

MICHIGAN ASSOCIATION OF
DISTRICT COURT PROBATION OFFICERS

44TH ANNUAL CONFERENCE

Ypsilanti, MI
May 23, 2014

**CRIME VICTIM
RESTITUTION
ADDENDUM:**

SELF-HELP / CIVIL COLLECTION

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INTRODUCTION

At sentencing or disposition, courts must order “full restitution” to any victim of the defendant’s course of conduct giving rise to a conviction or adjudication (or to the victim’s estate). Mich Const 1963, Art I, Sec 24 (1); MCL 780.766(2). Restitution must be a condition of probation or parole, and probation officers must review files twice a year regarding payments. MCL 780.766 (11), (18).

Still, not all restitution orders are paid in full during the defendant’s term of probation. What can you do?

If your restitution order is not yet paid in full, you must be proactive to collect it. An order of restitution *is* a civil judgment and is recordable as a lien against the defendant’s property. You do not have to file a separate civil lawsuit unless you have damages or losses that are not covered by the restitution order (e.g., “pain & suffering”). MCL 780.766 (13). **A criminal case order of restitution never expires until it is satisfied in full.** MCL 780.766 (13). It is not dischargeable in bankruptcy. 11 USC 523(a)(6), (9) & 1328(a)(3).

This brochure will help you start collecting the remainder of restitution owed to you, and guide you to the forms used. You may contact a private attorney for

assistance in collecting the remaining restitution, or you can complete the forms yourself. Prosecuting Attorneys may also assist victims in collections.

Due to space limitations, this brochure is not a complete instruction for every question that may arise. **Please consult with a private attorney if you have further questions.**

DISCOVERY OF ASSETS

Before you can begin self-help collection, you have to find out what assets the defendant has.

Serve an **Affidavit of Judgment Debtor** [SCAO Form DC 87], or file a **Subpoena** [SCAO Form MC 11] for a Judgment Debtor’s Examination to find out what assets, income sources, debts, etc. the defendant has. Fill both sides of the Subpoena out completely; include a list of documents the defendant must bring to the meeting (e.g., vehicle titles, property deeds, bank records, pay stubs, tax returns, credit card records). Your criminal case’s judge must sign the subpoena. You are responsible to serve the defendant. At the scheduled hearing, the defendant must give you information about assets, income, etc. These become leads for your collection efforts.

RECORD THE LEIN

Record “certified copies” of the Judgment of Sentence and any Restitution Order at a county Register of Deeds where the defendant owns property. (You will need addresses and legal descriptions of the real property owned by the defendant.) The Judgment of Sentence acts as a lien against the defendant’s real property, “clouds the title” of the property, and can be paid from the value of any of the real property when it is sold or transferred.

There may be a small fee to obtain a certified copy of the Judgment of Sentence from the original criminal case’s court clerk’s office, **and** may also be a small fee **to record the document(s) at the Register of Deeds.**

GARNISH THE DEFENDANT’S WAGES or OTHER INCOME

The defendant’s wages (or other income paid to the defendant on a regular, periodic basis, like rent, land contract payments, etc.) can be garnished for unpaid restitution. To collect this type of income, file the **Request and Writ for Garnishment (Periodic)** [SCAO Form MC 12] in the court that issued the original Judgment of Sentence. Use the original criminal case’s “case number”. The criminal

case judge must sign the form. Then serve it on the defendant’s employer (the garnishee). Serve the defendant, who has up to 14 days to file objections to the writ with the court. “Periodic” garnishment orders last for up to 91 days. If your restitution is still not fully paid, repeat the process by filing a new MC 12 form. **There is no fee for filing the request and Writ for Garnishment.** The Crime Victim’s Rights Act provides that the court shall not impose a fee on a victim or victim’s estate for enforcing an order of restitution. MCL 780.766 (20).

Some forms of income are exempt from garnishment, including the first \$500 in savings accounts; IRAs; Social Security; SSI; AFDC; General Assistance benefits; unemployment compensation benefits; and workers’ compensation benefits.



