

Judgment Debtor Examination

Client: _____

Debtor: _____

Judgment: \$ _____

Date of Exam: _____

INTRO

- I represent ____.
- Do you know why you are here today?
 - **Exhibit – Dep. Notice.**
 - **Exhibit – Judgment.**
- You are under oath—perjury charge possible.
 - Is there anything that would prevent you from giving true, full and accurate testimony today? Medication, alcohol, etc.
- Examination is being transcribed. You will have the chance to review transcript.
- What did you do to prepare for this examination?
- Look at their wallet.
 - Other cash on hand?
 - Other credit cards?

BIOGRAPHICAL INFO

PERSONAL INFORMATION

- Full name.
- AKA/Alias.
- Maiden.
- Ever change your name?
- Ever used/gone by any name other than those identified above?
- SSN. Ever have different one?
- Driver's license: state and number.
 - Ever had others?
- Birth date.
- Birthplace.

COMPANY INFORMATION

- Full name.
- State of incorporation
- Address
- Registered agent
- Attorney
- Accountant
- Physical location of offices

BUSINESS RECORDS

- Electronically and physically, what were they?
- Where were they?
- Form for general ledger?
- Check register?
- Cost accounting drafts?
- Accounts receivable register?
- Accounts payable register
- Who maintained them?
- Where?
- In what form?
- Nothing withheld?
- Nothing lost or stolen or destroyed?

COMPANY DEBTOR STATUS

- Conducting business?
- Bidding for work?
- Oral contracts
- Why not
- What happened with Charter
- Leases
- Clean up work?
- List all contracts entered into during the past 2 years

BANK ACCOUNTS

COMPANY ACCOUNTS

- Checking
 - Bank name
 - Bank address (branch)
 - Account number
 - Personal or business?
 - Amount of money in it
 - Any transfers from this account in the past 12 months?
 - When did you make your last deposit?
 - When did you draw your last check?
 - Authorized signatories; number required
 - Power of attorney/other authority to sign checks on any bank account?
- Savings
 - (SAME AS ABOVE)
- Line of credit
 - (SAME AS ABOVE)
- Other accounts?
 - (SAME AS ABOVE)
- Other banks?
 - (SAME AS ABOVE)

- Money Market accounts?
 - (SAME AS ABOVE)
- Revolving accounts?
 - (SAME AS ABOVE)

PERSONAL ACCOUNTS

- Checking
 - Bank name
 - Bank address (branch)
 - Account number
 - Personal or business?
 - Amount of money in it
 - Any transfers from this account in the past 12 months?
 - When did you make your last deposit?
 - When did you draw your last check?
 - Authorized signatories; number required
 - Power of attorney/other authority to sign checks on any bank account?
- Savings
 - (SAME AS ABOVE)
- Line of credit
 - (SAME AS ABOVE)
- Other accounts?
 - (SAME AS ABOVE)
- Other banks?
 - (SAME AS ABOVE)
- Money Market accounts?
 - (SAME AS ABOVE)
- Revolving accounts?
 - (SAME AS ABOVE)
- Spouse have a bank account? Repeat above.
 - What is the source of money in that account?
- How much cash do you have with you right now?
 - Do you keep cash anywhere else other than a bank account or safe deposit box?
 - Where do you keep it?
 - What is the amount?
- Have you disposed of any cash or accounts since the service on you of this order?
- Any securities with any stock brokerage firm?
- Any accounts with a stockbroker or commodity broker?
 - If not, when did you last have such an account?
 - Do you have (or have you ever had) power of attorney or authority over any other stock, bond, or other security or commodity account?

PHYSICAL ASSETS

- Contracts

- Bidding for work?
- Oral contracts
- Leases
- Employees
- Business
- Officers or directors
- Real property
- Computers
- Office Equipment
- Phones
- Cars or trucks
 - Description (year, make, model, size, etc.)
 - Identifying number
 - Licensing state; registration number
 - Current location
 - Fair market value
 - Encumbrances
 - To whom owed
 - Original amount and balance
 - Date incurred and term
 - Nature of encumbrance
 - Recorded/not recorded
 - Consideration received
 - Monthly payment
 - Other owners
 - Name
 - Fraction of interest
 - How title held
 - Personal or business use
 - Insurance carrier
 - Associated equipment; value
 - Automobiles, etc. not in your name but held for you
- Equipment/tools/machinery
- Bank accounts
- Insurance (Errors and Omissions) policy?
- Valuables
- Supplies
- Equipment
- There were no transfers of anything of value from Horizon to HMS?
- Nothing of value?
- Lawsuit claims?
- Intellectual property?
- Expired?
- Why?
- Nothing withheld?

