

The Judgment Debtor Examination (JDX) – CHECK-MATE!

[Table of Contents](#)

Okay, now you've located your debtor and you already have some information about him and his **assets**. Maybe you even have enough information to proceed directly to the "Collect Your Money" section of this Guide. If so, go there now. However, in a lot of cases you may still want to gather more information. More information never hurts. The most effective way I know to do this is through the **Judgment Debtor examination (JDX)**.

The JDX is a *court order* requiring your debtor to appear in court to produce documents and answer questions about his assets.

Whatever state you are in, the cost of the JDX is not all that much: For example, in the **State of New York** it is \$18.00. In the **State of California** it is about \$40.00. There is also the cost of having a Sheriff or process server serve the **Order to Appear**¹ for the examination. Here's a sample [Order to Appear for Michigan](#). Here's one for [Alaska](#). And one is for [Arizona](#). (Note: In Colorado there is no provision for a JDX in small claims court. Strange, but true.)

Remember, forms will vary greatly from state to state. But the purpose of each Order to Appear is basically the same: to get your debtor to show up in court.

An **Order to Appear** for the JDX is precisely that—a court order telling the debtor he has to show up, or else. And, you can make him produce documents with a [subpoena duces tecum](#)². Here's an example from [Virginia](#) and one from [Florida](#). Again, the subpoena duces tecum is used to subpoena documents from the debtor. More on both of these later.

¹ **Order to Appear:** A court order for the debtor or someone else (a 3rd Party), to appear as a witness at a judgment debtor examination (JDX) and produce bank account records, etc. .

² **Subpoena Duces Tecum:** "Duces Tecum" comes from the Latin meaning "bring with thee." This court document is served upon the debtor with a list of documents and things he must bring to the JDX.

3rd Party JDX³: Besides the debtor, you can also bring into court other people and examine them about the debtor's assets. That person is called a 3rd Party because the person is neither you (the 1st Party) nor the debtor (the 2nd Party.) In most states you can bring in anyone who owes the debtor more than a few hundred dollars, or has any knowledge of the debtor's assets.

For example, the debtor's **boss** can usually be brought into court and examined because you can presume that he owes the debtor wages. Likewise, the debtor's **landlord** can be ordered into court because most likely he is holding a rental deposit.

In most states the debtor's **sister** and **mother** can also be examined if you have reason to believe they know about the debtor's assets. The **auto dealership** that sold the debtor his car can also be brought in along with copies of the application the debtor filled out and the checks he wrote.

When you get the 3rd Party served, you can expect the debtor will be upset. **Too bad for him.** If the debtor won't pay, bring in the 3rd Party—as many as you need—and ask the questions you want. This comes under the category of “How to legally make your debtor's life miserable.” Remember, this is a chess game. The JDX means Check Mate.

To get permission to bring in a **3rd Party** you will probably have to complete a simple declaration along with the JDX application. The declaration will explain to the court why you want to bring in the 3rd Party. Say who you are, who the debtor is, and the debtor's relationship to the 3rd party (employer, spouse, etc.) Then give your reason for bring the 3rd party in for the JDX (She know about the assets of the debtor, or she is indebted to the debtor.)

1. What to expect at a Judgment Debtor Examination (JDX) [Table of Contents](#)

The state laws that I'm familiar with are fairly consistent in allowing you to ask any question that may tend to lead to the discovery of assets. You may ask for the debtor's social security number, bank account locations and balances, work address, other sources of income, computers, TV's and autos owned. You may also ask about bank accounts that have been closed, spouse's income, spouse's bank accounts, and much more.

Remember: At a JDX you may ask any question which tends in logic to possibly lead to the discovery of assets.

At the JDX the judge will:

- ✓ Take role and note who is and isn't there.

³ **3rd Party Judgment Debtor Examination:** This is a judgment debtor examination, only you are examining a third party – not the debtor. More than likely, this party may have knowledge or documents about your case.

- ✓ Swear in the debtors who are present.
- ✓ Warn the debtors that they are to tell the truth—the whole truth-- or they will be in **contempt of court**⁴.
- ✓ Instruct the debtors as to which types of questions they may be asked.
- ✓ Tell you and the debtor that if there are any doubts about whether a question is lawful, to come back into court and ask the judge.

The judge will then instruct you to go out in the hallway with your debtor and ask your questions.

When you are finished asking your questions and you are satisfied that you have all the answers, you can go back into the courtroom and tell the bailiff that you are finished. Then the debtor is released, and you both may go.

The Court Hallway?

[Table of Contents](#)

You may be surprised that the JDX usually takes place in the court hallway. The space is both open and public, and this is exactly why it can be used. The JDX is really quite informal. The judge doesn't ask the questions—you do. However, it still falls under court jurisdiction. So, go ahead and ask them to the debtor, and write down the answers.

Won't he lie?

Probably he will. He doesn't exactly *want* to tell you about his assets. But if you've done your homework, you will have a bit more information about him than he suspects. And if you have served him with a **subpoena duces tecum** to produce documents, you will collect even more information about him whether he likes it or not.

The Subpoena Duces Tecum:

[Table of Contents](#)

The word "subpoena" comes from Latin, meaning "under punishment." "Duces tecum" is also from Latin, and means "bring with thee."

You use the **Subpoena Duces Tecum** to require the debtor to bring documents that you think are important. [Click here](#) for a **Peter's Handy Dandy List** of documents you might subpoena. I know it looks excessive, but that's precisely the point.

⁴ **Contempt of Court:** The deliberate obstruction of a court proceeding by refusing to obey a court order. It is sometimes punishable by a fine or imprisonment. In actual practice, however, I find that judges can be quite lenient, especially when it's "only money," as one judge said to me. If it's a first contempt offense they will often waive punishment. But the judges do want the court to be respected.