Forms & Self-Help Info

are available on the “Downloads” page at **www.prosecutingattorney.info**

or at

courts.michigan.gov/scao/courtforms/

GARNISH THE DEFENDANT'S CHECKING, SAVINGS, or OTHER ACCOUNTS

The defendant's checking, savings, or other asset accounts can be garnished for unpaid restitution. To collect these types of assets, file the **Request and Writ for Garnishment (Non-Periodic)** [SCAO Form MC 13] in the court that issued the Judgment of Sentence. Use the original criminal case's "case number". The criminal case judge must sign the form. You will need the defendant's account number(s), social security number, etc. Then serve it on banking institutions (the garnishees) where the accounts are located. Use separate Form MC 13s for each banking institution. Serve the defendant, who has up to 14 days to file objections to the writ with the court. A "banking account" garnishment order is used once. If your restitution is still not fully paid, repeat the process by filing a new MC 13 form when you know or have good reason to believe that the bank account has been replenished.

There is **no fee** for the filing of the **Request and Writ For Garnishment** in the court. The Crime Victim's Rights Act provides that the court shall not impose a fee on a victim or victim's estate for enforcing an order of restitution. MCL 780.766(20).

GARNISH THE DEFENDANT'S MICHIGAN INCOME TAX REFUND or CREDIT

The defendant's Michigan income tax refund or credit can be garnished for unpaid restitution. To collect this type of income, file the **Request and Writ for Garnishment (Income Tax /Credit)** [SCAO Form MC 52] in the court that issued the Judgment of Sentence. Use the original criminal case's "case number". The criminal case judge must sign the form. You will need the defendant's social security number. Then serve it on Michigan Department of Treasury (the garnishee) with a \$6 fee. Serve the defendant, who has up to 14 days to file objections to the writ with the court. An income tax garnishment order is used once. If your restitution is still not fully paid, repeat the process. File a new MC 52 form for the next year's income tax refund.

You may not garnish the defendant's federal or local income tax refunds or credits.

There is **no fee** for the filing of the **Request and Writ For Garnishment** in the court. The Crime Victim's Rights Act provides that the court shall not impose a fee on a victim or victim's estate for enforcing and order of restitution. MCL 780.766(20).

SEIZE & SELL THE DEFENDANT'S ASSETS

To collect and sell physical assets, file a **Request and Order to Seize Property** form [SCAO Form MC19]. The criminal case judge reviews and signs the order. Serve it on the defendant. THEN serve it on a court-appointed officer (e.g., sheriff's civil division). The court officer (*not the victim*) can seize the defendant's property and sell it at auction. The proceeds are given to the victim(s). Excess proceeds are returned to the defendant.

ESTATE PROCEEDINGS

Since a restitution order is in effect until it is fully satisfied, it can be collected from the assets of the defendant when he/she is alive, as well as from the estate of the defendant. To do so, file a Statement and Proof of Claim [SCAO Form PC 579] in the Probate Court of the county in which the defendant.



COLLECTING YOUR RESTITUTION



DOUGLAS R. LLOYD
Eaton County Prosecuting Attorney
1045 Independence Blvd.
Charlotte, MI 48813
(517) 543-4835 (Victim / Witness)
(517) 543-4801 (Main Office)
www.prosecutingattorney.info

Restitution Collection after Probation / Civil Enforcement of Restitution Orders

A criminal Judgment of Sentence's restitution order remains in effect until it is paid in full. It is a judgment and lien on all of the defendant's property, and may be recorded as provided by law.¹

An unpaid restitution order may be enforced by the victim, Prosecuting Attorney or any person or entity named in the order to receive restitution.²

Enforcement actions take place in the same criminal court, and under the same criminal / delinquency file number of the original case.³ A "new file" should not be opened! A crime victim does not have to file a separate civil lawsuit to collect restitution already owed in the criminal case. However, if a victim may be able to sue civilly to get a judgment for damages that fell outside the scope of the criminal restitution order, including non-economic damages like pain and suffering.

Statutes and court rules do not prohibit a victim from civilly enforcing the criminal restitution order while the original probation term is being served. However, such efforts have to be approved by the criminal case's judge because judgment debtor examination subpoenas, garnishment orders, and sheriff's sale orders must be signed by the judge. Many judges will not approve these requests until after the probation department's efforts to collect restitution have failed, until the defendant has failed to make payments as ordered, until probation has been revoked, or until the probation term has expired.

All means available to collect civil judgments may be used: levies, garnishment,⁴ and seizure of money and property.⁵ Some assets are exempt from levy,⁶ such as IRAs, household goods up to \$1,000, work tools/equipment up to \$1,000, etc.

