

§3125. Appearance and examination of the debtor

1. Disclosure hearing. Unless there is an agreement which meets the requirements of subsection 2, the judgment debtor shall appear at the time and place indicated in the subpoena for a hearing to determine his ability to pay the judgment. The debtor shall be placed under oath and shall disclose his income, assets and any other information which will aid the judgment creditor in enforcing the judgment. Unless the debtor fails to appear for the disclosure hearing, testimony of the debtor shall be taken before the court issues any order pursuant to this chapter.

[PL 1987, c. 184, §7 (NEW).]

2. Agreement. If the creditor or the debtor, at or prior to the disclosure hearing, presents the court with a written agreement for an order pursuant to section 3126-A with affidavit signed by the judgment debtor on a form provided by the District Court, the court may enter an order for an installment payment in the amount agreed upon by the parties or a lesser amount without the necessity of appearance by the parties. In determining whether to accept, reject or modify to a lesser amount the agreement of the parties, the court shall apply the factors set forth in section 3126-A, subsection 4.

[PL 1999, c. 587, §1 (AMD).]

3. Continuances. A continuance of the disclosure hearing may be granted for good cause.

[PL 1987, c. 184, §7 (NEW).]

4. Witnesses. Either party may subpoena any witness to the disclosure hearing for the purpose of taking testimony as to the ability of the judgment debtor to satisfy the judgment.

[PL 1987, c. 184, §7 (NEW).]

5. Orders. In appropriate circumstances, the court may issue any combination of orders allowed by this chapter.

[PL 1987, c. 184, §7 (NEW).]

6. Termination. If the court is satisfied that the debtor has no earnings, property or other assets from which he can satisfy the judgment, in whole or in part, the disclosure shall be terminated. Failure of the judgment creditor to appear at the time and date set forth in the subpoena shall result in a termination of the disclosure hearing. Any dismissal or withdrawal of the disclosure subpoena by the judgment creditor after it has been served on the debtor shall be considered a termination of the disclosure hearing. A terminated hearing shall be considered a completed hearing for the purposes of section 3124.

[PL 1987, c. 184, §7 (NEW).]

SECTION HISTORY

PL 1971, c. 408, §1 (NEW). PL 1987, c. 184, §7 (RPR). PL 1987, c. 708, §7 (AMD). PL 1999, c. 587, §1 (AMD).

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