

# Motion for Installment Payments

(MC 15, MC 15a, Monthly Income & Expense Worksheet)

<b>When to Use:</b>	<ul style="list-style-type: none"> <li>You have a judgment against you, <b>and/or</b>;</li> <li>There is a Writ of Garnishment issued, <b>and</b>;</li> <li>You want to make arrangements for installment payments</li> </ul>		
<b>Filing Fees:</b>	\$20.00		
<b>Method of Payment:</b>	<ul style="list-style-type: none"> <li>Cash</li> <li>Credit Card</li> <li>Money Order payable to: <i>Ottawa County Clerk</i></li> </ul>		
<b>Where to File:</b>	<p><b>File in the District Court where the case was originally filed:</b></p> <table> <tr> <td><u>Grand Haven</u> 414 Washington Grand Haven, MI 49417</td> <td><u>Hudsonville</u> 3100 Port Sheldon Rd. Hudsonville, MI 49426</td> </tr> </table> <p><u>Holland</u> 85 West 8<sup>th</sup> St. Holland, MI 49423</p>	<u>Grand Haven</u> 414 Washington Grand Haven, MI 49417	<u>Hudsonville</u> 3100 Port Sheldon Rd. Hudsonville, MI 49426
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<b>Copies:</b>	None		
<b>Additional Information:</b>	<p>If you would like a copy of the signed order, provide a copy of the order, along with a stamped envelope, to the Clerk's office. Stamped envelopes are available for purchase in the Legal Self-Help Center for \$1.00.</p> <p>Stamped envelopes are available for purchase in the Legal Self-Help Center.</p>		

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>MOTION AND AFFIDAVIT FOR INSTALLMENT PAYMENTS/TO AMEND ORDER FOR INSTALLMENT PAYMENTS</b>	<b>CASE NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name (judgment creditor), address, and telephone no.

Defendant's name (judgment debtor), address, and telephone no.

**v**

Plaintiff's attorney, bar no., address, and telephone no.

**See instructions on reverse side**

Date of judgment: \_\_\_\_\_

Amount of judgment (including costs): \$ \_\_\_\_\_

Approximate balance due on judgment: \$ \_\_\_\_\_

1. A judgment was entered against me in this case as stated above. I submit the following information:
2. My average income is about \$ \_\_\_\_\_ every  week.  two weeks.  month.  
 I am employed and the name and address of my employer is \_\_\_\_\_.

I am not employed.  I am receiving unemployment benefits.

I have a vehicle: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_

The total amount in all my bank accounts is \$ \_\_\_\_\_.

Write down any other assets and how much they are worth. If you need more space, attach a separate sheet.

I pay \$ \_\_\_\_\_ in rent/mortgage every month. I pay \$ \_\_\_\_\_ in utilities (water, electricity, gas) every month.

I pay \$ \_\_\_\_\_ for court-ordered child support. I pay \$ \_\_\_\_\_ for court-ordered \_\_\_\_\_.

Write down any other obligations and how much you pay. If you need more space, attach a separate sheet.

3.  a. **I ask** this court for an order allowing installment payments of the judgment in the amount of \$ \_\_\_\_\_ every  week  two weeks  month starting \_\_\_\_\_, and that no garnishment for wages/personal work and labor issue on this judgment as long as payment is made. **OR**
- b. I have an order for installment payments, but my circumstances have changed and **I ask** this court for an amended order in the amount of \$ \_\_\_\_\_ every  week  two weeks  month starting \_\_\_\_\_ until paid in full or until further order of the court.

4. A writ of garnishment for periodic payments was issued on \_\_\_\_\_ . **I ask** that it be suspended.

5. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

\_\_\_\_\_  
Defendant's signature

Subscribed and sworn to me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Notary public/Deputy court clerk

Notary public, State of Michigan, County of \_\_\_\_\_

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this motion on the parties or their attorneys by first-class mail to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date Defendant's signature/District court clerk

**NOTICE TO PLAINTIFF:** If you do not file objections to the motion with the court and serve them on the defendant within 14 days from the mailing of this motion, the motion will be granted without further hearing. If you file timely objections, the court will decide the motion based on the papers filed or will notify the parties that a hearing will be required.

**Instructions for Filing and Serving a Motion and Affidavit  
for Installment Payments/to Amend Order for Installment Payments (Form MC 15)**

Use this form if you want to ask the court to allow you to make payments instead of having your wages garnished.

**NOTE:** Even if an installment payment order is entered, the plaintiff can still garnish your bank accounts, take your state income tax refund, and seize your property.

**1. How do I file a Motion?**

You file a motion by completing the form and filing it with the same court that signed the judgment. There is a \$20 motion fee for filing a motion for installment payments.

**2. Fill out the Motion form.**

Write in the court number, case number, the court address and telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on the judgment.

Write in the date the judgment was entered and the amount of the judgment. Get this information from your copy of the judgment, not from a writ of garnishment or other paper. Write in the balance now due on your judgment. It doesn't need to be exact but should be close.

