

WASHINGTON CITY JUSTICE COURT, WASHINGTON COUNTY, STATE OF UTAH

Judge Thad D. Seegmiller

111 NORTH 100 EAST, WASHINGTON UT 84780 435-656-6350

<p>_____ _____ _____ _____, plaintiff</p> <p>VS.</p> <p>_____ _____ _____ _____, defendant</p>	<p>SMALL CLAIMS MOTION SUPPLEMENTAL PROCEEDING (Judgment Debtor Hearing)</p> <p>Case No. _____</p>

Plaintiff asks that defendant (or witnesses) named below be ordered to appear before this court to answer questions under oath concerning defendant's property and income. Plaintiff also asks that defendants be restrained from disposing of non-exempt property pending the hearing. Judgment has been entered as shown:

Date: _____ Amount: _____ Balance: _____

Dated: _____
_____ Plaintiff or Plaintiff's Attorney

ORDER OF THE COURT

THE STATE OF UTAH TO THE DEFENDANT:

You are directed to appear in person before this court at the time and place shown below to answer questions under oath about defendant's property and income.

On Date: _____ **At time:** _____
At Address: 111 North 100 East, Washington

If you fail to appear after being personally served, a BENCH WARRANT may be issued for your arrest.

To Defendants: If you have property which is not exempt from being seized, you are ordered not to sell it, loan it, or give it away, or otherwise dispose of it pending the hearing.

Dated _____
_____ Justice Court Judge

Explanation for Defendant

Why this hearing? A judgment has been entered against you and has not been paid. The balance due is shown on the other side. Plaintiff (or his lawyer) has the right to question you about your assets. You are required to attend the hearing and give truthful answers under oath. The purpose is to find out what property or income you have which could be attached to garnished.

What questions will I be asked? Generally you will be asked what you own, owe, and earn. These are typical questions you should come prepared to answer:

1. Where do you work? When are you paid? How much and for what period?
2. Do you have other income? What is the source? What is the amount?
3. Do you have a bank account? What bank? What is the balance?
4. Do you own a home? When did you buy it? For how much? What is the mortgage balance?
5. Do you own a vehicle? TV? Stocks or bonds? Guns? Stereo? Other property? What is the value?
6. Does anyone owe you money? Who and how much?

What if I can't afford to travel to a hearing? On a sufficient showing of need you may be entitled to be reimbursed 15 cents per mile (one way) for coming to the hearing.

****What happens if I don't show up?** Plaintiff will probably ask the judge to issue an ORDER TO SHOW CAUSE (for contempt of court) and if you were personally served, a BENCH WARRANT. You could be arrested and be required to post bail (typically \$250 - \$500) to be released. This is done to make sure you go to the next hearing. If you are found in contempt you could be jailed up to 30 days and fined up to \$200 (UCA 78-32-10). "I forgot" and "I was out of town" and NOT valid excuses for missing the hearing.

Can I still settle this case? Yes, you should try. If you pay the judgment in full plus court costs, that ends the case. If you can't do this, contact the plaintiff and try to work out an installment payment schedule. Also, plaintiff may agree to obtain information about your assets from you by telephone, letter or personal interview without going to court. However, you must appear in court on the date set unless plaintiff releases you.

Can I get the date changed? Usually it can be, if the date set is not convenient. Call plaintiff to see if he will agree to a postponement.

Yes – If plaintiff agrees to postpone, call the court clerk to set up a new date for hearing.

No – If the plaintiff won't agree to postpone you may bring it before the judge by making a MOTION FOR CONTINUANCE. The clerk can give you a form and set a hearing date for your motion.

YOU MUST FOLLOW THE ABOVE PROCEDURE TO POSTPONE A HEARING. IT'S NOT ENOUGH SIMPLY TO TELL THE OTHER SIDE YOU CAN'T MAKE THE HEARING.