

Completing the Motion and Affidavit for the Issuance of an Order in Aid of Execution (Debtor's Exam)

Use the *Motion and Affidavit for the Issuance of an Order in Aid of Execution (Debtor's Exam)* (CC 3:8C) form when you have been awarded a judgment for money in a court case, but the other party, known as the judgment debtor, hasn't paid yet.

To garnish the judgment debtor's wages or other funds, you must first know where the judgment debtor works and/or where the judgment debtor has money (what bank they use). To get the information, you can ask the court for permission to complete a "Debtor's Exam."

The request to serve the judgment debtor is on the second page of the form.

Page 1 of 2

The diagram illustrates the form's structure with the following callout boxes:

- Top Left:** Enter the type of court and the county or use the drop-down lists. (Points to the court type and county dropdowns)
- Top Left (Second):** Enter the name of the plaintiff. (Points to the plaintiff name field)
- Top Left (Third):** Enter the name of the defendant. (Points to the defendant name field)
- Top Left (Fourth):** Enter your name. (Points to the creditor name field)
- Top Left (Fifth):** Enter the date the judgment was ordered by the court. (Points to the judgment date field)
- Top Left (Sixth):** **STOP!** Do not sign the form until a notary or court clerk is present to witness you signing. (Points to the signature line)
- Top Left (Seventh):** If completed by an attorney, enter your Bar Number. (Points to the attorney bar number field)
- Top Right:** Enter the case number. (Points to the case number field)
- Middle Right:** Enter the amount of the judgment. (Points to the judgment amount field)
- Bottom Right (Upper):** Enter the name of the judgment debtor (person who owes the money). (Points to the debtor name field)
- Bottom Right (Lower):** Complete the information in this section. **Do Not** Sign or enter the date you are signing. (Points to the signature and date fields)

The form itself contains the following text and fields:

IN THE _____ COURT OF _____ COUNTY, NEBRASKA
Choose the court Choose the county

_____, Case No. _____
 Plaintiff,

vs. _____
 Defendant.

**MOTION AND AFFIDAVIT
 FOR THE ISSUANCE OF
 AN ORDER IN AID
 OF EXECUTION
 (DEBTOR'S EXAM)**

MOTION AND AFFIDAVIT

I, _____, being first duly sworn say, I am the judgment creditor in the above entitled action; that a judgment was entered herein on _____, in the amount of \$ _____, and remains unsatisfied.

I am entitled to an order of this court requiring the judgment debtor, _____, to appear and answer questions concerning property of the judgment debtor.

Wherefore, judgment creditor moves for the issuance of an Order in Aid of Execution.

(Must be notarized)

Signature: _____ Date: _____
 Printed Name: _____
 Street Address/P.O. Box: _____
 City/State/ZIP Code: _____
 Telephone Number: _____
 Email address: _____

If completed by an attorney:
 Bar Number: _____

A notary or court clerk will complete this section when they witness you signing the form.

State of _____)
County of _____) ss.
This document was acknowledged before me by _____,
this _____ day of _____, 20____.

Signature of Judge/Clerk of the Court/Notary Public
Notary commission expires: _____
Title: _____ Serial Number (if any): _____

TO THE CLERK OF COURT: Please issue an Order in Aid of Execution and deliver same to the judgment debtor by either personal service sheriff of _____ County, Nebraska, constable of _____ County, Nebraska, or mailing a copy by certified mail, restricted delivery, return receipt requested, for service upon the judgment debtor(s),

at the following address(es):
Home: _____
Work: _____
Other locations where judgment debtor can be found:

Enter the judgment debtor's name.

Enter the addresses of where the party can be served and any other locations where they might be found.

Choose the type of service.
If you mark sheriff or constable, enter the county where the judgment debtor can be served.

Note: for personal service in Douglas or Lancaster County, mark constable.