Courts may not impose a fee on a victim, victim's estate, or the prosecuting attorney for enforcing an order of restitution.⁷

A. DISCOVERY OF ASSETS: What property does the defendant have (sources of income; real property; personal property, like cars, boats, jewelry, investments, bank accounts, etc.)? You need this information before you can "get it" to pay off the restitution debt.

- File for a "judgment debtor's examination" in the court where the restitution order was entered.

¹ MCL 780.766(13); MCL 780.794(13); MCL 780.826(13).

² MCL 780.766(13)..

³ *People v Norman*, 183 Mich App 203, 206 (1989).

⁴ MCL 600.4011; MCR 3.101.

⁵ MCL 600.6104.

⁶ MCL 600.6023.

⁷ MCL 780.766(20), 780.794(20), 780.826(17).

- Fill out a Subpoena (SCAO form MC 11) completely, including the defendant's name, the criminal/delinquency case number, and check all applicable boxes.⁸
 - The numbered boxes are important because they put the burden on the defendant to do important things.
 - Some of the key boxes you may want to check include:
 1. Commanding the defendant's appearance at a place, date and time certain;
 2. Commanding the defendant to "testify at ... examination / hearing" (Box 2);
 3. Commanding the defendant to "Produce/permit inspection or copying of the following items".
 - a. Include/attach a list of documents or items you want the defendant to bring to the hearing. Be creative but focus only on documents and records that identify the amount and location of assets and liabilities.
 - b. For example: "W2s/1099s or other evidence of all sources of income from xxxx to the present; federal and state income tax returns for years xxxx to xxxx, including tax refunds; year xxxx-to-present records, account numbers and current balances of all banking or credit union accounts in which you hold a property interest; safe deposit box locations in which you hold a property interest; titles/registrations for all motor vehicles, motorcycles, recreational vehicles, boats, etc. in which you have a property interest; deeds or other evidence of property interest in any real estate; records of all investments; records of all monies owed to you by other persons; records of all credit cards in your name; records of all personal and real property transferred or sold to others since xxxx."
 4. Commanding the defendant to "Testify as to your assets" (Box 4)
 5. Commanding the defendant to not dispose of certain property; however, other forms must be attached (Box 6).
 6. "Other" lets you specify more issues that may be applicable
 7. Identifying the person requesting the information (victim, prosecutor, etc.), plus contact information
 - Fill out and sign the "Affidavit for Judgment Debtor Examination" box on the back of SCAO form MC 11. You must specify why you want the judgment debtor's examination (e.g., "A restitution order from 08/01/2012 has not been paid in full yet. Defendant still owes me \$5,468.35").
 - The criminal/delinquency case judge must sign the subpoena, usually after confirming from the court file that the restitution was ordered and has not

⁸ **See the example attached.** "Case No." should be the original criminal case docket number(s). Check the "People of the State of Michigan" box as well as the "Criminal" box to identify the Plaintiff. Add the Defendant's name. Specify the day, date, time and place the defendant must come to court, as provided by the court clerk or judge's scheduling clerk.

been paid in full. The Prosecuting Attorney or a victim's civil attorney cannot sign or authorize this kind of subpoena.

- Serve the subpoena on the defendant
 - Any adult who is not a party may serve it
- File a proof of service (back of the subpoena) with the court
- Defendant can also be served with an "Affidavit of Judgment Debtor" (SCAO form DC 87), which requests similar information about income and assets.
- At the scheduled hearing, the defendant is placed under oath
- Defendant must then truthfully answer questions (by the PA, victim or an attorney) about his assets, etc. This may occur in a conference room, rather than in open court.
 - Review all documents brought by the defendant.
 - Copies of documents may be made.
 - The interview may be taped.
 - If the defendant refuses to answer questions, see the judge about whether the information sought is relevant to the basic issue of locating defendant's assets to pay off the restitution debt.
- Use the "leads" discovered at this event with other collection processes (described below) to collect on defendant's assets.

B. Encumbering Assets (Liens, Levies): A restitution order is a civil judgment and is recordable as a lien against the defendant's property (real estate, vehicles, etc.).⁹ So, record the restitution order &/or a "notice of *lis pendens*" as a judgment lien on defendant's real property.

- Get a ***certified copy*** of the Judgment of Sentence + any other restitution order from the sentencing court. (There may be a fee from the court clerk to get a certified copy.)
- File the certified copy of the Judgment of Sentence with the Register of Deeds in every county in which the defendant owns real property. (There may be a fee from the Register of Deeds.)
- The lien "clouds the title" of defendant's property. A title check should reveal this lien.
- The victim will eventually be paid when the real property is sold.

