

MIDVALE JUSTICE COURT
 7505 S HOLDEN STREET, MIDVALE, UT 84047
 Phone: 801-255-4234 / Fax: 801-567-1696 / www.midvalecity.org

	Plaintiff)	SMALL CLAIMS
)	MOTION AND ORDER IN
)	SUPPLEMENTAL PROCEEDINGS
)	(Ex-parte motion for hearing to
vs.)	identify judgment debtor's property)
	Defendant)	
)	
)	Case No. _____

I am the Plaintiff/Petitioner, Defendant/Respondent, I say as follows: I am the Attorney for the Plaintiff/Petitioner Defendant/Respondent my Utah Bar Number is _____. By and through my attorney. I say as follows:

Instructions: Attach the following: Answers to Questions about Judgment Debtor's Property.

(1) On _____ (date), judgment in the amount of \$_____ was entered against defendant/respondent, who is the judgment debtor. **(2)** The judgment debtor has not fully satisfied this judgment. **(3)** I am unable to use the remedies provided by law for the collection of judgments because I do not have enough information about the debtor's property. **(4)** Under URCP 64(c)(2), I request that the court schedule a hearing and order the debtor to attend and answer under oath questions about the debtor's property and to bring to the hearing all records about employment, bank accounts, vehicles, real property, business entities and any other property in which the debtor has an interest. **(5)** I will serve the attached Questions about Judgment Debtor's Property with the order scheduling the hearing. If the debtor serves Answers to the questions on me at least 3 business days before the hearing, and if I am satisfied that the debtor has answered the questions fully and truthfully, I will cancel the hearing and notify the debtor of the cancellation. **(6)** Under URCP 64(c)(3), I request that the court order the judgment debtor not to sell, transfer or dispose of the debtor's non-exempt property.

I have not included any non-public information in this document. I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date _____ Sign here ► _____
 Typed or printed name _____

ORDER

Scheduling hearing to Identify Judgment Debtor's Property

Having considered the Motion filed with the court and being fully informed, **the court finds that:** **(1)** On _____ (date) judgment in the amount of \$_____ was entered against Defendant/Respondent, who is the judgment debtor. **(2)** The judgment debtor has not fully satisfied this judgment. **(3)** The judgment creditor is unable to use the remedies provided by law for the collection of judgments because the creditor does not have enough information about the judgment debtor's property. **(4)** The attached Questions about Judgment Debtor's Property are designed to obtain the information needed to collect the judgment. **The Court Orders the Judgment Debtor to Take Notice That:** **(5)** A hearing to identify your property is scheduled at the following date and time.

	Time: 1:00 P.M.	Place: Midvale Justice Court
		7505 S Holden Street
		Midvale, UT 84047

If you have a disability requiring accommodation, contact a judicial services representative at least 3 business days before the hearing. **(6)** You must attend the hearing and answer under oath questions about your property. You must bring with you all records concerning your employment, bank accounts, vehicles, real property, business entities and any other property in which you have an interest. You may be represented at the hearing by a lawyer. **(7)** If you fail to attend, you might be held in contempt of court and a warrant might be issued for your arrest. **(8)** If you serve the judgment creditor with the attached Answers to Questions about Judgment Debtor's Property at least 3 business days before the hearing, and if the creditor is satisfied that you have answered the questions fully and truthfully, the creditor shall cancel the hearing and notify you and the court. Otherwise, you and the creditor must attend the hearing. **(9)** You must not sell, transfer or dispose of any non-exempt property. (For a list of exempt property, see Utah Code Section 78B-5-501 - 513, Utah Exemptions Act.)

Date issued under the seal of this court	Judge's signature stamp used at the direction of the judge by clerk _____

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)	SMALL CLAIMS
)	ANSWERS TO QUESTIONS
)	ABOUT JUDGMENT DEBTOR'S
)	PROPERTY
vs.)	
)	<u>(Do not file with the court)</u>
)	
)	Case No. _____

Instructions to the Judgment Debtor:

- The court has scheduled a hearing at which you must appear and answer under oath questions about your property. If you fail to appear, you might be held in contempt of court and the court might enter a warrant for your arrest.
- If you answer the following questions in writing and serve the completed answers on the judgment creditor at least 3 business days before the hearing, the creditor may cancel the hearing and notify you.
- The hearing is canceled only if the creditor is satisfied that you have answered the questions fully and truthfully and notifies you that you do not have to appear. Otherwise, you must appear at the hearing.
- Answer the following questions in writing and serve the completed Answers on the creditor.
- Do not file the Answers with the court. File only the Certificate of Service with the court.
- Attach additional pages to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.

