

**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.