C. Garnishing Wages: A restitution order is a civil judgment.¹⁰ Use civil collection means to collect on the judgment, including garnishment.¹¹

- Use SCAO form MC 12: "Request and Writ for Garnishment (Periodic)"

⁹ MCL 780.766(13).

¹⁰ MCL 780.766(13).

¹¹ MCL 600.4011; MCR 3.101.

- This is used to garnish money from all periodic payments made to the defendant (wages, rental or land contract payments, etc.).
- File form MC 12 with the court that issued the restitution order. There is no filing fee to enforce a restitution order.¹²
- The judge reviews and signs the writ (order).
- Serve the signed form MC 12 on defendant's employer(s).
- Serve the signed form MC 12 on defendant. Defendant can file a written objection with the court, using SCAO form MC 49 (Objections to Garnishment).
- The writ is valid for up to 91 days.
- If the restitution order is not satisfied in full by then, repeat the process by filing a new form MC 12.

Other SCAO forms used in garnishments include:

- SCAO MC 14 – Garnishee Disclosure
- SCAO MC 15 – Motion for Installment Payments
- SCAO MC 16 – Motion to Set Aside Order for Installment Payments
- SCAO MC 48 – Final Statement on Garnishment of Periodic Payments
- SCAO MC 50 – Garnishment Release

The criminal judge must order garnishment of an employed defendant's wages when the defendant fails to make two or more scheduled restitution payments during probation. Usually, SCAO Form MC 12 is used.

D. Garnishing Defendant's Michigan Income Tax Refund/Credit: A restitution order is a civil judgment.¹³ Use civil collection means to collect on the judgment, including garnishment.¹⁴

- Use SCAO form MC 52: "Request and Writ for Garnishment (Income Tax Refund/Credit)"
 - This applies only to Michigan state income tax refunds or credits – not federal or local income tax refunds or credits.¹⁵

¹² MCL 780.766(20).

¹³ MCL 780.766(13).

¹⁴ MCL 600.4011; MCR 3.101.

¹⁵ The US Congress has considered bills to amend the IRS Code to direct the Treasury Department to pay a legally-enforceable state judicial debt to another person upon receipt of notice from a state court, generally called the Crime Victim Restitution and Court Fee Intercept Act. (See 111th U.S. Congress, H.R. 1956, which got to the House Ways and Means Committee; 112th U.S. Congress H.R. 1416 / Senate Bill S.755.IS, which got to the House Ways and Means Committee and the Senate Finance Committee). Bills were never passed. The 113th U.S. Congress has not had this issue re-introduced. Disappointingly, only two Michigan representatives co-sponsored the 2012 bill.)

- File form MC 52 with the court that issued the restitution order. There is no filing fee at the court clerk's office to enforce a restitution order. MCL 780.766(20).
- The judge reviews and signs the writ (order).
- Serve the signed form MC 52 on the Michigan Department of Treasury.
- A \$6.00 processing fee will be charged by the Department of Treasury.
- Serve the signed form MC 52 on defendant. Defendant can file a written objection with the court, using SCAO form MC 49 (Objections to Garnishment).
- The Department of Treasury will mail garnishment checks to the trial court, not to the victim, because the garnishment is to satisfy a debt to the court and payments must be routed through the court. Afterward, the court will distribute restitution to the file's victims according to its local rule.
- The MC 52 form is used once. If the restitution order is not satisfied in full by then, repeat the process by filing a new form MC 52 for the next tax year.

The criminal probation process can use MC 52 to collect restitution. One hurdle is the \$6.00 filing fee, which the state may still require to cover its administrative expenses. The trial court may choose to absorb that fee as an administrative expense of its own, or may add it to the criminal file's court costs and use the garnishment proceeds to cover this expense.

E. Garnishing Defendant's Bank Accounts: A restitution order is a civil judgment.¹⁶ Use civil collection means to collect on the judgment, including garnishment.¹⁷

- Use SCAO form MC 13: "Request and Writ for Garnishment (Non-Periodic)"
- File form MC 13 with the court that issued the restitution order. There is no filing fee to enforce a restitution order. MCL 780.766(20).
 - File one form MC 13 for each bank or credit union where the defendant has an account.
- The judge reviews and signs the writ (order).
- Serve the signed form MC 13 on the bank(s) or credit unions where the defendant has accounts.
- Serve the signed form MC 13 on defendant. Defendant can file a written objection with the court, using SCAO form MC 49 (Objections to Garnishment).
- This form is used once. If the restitution order is not satisfied in full by then, repeat the process by filing a new form MC 13 when you have reason to believe that the defendant's account has been replenished.