By and through my attorney (Attorney, check here if you are appearing for your client.).

I say as follows:

(1) Identifying information.

My Full Name			
Address, City, State, Zip			
Phone Number		Date of Birth	
Social Security #		Driver's License #	

(2) Income from employment.

(A) I am employed by (List all employers.):

(a) Name of Employer (legal name and doing business as (dba))	Address of Employer
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck
Gross salary (before taxes and deductions) \$ _____	
<input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	
(b) Name of Employer (legal name and doing business as (dba))	Address of Employer
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck
Gross salary (before taxes and deductions) \$ _____	
<input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

(B) I am self employed by:

Business Name (legal name and doing business as (dba))	Business Address
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck
Gross salary (before taxes and deductions) \$ _____ <input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

(C) I am unemployed.

(3) Other income. (Include items such as rent, annuity payments, trust payments, structured settlement payments, etc.) I have the following income other than salary and wages.

Describe	Annual Amount	Source

(4) Financial assets. I have an ownership interest in the following financial assets.

Asset	Holder (Name & Address)	Co-Owner (Name & Address)	Current Value
Bank, Credit Union or Savings and Loan Account #: _____			\$ _____
Stocks, Bonds, Securities, Money Market Fund Account #: _____			\$ _____
Profit Sharing Plan Account #: _____			\$ _____
Annuity Account #: _____			\$ _____
Money Owed to Me			\$ _____
Cash			\$ _____
Other (Describe)			\$ _____
Life Insurance Account #: _____			Face Value \$ _____ Cash Value \$ _____

(5) Real property. (Include your home, vacation home and investment property.) I have an ownership interest in the following real property.

Property	Mortgage or Lien Holder (Name & Address)	Co-Owner (Name & Address)	Current Value	Amount Owed
Home (Address)			\$ _____	\$ _____
Other Real Property (Address)			\$ _____	\$ _____

(6) Personal property. I have an ownership interest in the following property.

Property (Such as vehicles, boats, trailers, equipment, etc.)	Lien Holder (Name & Address)	Co-Owner (Name & Address)	Current Value	Amount Owed
Vehicle (Year, Make, Model, License Number)			\$	\$
Other (Describe)			\$	\$

(7) Business interests. I have an ownership interest in the following businesses.

(a) Name (legal name and doing business as (dba))	Federal Employer Identification Number (FEIN)
Address of Main Office	Mailing Address, if different
Kind of business (check one): <input type="checkbox"/> Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other (describe)	

(b) Name (legal name and doing business as (dba))	Federal Employer Identification Number (FEIN)
Address of Main Office	Mailing Address, if different
Kind of business (check one): <input type="checkbox"/> Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other (describe)	

(8) Other Property. (List any non-exempt property not identified above. For a list of exempt property, consult Utah Code 75B-5-501 to 503, Utah exemptions Act). I have an ownership interest in the following property not identified above.

I declare under penalty of Utah Code Section 78B-5-505 that everything stated in this document is true and correct.

Date _____ Sign here ► _____

Type or printed name here ► _____

Notice to the Judgment Debtor: If you serve me (the judgment creditor) with the completed answers at least 3 business days before the hearing and if I am satisfied that you have answered the questions fully and truthfully, I will notify you and the court to cancel the hearing. Otherwise, you must appear at the hearing.

Instructions to the Judgment Debtor: Do not send the completed Answers to the court. Send them and a copy of this Certificate of Service to:

Judgment Creditor (or Attorney) Name _____

Mailing Address _____

City, State, Zip _____

CERTIFICATE OF SERVICE
(Answers to Questions About Judgment Debtor's Property)

Instructions to the Judgment Debtor: File with the court a copy of this Certificate of Service showing when and how you served the completed Answers on the judgment creditor. Do **not** file the completed Answers with the court.

Court Case Number (required): _____

Certificate of Service

I certify that I served a copy of the completed Answers to Questions About Judgment Debtor's Property on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
Midvale Justice Court	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	7505 S Holden Street Midvale, UT 84047	

Date _____

Sign here ► _____

Typed or printed name _____