Write in all the requested information in item 2. Include any information about other money judgments or orders.

Write in the amount you can afford to make on your judgment in item 3. Check how often you can make that payment and write in the date you want to start making these payments. **Make sure you will be able to pay this amount every time.**

If a writ of garnishment for periodic payments (form MC 12) was already issued, check the box in item 4 and write in the date the garnishment was issued (see the lower left-hand corner of the writ of garnishment).

You must sign your name in front of a notary public or the clerk of the court. Be sure to take your driver's license or other identification with you. You can find a notary public at most banks.

**3. Make three copies of the completed motion form and any attachments.**

**4. File the Motion with the court.**

File all three copies of your motion with the court in person or by first-class mail. If you mail your motion to the court, include a postage-paid and self-addressed envelope with your motion so that the court can return copies.

**5. Serve the Motion.**

If your case is in the district court, the court will serve the motion and will return one copy to you.

If your case is in the circuit court, when you get the two remaining copies of the motion, serve a copy on the plaintiff by first-class mail. If the plaintiff has an attorney, serve the motion on the attorney instead of the plaintiff. Complete the Certificate of Mailing on the bottom of your copy of the form. Make a copy of this and file it with the court. You can do this either in person or by first-class mail. Keep a copy for yourself.

**6. What happens next?**

If the judge signs an installment payment order, you must send a copy to the plaintiff. If a periodic writ of garnishment was already issued, send a copy of the order to the garnishee (the name and address is on the writ of garnishment). Otherwise, the garnishee will withhold your money.

**7. Make installment payments.**

You must make installment payments on time as ordered until the judgment is paid in full. If you stop making payments, are late making payments, or pay less than the amount ordered, the plaintiff can file a motion with the court to set aside (stop) the order for installment payments. If the order for installment payments is set aside, the plaintiff can get a periodic writ of garnishment to have your wages garnished.

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>ORDER REGARDING INSTALLMENT PAYMENTS</b> <input type="checkbox"/> <b>AMENDED</b>	<b>CASE NO. and JUDGE</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name (judgment creditor), address, and telephone no.  
  


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 Plaintiff's attorney, bar no., address, and telephone no.

**v**

Defendant's name (judgement debtor), address, and telephone no.  
  


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 Garnishee's name, address, and telephone no.

Date of judgment: \_\_\_\_\_ Amount of judgment (including costs): \$ \_\_\_\_\_

1. The defendant filed a motion for installment payments with this court on \_\_\_\_\_ .  
Date
2. The court entered a writ of garnishment for periodic payments on \_\_\_\_\_ .  
Date

**IT IS ORDERED:**

3. The motion for installment payments is denied for the reasons stated on the record or for the following reasons:
4. The defendant must pay the judgment in installments as follows:  
 \$ \_\_\_\_\_ every  week  two weeks  month starting \_\_\_\_\_ .  
 Payments must be paid to  plaintiff.  plaintiff's attorney.  
 Payments must be sent to  plaintiff.  plaintiff's attorney.  the court.  
 No writ of garnishment on this judgment shall issue for wages/personal work and labor until further order of the court.
5. The writ for periodic payments issued on \_\_\_\_\_ is suspended and the garnishee is ordered to  
Date  
 discontinue withholding amounts under the writ unless otherwise ordered by the court. Any funds deposited with the court or held by the garnishee before the date of this order shall be paid and mailed to the plaintiff/plaintiff's attorney.
6. **FURTHER ORDERS:** If the defendant fails to make the above payments, the plaintiff may file a motion to set this order aside. Copies of the motion must be served by first-class mail to the defendant's last-known address. An order setting aside the installment payments will be entered 14 days from the date of mailing of the motion to set aside installment payments unless the defendant, within that time, requests a hearing.

\_\_\_\_\_  
 Judge signature and date

**Instructions to Defendant:** Do not serve the order on the garnishee if the motion for installment payments is denied.

**CERTIFICATE OF MAILING**

I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## MONTHLY INCOME & EXPENSES

### INCOME

Employer	\$ _____
Child Support	\$ _____
Alimony	\$ _____
ADC	\$ _____
Social Security	\$ _____
Disability	\$ _____
Other	\$ _____
<b>TOTAL INCOME</b>	\$ _____

### EXPENSES

GROCERIES	\$ _____
AUTOMOBILE(S)	
Payments	\$ _____
Gas	\$ _____
Insurance	\$ _____
Maint./Repair	\$ _____
DEBTS	
Credit Cards	\$ _____
Loans/Notes	\$ _____
INSURANCE	
Life	\$ _____
Medical	\$ _____
CLOTHING	
SCHOOL/CHILD CARE	
Day Care	\$ _____
Tuition	\$ _____
MEDICAL	
Doctor	\$ _____
Dentist	\$ _____
Optical	\$ _____
Prescriptions	\$ _____
Counseling	\$ _____
OTHER	\$ _____
<b>TOTAL EXPENSES</b>	\$ _____