F. Seizure of Assets / Sheriff's Sale: A restitution order is a civil judgment.¹⁸ Use civil collection means to collect on the judgment, including seizure of defendant's property and selling it.¹⁹

¹⁶ MCL 780.766(13).

¹⁷ MCL 600.4011; MCR 3.101.

~ CAVEAT ~

Crime victims should NEVER "seize defendant's assets" or sell them on their own. Victims who take "self-help" this are risking an unwelcome response from the defendant or others, and may result in civil liability against the victim. **The statutes and court rules have authority and processes for court-appointed agents to act.** Let them do their jobs under the law!

- Use SCAO form MC 19: "Request and Order to Seize Property"
- File form MC 19 with the court that issued the restitution order. There is no filing fee to enforce a restitution order. MCL 780.766(20).
 - File one form MC 19 for each bank or credit union where the defendant has an account.
- The judge reviews and signs the writ (order).
- Serve the signed form MC 19 on defendant. Defendant can file a written objection with the court.
- After the defendant has been served with form MC 19, serve the signed form MC 19 on a court-appointed officer (e.g., county sheriff's civil division).
- The court officer seizes the defendant's personal property, sells it at auction, and the proceeds are filed with the court to be processed as a restitution payment. The court clerk will distribute the proceeds to the file's victims as it does payments made directly by the defendant, in accord with the court's local rule. Any excess proceeds from the sheriff's sale are returned to the defendant.

¹⁸ MCL 780.766(13).

¹⁹ MCL 600.6104; MCR 2.621.

SUBPOENA

Case No. 97-020361-FH

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

OR

AFFIDAVIT OF PROCESS SERVER

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)

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 \$
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Signature _____
Title _____

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

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: Donald Gary Fisher for the following reasons:

Unpaid restitution ordered by the court. According to Eaton County Clerk records, \$3,852.62 restitution is still owed as of 08/17/2009.

Signature [Signature]
_____ Eaton County, Michigan.

Subscribed and sworn to before me on 8/28/09 Date _____

My commission expires: 8/5/2014 Date _____ Signature: [Signature] Deputy court clerk/Notary public

Notary public, State of Michigan, County of Eaton

To: Jane

R - Restitution
V - Crime Victim
D - To Victim

SCANNED
AUG 17 2009
PROSECUTORS OFC.

