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Discovery Proceeding - Self Help

The following information will take you through the steps necessary in a proceeding to discover the assets of a person against whom you have a judgment. To access any of the necessary forms, simply click on the form number. To access any of the topics, simply click on the topics.

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Statutes and Court Rules

Statutes and court rules associated with discovery of assets are: [MCL 600.6001 et seq.](#), [MCR 600.8410](#) in small claims cases only, and [MCR 2.621](#).

Using Court Forms

Court forms are available for use in proceedings to discover assets. These forms follow the procedures stated in Michigan Compiled Laws and Michigan Court Rules and can be used without the need for the assistance of an attorney. [See details on how to find legal information](#) >>.

When using forms, you are required to provide the total number of copies for use by the court, the parties, and any other person or organization that is required to receive the form. See the upper-right hand corner of each form to determine the mandatory number of copies and who gets those copies. When completing a form on-line, you must print the number of copies you will need for filing with the court and serving on the parties. Otherwise, you will have to photocopy the proper number of copies before filing the form with the court. If you do not provide the court with the accurate number of copies, the court might reject the form for nonconformance under the authority of Michigan Court Rule 8.119 (C). Unless specifically required by court rule or statute, the court is not responsible for making copies of forms for you.

Select the forms you need from the list below. Instructions for completing the forms are not available.

[Subpoena, Order to Appear](#), MC 11
[Affidavit of Judgment Debtor](#), DC 87

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Filing a Discovery Subpoena

You must wait 21 days after your judgment was signed before you can file a discovery subpoena. [Form MC 11, Subpoena \(Order to Appear\)](#) can be used.

Contact the court for an appearance date before putting the date and location on the form. Complete both the front of the Subpoena and the Affidavit for Judgment Debtor Examination on the back.

The fee for filing the Subpoena with the court is \$15.00. The cost of serving it varies.

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Serving the Subpoena

The judge must sign the Subpoena before it is effective. Once the Subpoena is signed you must serve it on the judgment debtor. You may include a copy of form [DC 87, Affidavit of Judgment Debtor](#), with the Subpoena for the judgment debtor to fill out. [See general information on serving court papers >>](#).

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What if You Receive a Subpoena

If you are served with a subpoena to discover your assets, you must appear on the date, at the time and place stated in the subpoena. You should complete a copy of form [DC 87, Affidavit of Judgment Debtor](#) and be prepared to bring information about your assets and identity such as:

- documents that show proof of your income such as earning statements from your most recent paychecks, proof of unemployment compensation, documents showing you collect public assistance
- business records for the present year which reflect assets, liabilities, gross receipts, and expenses for any business in which you own an interest including current bank statements of those businesses from all banks or other financial institutions.
- current bank statements from all banks or other institutions where you have an account of any kind.
- trust agreements in which are named trustor, trustee, or beneficiary
- all deeds, leases, contracts, and other documents representing any ownership interest you have in real property, and all deeds of trust/mortgages or other documents showing encumbrances of any kind on your real property
- all stocks, bonds, or other securities of any class you may own, including options to purchase any securities
- titles to all motor vehicles you own
- all life insurance policies in which you are either the insured or the beneficiary
- all promissory notes held by you and all other documents showing any money owed to you either now or in the future
- all financial statements furnished by you within the past 5 years
- all deeds, bills of sale, or other documents prepared in connection with any transfer

- made by you, either by gift, sale, or otherwise within the last 5 years.
- a schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. including the amount paid, the payee, and the amount of debt owing.
 - all documents showing any interest you have in any pension plan, retirement fund, or profit sharing plan
 - federal income tax returns for the last 5 years whether filed individually, jointly, or under a partnership or corporation; also include any W2 forms received for those years
 - driver license and social security card
 - all credit cards

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Appearance at the Discovery Proceeding

When the judgment debtor and judgment creditor appear for the discovery proceeding, the judgment debtor will be placed under oath and will be required to provide the information requested by the judgment creditor as to the assets of the judgment debtor.

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STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO.
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Court address Court telephone no.

Police Report No. (if applicable)

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input type="checkbox"/> _____ _____ <input type="checkbox"/> Civil <input type="checkbox"/> Criminal	v	Defendant(s)/Respondent(s) _____ _____ Charge _____
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED:

<input type="checkbox"/> 1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input type="checkbox"/> Other:		
Day	Date	Time

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: _____

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property is attached.

7. Other: _____

<input type="checkbox"/> 8. Person requesting subpoena	Telephone no.	
Address		
City	State	Zip



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

Date _____ Judge/Clerk/Attorney _____ Bar no. _____

SUBPOENA

Case No. _____

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the subpoena, together with _____ (including any required fees) by Attachment

personal service registered or certified mail (copy of return receipt attached) on:

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ on the following person and have been unable to complete service. Attachment

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____
Title _____

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

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

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment

_____ on _____
Day, date, time

Signature _____ on behalf of _____

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath before a judge concerning the money or property of:
for the following reasons:

Signature _____

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

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

Notary public, State of Michigan, County of _____

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

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 _____

**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)