

## **RULE 19. Judgment debtor examinations**

(A) In accordance with the provisions of Revised Code Chapter 2333, a motion for order of appearance of judgment debtor shall be filed as all other motions with the Clerk of Courts (except that no memorandum in support thereof shall be required), and shall be set for hearing before a Magistrate of this Court; the attorneys for the judgment creditor shall notify the judgment debtor of the hearing date by ordinary mail, postage prepaid, addressed to judgment debtor's last known address advising the judgment debtor of the time and place of hearing on said motion; if the judgment debtor appears on that date, the judgment debtor shall be examined at that time; if the judgment debtor fails to appear and it appears that the notice sent to the judgment debtor has not been returned or delivery thereof has been refused, the Judge shall issue an order for an appearance for examination as a judgment debtor; if the judgment debtor fails to appear on the date so set and has been duly served with summons, a citation for contempt shall be issued, returnable one week thereafter; if the judgment debtor has been served personally with such citation and fails to appear, a body attachment shall be issued for the judgment debtor, returnable one week thereafter, with a suitable bond fixed by the Magistrate.

(B) Judgment debtor proceedings shall not be filed in any cause more often than once every six months unless the party filing the same or that party's attorney, files an affidavit setting forth that the party has good and sufficient reason to believe that the status of the judgment debtor has changed since the previous order was filed, or unless the party or that party's attorney personally secures the written permission of the Assistant or Second Assistant Presiding Judge.

(C) There shall be no charge for filing the first order for appearance of judgment debtor in any case, but there shall be a charge for each subsequent order for appearance of judgment debtor of one dollar to be advanced by the party seeking such order to apply on the cost of same. If an order for appearance of judgment debtor is filed earlier than six months from the previous order and it appears upon the examination that the party seeking same did not have good reason to request the Assistant or Second Assisting Presiding Judge for such examination, the costs of such proceedings, at the discretion of the Magistrate, shall be paid by the party seeking the order before an order for the appearance of the judgment debtor can again be allowed.

(D) Motions for judgment debtor examination shall be scheduled for hearing with the Assignment Commissioner's Office.

(Amendment effective August 15, 2006)