PROBATION RESTITUTION TRANSACTION HISTORY

PAYOR: FISHER, DONALD G

DATE	DOCKET	RECPT#/PYE#	NAME	CODE	AMOUNT
10/09/1998	97-0361-EH	034164		R	43.50
10/09/1998	97-0361-EH	034164		V	60.00
10/30/-1998	97-0361-EH	1424	R & M HARMON	D	43.50
10/31/1999	97-0361-EH	040715	R & M HARMON	R	141.94
10/29/1999	97-0361-EH	1424	R & M HARMON	D	141.94
7/12/2000	97-0361-EH	045477	R & M HARMON	R	105.92
7/31/2000	97-0361-EH	1424	R & M HARMON	D	105.92
1/11/2001	97-0361-EH	048646	R & M HARMON	R	106.68
2/01/2001	97-0361-EH	1424	R & M HARMON	D	106.68
4/06/2001	97-0361-EH	050371	R & M HARMON	R	128.39
5/01/2001	97-0361-EH	1424	R & M HARMON	D	128.39
9/04/2001	97-0361-EH	053905	R & M HARMON	L	59.50
9/04/2001	97-0361-EH	053905	R & M HARMON	R	60.32
10/01/2001	97-0361-EH	1424	R & M HARMON	D	60.32
12/05/2001	97-0361-EH	056322	R & M HARMON	L	50.66
12/05/2001	97-0361-EH	056322	R & M HARMON	R	50.66
1/02/2002	97-0361-EH	1424	R & M HARMON	D	50.66
2/08/2002	97-0361-EH	057647	R & M HARMON	L	15.69
2/08/2002	97-0361-EH	057647	R & M HARMON	R	15.00
3/01/2002	97-0361-EH	1424	R & M HARMON	D	15.00
8/16/2002	97-0361-EH	062142	R & M HARMON	L	24.15
8/16/2002	97-0361-EH	062142	R & M HARMON	R	425.85
9/03/2002	97-0361-EH	1424	R & M HARMON	D	425.85
9/13/2002	97-0361-EH	062733	R & M HARMON	R	200.00
10/01/2002	97-0361-EH	1424	R & M HARMON	D	200.00
11/15/2002	97-0361-EH	063945	R & M HARMON	R	150.00
12/03/2002	97-0361-EH	1424	R & M HARMON	D	150.00
7/29/2003	97-0361-EH	068985	R & M HARMON	R	100.00
8/01/2003	97-0361-EH	1424	R & M HARMON	D	100.00
9/08/2003	97-0361-EH	069836	R & M HARMON	R	100.00
10/01/2003	97-0361-EH	1424	R & M HARMON	D	100.00
11/21/2003	97-0361-EH	071383	R & M HARMON	R	150.00
12/01/2003	97-0361-EH	1424	R & M HARMON	D	150.00
2/03/2004	97-0361-EH	072684	R & M HARMON	R	50.00
3/01/2004	97-0361-EH	1424	R & M HARMON	D	50.00
4/06/2004	97-0361-EH	074028	R & M HARMON	R	25.00
5/03/2004	97-0361-EH	1424	R & M HARMON	D	25.00
5/18/2004	97-0361-EH	074995	R & M HARMON	R	25.00
6/01/2004	97-0361-EH	1424	R & M HARMON	D	25.00
11/07/2007	97-0361-EH	102288	R & M HARMON	R	50.00
12/03/2007	97-0361-EH	1424	R & M HARMON	D	50.00

TOTAL RESTITUTION	1,928.26
TOTAL COURT COSTS	.00
TOTAL STATE COSTS	.00
TOTAL FINES	.00
TOTAL CVR	60.00
TOTAL LAB FEES	150.00
TOTAL DRUNK ASSEM	.00
TOTAL DNA	.00
TOTAL ADDITIONAL	.00
TOTAL COLLECTIONS	2,138.26
TOTAL DISBURSED	1,928.26
CHARGES PAID	BALANCE

TOTAL RESTITUTION	5,780.88	1,928.26	3,852.62
TOTAL COURT COSTS	.00	.00	.00
TOTAL STATE MIN	.00	.00	.00
TOTAL FINES	.00	.00	.00
TOTAL CVR	60.00	60.00	.00
TOTAL LAB FEES	150.00	150.00	.00
TOTAL DRUNK ASSEM	.00	.00	.00
TOTAL DNA	.00	.00	.00
TOTAL ADDITIONAL	.00	.00	.00
GRAND TOTALS	5,990.88	2,138.26	3,852.62

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT	AFFIDAVIT OF JUDGMENT DEBTOR	CASE NO. 97-020361-FH
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Plaintiff's name and address
People of the State of Michigan

v

Defendant's name and address
DONALD GARY FISHER

Other Assets: (continued)

**LIST OF DOCUMENTS TO BE PRODUCED BY JUDGMENT DEBTOR
AT JUDGMENT DEBTOR'S EXAMINATION**

Court: Eaton County, Michigan, Circuit Court
Case Number: 97-020361-FH
Case Name: People v Donald Gary Fisher
Judgment Debtor: Donald Gary Fisher

1. All evidence of **INCOME** received since 01/01/2007, including but not limited to:

a. Tax returns and supporting documents filed since 01/01/2007 by the Judgment Debtor with the United States Internal Revenue Service, or any state (e.g., State of Michigan) or local (e.g., city) treasury department on behalf of the Judgment Debtor.

i. Include "1099 forms", W-2 forms, 1040 forms, or their equivalent forms used by a state or local unit of government, including tax refunds.

ii. Include records of quarterly estimates of federal, State, or local income tax filed by the Judgment Debtor for this year (2009).

b. Identification of employers, including business names, business addresses, business phone numbers, duration of employment, salary/pay rate when left employment or currently (as applicable).

c. All current sources of income, including place of employment and identity of employer, and take-home pay amounts.

d. Records concerning any transaction pending, closing, or applied for out of which the Judgment Debtor accepts any type of commission, salary, or other payment, or in which the Judgment Debtor has an interest, expects a commission, salary, or other payment.