- Nothing lost or stolen or destroyed?

SALE OF ASSETS

- Why did you try to sell Mitchell's assets?
- Who sold?
- When?
- How?
- Money made?
- Where kept?

BOOKS AND RECORDS; TAX RETURNS

- Any accounts receivable, notes receivable, rents or other claims?
 - Identity of debtor/renter.
 - Name
 - Address
 - Amount due/monthly installment amount
 - Type
 - Date of origination and term
- Were any items on any of your returns questioned by a government agency?
- Is there a refund pending?
 - For what tax period?
 - How much?
- Do you currently owe any tax?
 - For what tax period?
 - Are you making payments?
 - How much are the payments?
- Accountant
 - Inside or outside accountant?
 - Absolutely no work done by outside accountant?
 - Who was Your accountant from 2006 onward?
 - Who was/is Your accountant from 2006 onward?
 - Identify each accountant who provided services in connection with Mitchell.
 - Identify each accountant who examined any business records on behalf of Mitchell.
 - Identify each accountant whose services were paid for by You at any time from 2006 onward.
- Have you furnished any financial statements during the past five years?
 - When?
 - To whom?
- Nothing withheld?

5. **OTHER BUSINESS INTERESTS**

- Name all legal entities you own an interest in.

- Description.
- Type and form of business.
- Are you an officer, director, managing member or general partner?
- What is your interest?
- When and how did you acquire it?
- Fair market value.
- What are entity's key assets?
 - Real property.
 - IP
 - Patents
 - Trademarks/service marks
 - Copyrights
 - Trade Secrets
 - Other items
 - Other personal property.
- Encumbrances – e.g., mortgages and liens
 - Nature of encumbrance
 - To whom owed
 - Original amount and balance
 - Date incurred and term
 - Recorded/not recorded
 - Consideration received
 - Periodic payment amount
- Other owners
 - Name and address
 - Fractional share
 - How title held
- Business accounts at financial institutions or brokerage houses
- Any interest in any other ongoing business

CONSTRUCTION PROJECT ACCOUNTING

- Project cost accounting
 - Who maintained them?
 - Where?
 - In what form?

- What computer?
- What program?
- How did you set up your books for project job costs?
- What forms did you use for pay applications to owners?
 - AIA?
 - AGC?
- Who had the chief responsibility to maintain a job project book?
- How much did you participate in that?
- Walk me through how you create a pay application in a job
- Do you let project developers look at your job books?
 - For example, you are asking for a change order, and they refuse because they claim your profit is too high?
- Do you let project owners look at your job books?
- Have you ever offered to let a project owner or project developer look at your financial documents for a project?
- Did you maintain two sets of books for a project?
- Did one set of documents reflect your actual profit and costs, and one set of documents reflected a fraudulent profit and costs?

STATE AND LOCAL TAX RECORDS

- B&O tax records
 - Produced?
- L&I tax records
 - Produced?
- Payroll records
 - How maintained?
 - How created?
 - What program?
 - What computer used?
 - Where are they?
- Federal tax returns
 - Do we have all of them?
- Have you received any payments of money in the past year other than those already described?
 - Amount
 - From whom
 - Reason
 - Disposition
- Does any individual or any entity owe you money?

INTELLECTUAL PROPERTY

- Description (parties, if contract right)
 - Patents
 - Trademarks/servicemarks

- Copyrights
- Trade Secrets
- Other
- Fair market value
- Encumbrances
 - To whom owed
 - Original amount and balance
 - Date incurred and term
 - Nature of encumbrance
 - Recorded/not recorded
 - Consideration received
 - Periodic payment amount
- Other owners
 - Name
 - Fractional share
 - How title held
- Business or personal
- Location of supporting documents
- Assignable/transferable?
- Spouse own an interest in any patents, inventions, trade names, trademarks or copyrights?

