

COLLECTING YOUR RESTITUTION



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DISCOVERY OF ASSETS

Before you can begin self-help collection, you have to find out what assets the defendant has.

[Michigan Courts SCAO Self-Help for Discovering Assets](#)

RECORD THE LIEN

Record “certified copies” of the Judgment of Sentence and any Restitution Order at a county Register of Deeds where the defendant owns property. (You will need addresses and legal descriptions of the real property owned by the defendant.) The Judgment of Sentence acts as a lien against the defendant’s real property, “clouds the title” of the property, and can be paid from the value of any of the real property when it is sold or transferred.

There may be a small fee to obtain a certified copy of the Judgment of Sentence from the original criminal case’s court clerk’s office, and may also be a small fee to record the document(s) at the Register of Deeds.

GARNISH THE DEFENDANT’S WAGES or OTHER INCOME

[Michigan Courts SCAO Self-Help on Garnishing Money to Pay for a Judgment](#)

SEIZE & SELL THE DEFENDANT’S ASSETS

To collect and sell physical assets, file a **Request and Order to Seize Property** form [SCAO Form MC19].

[Michigan Courts SCAO Self-Help on Seizing Property to Pay for a Judgment](#)

ESTATE PROCEEDINGS

Since a restitution order is in effect until it is fully satisfied, it can be collected from the assets of the defendant when he/she is alive, as well as from the estate of the defendant. To do so, file a Statement and Proof of Claim [SCAO Form PC 579] in the Probate Court of the decedent’s county of residence.

Some forms of income are exempt from garnishment, including the first \$500 in savings accounts; IRAs; Social Security; SSI; AFDC; General Assistance benefits; unemployment compensation benefits; and workers’ compensation benefits.