
If the criminal (or delinquency) case has been closed and you are still owed money under the restitution order there are ways you can attempt to collect some or all of the money that is still owed to you.

RECORD THE LIEN

The Judgment of Sentence contains the restitution order. It is a judgment and lien which can be recorded at a County Register of Deeds where the defendant owns property. The Judgment of Sentence acts as a lien against the defendant's real property and can be satisfied out of the value of any of the defendant's real property when it is sold or transferred.

- First: obtain a "certified copy" of the Judgment of Sentence containing the restitution order from the Clerk of the Court that issued the sentence in the criminal (or delinquency) case.
- Second: take the "certified copy" of the Judgment of Sentence containing the restitution order to the Register of Deeds office, along with any legal descriptions or addresses of property owned by the defendant.
- Third: record the lien in the county where the property is located.

The Ottawa County court clerk will waive the fee to obtain a certified copy of the Judgment of Sentence with the restitution order. There may be a fee paid to record your documents at the Register of Deeds and another fee paid to remove a lien when the judgment is satisfied.

GARNISH THE DEFENDANT'S WAGES OR OTHER INCOME

The Judgment of Sentence contains the restitution order. It can be used to collect payments from the defendant's wages or other income paid to the defendant on a regular basis such as land contract payments, rent, or other contract payments.

You may prepare the **Request and Writ for Garnishment (Periodic)**, SCAO Form MC12, to collect this type of income. Instructions are included with the form. A link to the court form site and the Self-Help Center is located on the web at www.courts.michigan.gov/scao/courtforms.

Your paper filing is in the court that issued the Judgment of Sentence. The "Case Number" is the same number as the one given originally to the case in the criminal (or delinquency) case. In the box that requests the "Plaintiff name and address", place your name, address, and the words "Criminal (or Delinquency) Case Victim". On other questions or issues, simply follow the instructions listed on the forms.

There is no fee for filing of 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)

GARNISH THE DEFENDANT'S MICHIGAN INCOME TAX REFUND/CREDIT

The Judgment of Sentence containing the restitution order may be used to collect payments from the defendant's income tax refund or credit if there is one available.

Use the **Request and Writ for Garnishment (Income Tax Refund/Credit)**, Form MC52, to collect this type of income. Instructions are included with the form. A link to the court form site and the Self-Help Center is located on the web at www.courts.michigan.gov/scao/courtforms.

This form must be filed in the Court that issued the Judgment of Sentence. The "Case Number" is the same number as the one given originally to the case in the criminal (or delinquency) case. In the box that requests the "Plaintiff name and address" place your name, address and the words "Criminal (or Delinquency) Case Victim". On other questions or issues, simply follow the instructions listed on the form.

You may only garnish the defendant's Michigan Income Tax Refund or Credit with this form. **You may not garnish the defendant's Federal or Local Income Tax Refund or Credit.** This form may be used each year until the restitution is fully paid.

There is no fee for the filing of 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)

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

The Judgment of Sentence containing the restitution order may be used to collect payments from the defendant's checking, savings, or other accounts.

Use the **Request and Writ for Garnishment (Non-Periodic)**, Form MC13, to collect this type of income. Instructions are included with the form. Links to court forms and the Self-Help Center of the Michigan Courts are located on the web at www.courts.michigan.gov/scao/courtforms.

This form must be filed in the court that issued the Judgment of Sentence. The "Case Number" is the same number as the one given to the case in the original (or delinquency) criminal case. In the box that requests the "Plaintiff name and address" place your name and address and the words "Criminal (or Delinquency) Case Victim".

There is no fee for filing of 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)

- You also have the right to force the defendant into court to testify concerning their accounts, if necessary, to collect your judgment.
- There is also a legal procedure available to attach a claim to the defendant's discovered property for seizure and sale.

**RECORD “NOTICE” OF YOUR JUDGMENT
SO DEFENDANT CANNOT SELL REAL
ESTATE WITHOUT PAYING YOUR
RESTITUTION LIEN**

The Judgment of Sentence contains the restitution order. It is a judgment and lien which can be recorded at a County Register of Deeds where the defendant owns property. The Judgment of Sentence acts as a lien against the defendant’s real property and can be satisfied out of the value of any of the defendant’s real property **when it is sold or transferred.**

- First: obtain a “certified copy” of the Judgment of Sentence containing the restitution order from the Clerk of the Court that issued the sentence in the criminal (or delinquency) case.
- Second: take the “certified copy” of the Judgment of Sentence containing the restitution order to the Register of Deeds office, along with any legal descriptions or addresses of property owned by the defendant.
- Third: ask the Register of Deeds to record the lien in the county where the defendant’s property is located.

The Ottawa County court clerk will waive the fee to obtain a certified copy of the Judgment of Sentence with the restitution order. There may be a fee paid to record your documents at the Register of Deeds and another fee paid to remove a lien when the judgment is satisfied.

ESTATE PROCEEDINGS

The restitution order remains in effect until it is satisfied. This means that restitution may be collected from the assets of the defendant’s estate after his or her death. To do this, file a “Statement and Proof of Claim” form (pc579) in the Probate Court in which the defendant died. This form is available at www.courts.michigan.gov/scao.

Please note that this brochure was designed to help you collect the restitution owed to you. Is is not necessarily a complete guide for each and every collection issue that may arise.

Unfortunately, our office can not serve as your private civil attorney or prepare your legal forms. You may either do so yourself or contact a private attorney. Legal forms and instructions may be obtained from the Self-Help Center of the Michigan Courts website at www.courts.michigan.gov.

In addition to collection of a restitution judgment, you may desire to initiate a civil lawsuit against the defendant. Check with The National Crime Victim Bar Association at www.ncvc.org for more information or contact your private attorney.



**OTTAWA COUNTY
PROSECUTING ATTORNEY
414 Washington Street, Room 120
Grand Haven, MI 49417**

**Collection on your
ORDER OF
RESTITUTION**

“An order of restitution entered in a criminal case is a judgment and lien against all property of the defendant and remains effective until it is satisfied in full.” MCL780.766(13)



**Provided By:
LEE F. FISHER**

**PROSECUTING ATTORNEY
COUNTY OF OTTAWA**