OTHER PERSONAL PROPERTY

- Stocks, bonds, debentures or other securities.
 - Name
 - Type
 - Number of shares or bonds owned (or fractional interest)
 - Market value
 - Person having custody of certificate
 - Location of certificate
 - Encumbrances or pledges
 - To whom encumbered or pledged
 - Original amount and balance
 - Date incurred
 - Nature, recorded/not recorded
 - Monthly payment or encumbrance
 - Other owners
 - Name
 - Fractional interest
 - How title held
 - Income produced
- Defense, war savings or savings bonds.
- Deeds of trust.
- Interest in a real estate contract.
- Promissory notes, drafts, bills of exchange or other commercial paper.

- Warehouse receipts, bills of lading, or other documents of title.
- Paintings.
- Sculptures.
- Other art.
- Skis and skiing equipment.
- Golf clubs.
- Horses.
- Machinery.
- Tractors.
- Yard tools and equipment.
- Recreational vehicles.
- Coin/stamp collections.
- Furniture.
- Appliances.
- Stereo equipment.
- Televisions.
- Barbecue.
- Antiques.
- Firearms.
- Tools.
- Books.
- Jewelry, including watches.
- Gemstones.
- China and silverware.
- Jet skis.
- Boats.
- Fishing equipment.
- Other sporting equipment.
- Planes.
- Bicycles.
- Motorcycles.
- Tickets.
- Musical Instruments.
- Cameras.
- Trophies.
- Sports memorabilia.
- Baseball cards.
- Any items in pawn?
- Any articles being purchased on the installment plan?
 - Item
 - Amount
 - How installment payments are being made
- Do you rent/lease any storage units?
 - What's in them?

- When were you last there?
- What did you add/remove?
- How do you pay for it?

OTHER REAL PROPERTY

- Name held in
- Location
- Description
 - current use
 - improvements
- Nature and fraction of interest
- Fair market value of entire property
- Value of interest
- Encumbrances, liens, mortgages, etc.
 - To whom owed
 - Original amount and balance
 - Date incurred and term
 - Nature of encumbrances
 - Recorded/not recorded
 - Consideration received
- Other owners
 - Name
 - Fraction of interest
 - How title held
- Income produced, if any.
- Have you transferred any real property in the last year five years?
- Have you assigned any interest in real property in the five years?
- Have you sold any interest in real property in the last five years?
- Have you assigned any interest in a real estate contract, mortgage or deed of trust in the last five years?
- Have you sold any interest in a real estate contract, mortgage or deed of trust in the last five years?
- Have you inherited any real property in the last five years?
- Any other real property interests not already described?

CLUB OR UNION MEMBERSHIPS

- Type of club (union, charitable, sporting, etc.)
- Type/term of membership (annual, lifetime, etc.)
- Amount of dues
- When are dues paid?
- How are dues paid?
- Who pays the dues?
- To whom are dues paid?

- Is your membership assignable/saleable?
- What about your spouse?

LOANS AND OTHER OBLIGATIONS

- What are your average monthly expenses and how are they met?
- Are you making payments to any creditor?
 - Name
 - How much
 - How often
- What are your total liabilities, exclusive of this judgment?
- What are the names and addresses of your creditors?
- When and why were these liabilities incurred?
- Have you signed any conditional sales contracts, chattel mortgages or security agreements in the past 5 years?
- Have you applied for a loan from any bank, finance company, or other lending institution in the last 5 years?
 - What happened to the application?
 - What did you do with the loan proceeds?
- Have you acted as a co-maker, endorser or guarantor on any loan in the last 5 years?
- Have you ever made an assignment for the benefit of creditors?
 - When?
 - Where?

NAME OF ALL ACCOUNTANTS/LAWYERS USED FOR LAST 5 YEARS

- Name and address
- Service provided
- Date of last service
- Are there any outstanding invoices?

