

Certificate of Judgment and Civil Collection Process for Victims

Step 1: Obtain a Certificate of Judgment (Judgment Lien)

Restitution for a victim's economic loss will be included as part of a defendant's sentence in a criminal or traffic matter. The sentence is a court decision, and a restitution order is a judgment in favor of the victim. You will need to know the case number or the defendant's name so that the Clerk of Court's office can locate the restitution information from the defendant's case details.

Contact the Criminal/Traffic division of the Clerk's office. They are located on the first floor of the Toledo Municipal Court (TMC) building, or you can call them at (419) 936-3650. They will prepare a Certificate of Judgment for you at no cost.

Step 2: File the Certificate of Judgment in the Civil Division to open a civil case

File the Certificate of Judgment in the Civil Division of the Clerk's office. That office is located in the basement of the TMC building. *As a victim, the standard filing fee will be waived for your case.* The Civil Division will create a civil case through which you can engage in collections activity on your judgment for restitution. Keep your civil case number handy for future reference.

WHAT IS A JUDGMENT?

A judgment gives you (the victim or "creditor") a legal right to collect the amount awarded by the Court, but it does not force the person owing money (the defendant or "debtor") to pay. Rather, the Court has confirmed that the debtor has a legal, enforceable obligation to pay. It is your job to collect that debt.

Below is general information about civil collection efforts. For legal advice, you should contact an attorney licensed in the State of Ohio.

HOW DO I COLLECT THIS JUDGMENT?

The simplest way to collect a judgment is to contact the other party and arrange a voluntary payment, either in a lump sum or in installments. **Do not attempt collection in this manner if it is unsafe for you to do so, or if there is a protection order or "no contact" order in place involving you and the debtor.**

If the other party refuses to pay the judgment amount voluntarily, you may wish to collect the judgment by using the methods in the following steps.

1. Wage Garnishment

If you know where the defendant works, you can take steps to get his/her employer to deduct money from his/her wages. Visit <https://www.tmc-clerk.com/civil/garnishments/> for information explaining the process.

2. Non-Wage or Bank Garnishment

If you know where the defendant has a bank account, you can use a non-wage garnishment to collect the judgment from the account. Visit <https://www.tmc-clerk.com/civil/garnishments/> for information explaining the process.

3. Judgment Lien (Certificate of Judgment Issued for Transfer to Clerk of the Court of Common Pleas)

If you know the debtor owns real estate, you can put a lien on the defendant's real property for the amount of the unpaid judgment plus interest. For the period of time that you have the lien, it will "cloud the title" of the debtor's real estate. If he or she wants to sell the real property, the judgment will have to be paid first.

A certificate of judgment can be issued for transfer to the Clerk of the Court of Common Pleas in the county in which the defendant's real property is located. Contact the TMC Clerk's Civil Division office for more information on this process. Be ready to provide them with your civil case number.

4. Writ of Execution

An Execution is a legal process by which a debtor's business or personal property may be seized by the creditor to satisfy or partially satisfy an outstanding judgment. Some property of a debtor may be exempt from execution. The form or praecipe to complete for issuance of a writ of execution can be found on the Clerk's website here: <https://www.tmc-clerk.com/media/1216/praecipe1-website-form.pdf>.

5. License Suspension

If your case involved a car accident and/or you experienced a personal injury or property damage from the use, care and maintenance of a motor vehicle, you may be able to initiate a suspension of the defendant's driver's license. For more information, please see <https://www.bmv.ohio.gov/susp-ins-noncomply.aspx>.

6. Proceedings in Aid of Execution

A Proceeding in Aid of Execution is also known as a Debtor's Examination. This allows you to summon the defendant into Court to find out needed information, such as employer and banking information, in order to file a Garnishment, Lien, Execution, or License Suspension.

HOW DO I NOTIFY THE COURT THAT I HAVE BEEN PAID IN FULL?

After the judgment amount has been paid in full, you must file notification with the Clerk's office that the claim has been satisfied. This form: <https://www.tmc-clerk.com/media/1218/satisfaction-form-website-form.pdf> may be used to provide that notice and serve it upon the debtor.