2. All evidence of **ASSETS**, including but not limited to:

a. Records, deeds or other documents showing the Judgment Debtor's present ownership of any interest in real property (e.g., land, houses, rental property, etc.), or the sale of real estate in which the Judgment Debtor had an interest, since 08/16/1997 (the offense date for OWI Causing Death), wherever situated.

- i. Provide copies of titles, deeds, or contracts of sale of all such properties owned, purchased or being purchased, or sold, that the Judgment Debtor owns or has had interest in whatsoever, either alone or jointly with any other person or persons.
- ii. Identify the address(es) of any rental property owned, and the identities of the tenants.

b. Records, inventories, memoranda, or other documents evidencing the present ownership by the Judgment Debtor or the sale since 08/16/1997 (the offense date for OWI Causing Death) by the Judgment Debtor of any personal property, including but not limited to motor vehicles (cars, trucks, vans, RVs, etc.), watercrafts (boats, jet skis, etc.), motorcycles, household goods, miscellaneous furniture and fixtures, etc., wherever situated, that the Judgment Debtor owns or has had interest in whatsoever, either alone or jointly with any other person or persons.

- i. Specify the make, model, model year, and vehicle identification number of each asset, the registration plate number assigned to the asset, any amount currently owed on each asset, and the lien holder to each asset.
- ii. Specify the current location of each asset.
- iii. Produce a copy of the title, bills of sale or contracts of sale for each asset.

c. All stock certificates, bonds, notes, contracts, accounts receivable, or other negotiable instruments belonging to, possessed by, or in which the Judgment Debtor has any property interest whatsoever since 01/01/2007, either alone or jointly with any other person or persons.

d. All bank accounts, credit union accounts, etc. (including but not limited to checking, savings, share, share draft, money market or similar accounts) in the Judgment Debtor's name, alone or jointly with any other person(s).

- i. Provide monthly/quarterly/annual account statements since 01/01/2007.
- ii. Provide account locations, account identification numbers, and current balances.

e. Locations of any safe deposit boxes, safes, or other repositories of any assets in which the Judgment Debtor holds a property interest.

f. All records, documents, or other memoranda evidencing the ownership or value of any other property owned or controlled by the Judgment Debtor, including but not limited to

leasehold interests, balances in bank accounts, whether sole or joint, partnership interests, patents, copyrights, or other contract interests.

g. All records tending to show encumbrances on any of the above property and the amount secured by the encumbrance.

i. Identify all lien holders, account numbers associated with the encumbrances, whether the liens have been recorded, and current lien balances.

ii. Included in this request are year-end statements showing mortgage balances and related records.

h. Records of all monies owed to the Judgment Debtor by any person or entity.

i. Insurance policies for the Judgment Debtor's life or naming the Judgment Debtor as a beneficiary. Provide evidence of any current cash value of these policies.

j. Records of all vested pensions, individual retirement accounts (IRAs), or similar assets in which the Judgment Debtor holds a property interest, either alone or jointly with any other person or persons.

k. Records of all investments.

l. All records, documents, or other memoranda evidencing the value of any of the above property.

3. All evidence of **LIABILITIES** currently owed, including but not limited to:

a. All court judgments currently owed or other than Eaton County Circuit Court #97-020361-FH, including the court names, file numbers, balances owed on each file, periodic payment rates ordered by the courts, payment histories from 01/01/2007 to the present, etc.

b. All promissory notes, private loans, or any other evidence of indebtedness owed by or in the possession or control of the Judgment Debtor.

c. All credit cards in the name of the Judgment Debtor.

i. List the credit card issuers, account numbers, and current balances.

ii. Provide detailed account statements from 01/01/2007 to the present.

d. Records of all monies owed by the Judgment Debtor to any person or entity.

4. **Miscellaneous** records:

a. Produce the Judgment Debtor's social security card, and driver's license or pictured state-issued identification card.

b. Copies of all financial statements prepared by or for the Judgment Debtor since 01/01/2007 for any use or purpose, including by not limited to loans, credit card applications, etc.

c. Business and financial records of all corporations, partnerships, sole proprietorships or other entities in which the Judgment Debtor has claimed an ownership interest since 01/01/2007.

i. Provide articles of incorporation, by-laws, listing of officers.

d. Names and addresses of all "d.b.a."s or sole proprietorships in which the Judgment Debtor has claimed an ownership interest since 01/01/2007.