the clerk. You can use form [MC17, Certificate of Satisfied Judgment](#).
- If s/he does not have the money at that time and you both agree at the trial, the judge can set up a payment schedule. If the judgment debtor was not present at the trial, the court will send a copy of the judgment to the debtor in a small claims case. For all other cases, you will have to send the judgment to the judgment debtor. The judgment will order the judgment debtor to pay you in full within 21 days or tell you and the court where s/he works and the location of his/her bank accounts. You can send a blank copy of form [DC 87, Affidavit of Judgment Debtor](#) when you send the judgment.

- If the judgment debtor doesn't pay the judgment as ordered, you will have to collect your money through a seizure of property or a garnishment.
- If your case against the defendant involved a traffic accident, you can ask the court for an abstract of judgment which suspends the judgment debtor's Michigan driver license until s/he pays the judgment. You must wait 30 days after the judgment date before you can get an abstract of judgment. You need to provide the judgment debtor's full name, date of birth, and Michigan driver license number. There is no filing fee. The court clerk should have the necessary forms.

Seizure of Property

Seizure of property is a court procedure allowing a court officer to seize property belonging to the judgment debtor which can be sold to pay for your judgment.

Garnishment

Garnishment is a court procedure allowing you to collect your judgment directly from the judgment debtor's wages, bank account, or other source such as income tax refunds. In a garnishment proceeding the judgment debtor is the called the defendant and the judgment creditor is called the plaintiff.

For garnishing income tax, contact the Michigan Department of Treasury at (517) 636-5333. They also have a website with [frequently asked questions and answers regarding garnishment](#) >>.

How to Get an Order to Seize Property or an Order for Garnishment

To get an order to seize property or an order for a garnishment, you will first need to know where the judgment debtor lives and works, what assets s/he has and where these assets are located, and any other information which identifies the judgment debtor and his/her property.

- If you have the information described above, you can start the process for an order to seize property or an order for garnishment.
- If you don't have the information described above, you will need to order the judgment debtor to appear in court for questioning through a process called discovery. You can start this process by filing a discovery subpoena.

[See details for garnishment](#) >>

[See details seizing property](#) >>

[See details for filing a discovery subpoena](#) >>

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Affidavit of Judgment Debtor

(Form DC 87)

STATE OF MICHIGAN JUDICIAL DISTRICT	AFFIDAVIT OF JUDGMENT DEBTOR	CASE NO.
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Court address _____ Court telephone no. _____

Plaintiff's name and address	v	Defendant's name and address
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I swear that

1. I am a party in this case.
2. A judgment was entered against me in the amount of \$ _____ .
3. The following is a true statement of my assets and financial obligations.

IDENTIFICATION	Address _____		City, state, zip _____	
Telephone no. _____	Birth date _____	Social Security no. _____	Driver license no. _____	
Employer _____			Employer telephone no. _____	
Address _____		City, state, zip _____		
INCOME	Net earnings \$ _____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly
				Payday _____
ASSETS	Checking \$ _____	Account no. _____	Savings \$ _____	Account no. _____
Name of bank or financial institution _____			Branch location _____	
Automobile	Year _____	Make _____	License plate no. _____	Approximate value \$ _____
Amount owed \$ _____	Leinholder _____		Registered to: _____	
Home	<input type="checkbox"/> Own	<input type="checkbox"/> Rent	Address _____	
		City, state, zip _____		
Monthly payment \$ _____	Value \$ _____	Owed \$ _____	Name of mortgage holder or landlord _____	
Total money owed to you \$ _____	Specify below each amount of money owed to you, the due date, and the name of the individual, business, etc. who owes you money			
Amount \$ _____	Due date _____	Name who owes money _____		
Amount \$ _____	Due date _____	Name who owes money _____		

(List additional assets on reverse side)

I swear under penalties of perjury that this information is true, accurate, and complete.

Date Signature

Subscribed and sworn to before me on _____, _____ County Michigan.
Date

My commission expires: _____ Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

Approved, SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Defendant

**STATE OF MICHIGAN
JUDICIAL DISTRICT**

AFFIDAVIT OF JUDGMENT DEBTOR

CASE NO.

Plaintiff's name and address

v

Defendant's name and address

Other Assets: (continued)