SAFETY DEPOSIT BOX OR OTHER DEPOSITORY

- Location
- Contents
 - Description
 - Owner
 - In your name?
 - In name of another but you have access?
 - In name of another but you have assets stored there?
 - Value
- Signatories
- Removals or additions in the last 12 months

LEGAL ACTIONS (COURT, ADMINISTRATIVE AGENCY, ARBITRATION)

- Pending action
 - Parties
 - Forum, case number
 - Nature of action
 - Current status
- Actions concluded in the last 5 years
 - Parties
 - Forum, case number
 - Nature of action
 - Disposition; amount of judgment or award if applicable
 - If judgment against you:
 - Date
 - Amount
 - Court where rendered
 - Name of judgment creditor
 - Have you made any payments on such judgment?
 - Has a receiver of your property been appointed by the court?
 - Have you assigned any cause of action or judgment?
 - Outstanding executions, orders or subpoenas in supplemental proceedings, garnishee executions, or orders for payment of money against you?
 - Date
 - Amount
 - Court where rendered
 - Name of creditor
 - Have you made payments?
 - Have you appeared for supplemental proceedings in any other matter in the last 5 years?
 - Date
 - Place
 - Attorney
 - Cause number and title
- Are you willing to be adjudged a bankrupt?
 - Have you ever been in bankruptcy?
 - When?
 - Where?
 - Chapter?
 - Disposition?

FAMILY

- Spouse, significant other [*make sure you get all ex-spouses/decedents*].
 - Full name.
 - AKA/Alias.

- Maiden.
 - Ever changed his/her name?
 - Ever used/gone by any name other than those identified above?
 - Address/phone number.
 - Social Security Number.
 - Driver's license: state and number.
 - Any prenuptial agreements?
- Children.
 - Full names.
 - AKA/Alias.
 - Maiden.
 - Any name changes?
 - Ever used/gone by any name other than those identified above?
 - Address.
 - Age.
 - Driver's license: state and number.
 - Any child contributing to support of the family?
- Parents.
 - Full names.
 - AKA/Alias.
 - Mother's maiden.
 - Ever change their names?
 - Ever used/gone by any name other than those identified above?
 - Address.
 - Driver's license: state and number.
 - Any parent contributing to support of the family?
- Brothers and sisters.
 - Full name.
 - AKA/Alias.
 - Maiden.
 - Ever change their names?
 - Ever used/gone by any name other than those identified above?
 - Address.
 - Driver's license: state and number.
 - Any sibling contributing to support of the family?

PERSONAL EMPLOYMENT

- Are you employed?
- Where? (Name and address.)
- Job title/description?
- Duties?
- Supervisor?
- How long?
- Full time/part time; continuous or seasonal?
- Rate of pay?

- Stock options?
- Other fringe benefits?
- Bonuses?
- When are you paid?
- From whom and where do you get paid?
- Is there an ending date to your employment?
- Any employment contracts? Details.
- Part time employment?
- Is your wife/husband employed?
 - Where?
 - Job title/description?
 - How long?
 - Rate/method of pay?
- Do you own any portion of the entity you work for?
 - Stockholder?
 - Officer or director?
- Does any member of your family own any portion of the entity you work for?
 - Stockholder/
 - Office or director?
- Have you ever been self-employed / owned your own business?
 - When?
 - Where?
 - For how long?
 - What type of business?
 - Income derived from that business?
 - Any interest in inventory, supplies, machinery, equipment, etc.?
 - Type and value.
 - Encumbrances; secured/unsecured.
 - Business bank accounts? Current status?
 - Current status of business?
 - Were any members of your family in your employ?
 - Were any members of your family officers/directors of your business?
- Do any other family members contribute to your support?
- Other sources of income:
 - Type
 - Monthly amount
 - Day(s) of month paid
 - Constant or variable
 - Date this source of income will change or cease

PERSONAL RESIDENCE

- Address.
- Telephone number.
- Who owns?
- When was it bought?

- For how much?
- Down payment?
- Mortgage payment?
- First/last rental payments?
- Deposit
- What are payments – Mortgage or rent?
- Landlord's name and address? Is this who you pay rent to?
- How many rooms do you occupy?
- Who else lives there?
- Who contributes to payments?
- How are payments made?
- Are payments up to date?
- Any boarders/tenants?
 - Rent amount
 - Due date
 - Method of payment

ANY ASSET/LIABILITY WE HAVE NOT ALREADY DISCUSSED?

- Have you received any gift, legacy or bequest in the last year?
- Are you receiving social security benefits/payments?
- Are you receiving any disability benefits?
- Have you taken inventory of your assets within the last year?
- Are you paying medical expenses for any children?
- Are you unable to pay your debts?
- How do you plan to satisfy this judgment?
- Is there anything else you would like to tell me on the record?