

Court and Clerk Records

Access and Maintenance: Judgment Docket Book

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The Judgment Docket book is a list of all judgments for the recovery of money or costs, indexed in alphabetical order, open to public inspection, and intended to afford official notice to interested parties of the existence of a judgment. The clerk is instructed to keep a circuit court Judgment Docket book. By statute, the Judgment Docket is a clerk record, but much of the information required for the Judgment Docket is created as a result of judicial action. All final judgments for the recovery of money or costs constitute a lien upon real estate and chattels real¹ liable to execution in the county where the judgment was entered and indexed in the Judgment Docket.

It is important to distinguish the Judgment Docket book from the Record of Judgments and Orders, created by Ind. Trial Rule 77(D), which is also maintained by the clerk. These two records are easily confused due to their similar titles, and many use the term “judgment book” in writing and conversation, without defining which record they are referencing.

2014 and 2015 Legislation

The General Assembly amended Ind. Code 33-32-3-2 to bring clarity to which judgments should be entered in the Judgment Docket book.

¹ An interest in real property is less than a freehold, such as a lease.

1. These judgments **must** be listed in the Judgment Docket book:

- All civil judgments in which one party owes money to another party (including court costs awarded to a creditor)
- Any entry required by statute to be entered in the judgment docket book.
- Judgments in cases where the State obtains a judgment for unpaid taxes.

Specific examples include:

- Adult Probation User Fee – I.C. 35-38-2-1.7(c)

An order to pay a probation user fee is a judgment lien that attaches to the property of the person subject to the order.

- Arbitration Awards – I.C. 34-57-2-12

The court shall enter a judgment consistent with the award and cause such entry to be docketed as if rendered in an action in the court.

- Attorney's lien on a judgment – I.C. 33-43-4-2

Not later than 60 days after the date the judgment is rendered, an attorney must enter in writing upon the docket or record in which the judgment is recorded, the attorney's intention to hold a lien on the judgment, along with the amount of the attorney's claim.

- Bond forfeitures – I.C. 35-33-8-7(d)

After a bond has been forfeited under subsection (a) or (b), the clerk shall mail notice of forfeiture to the defendant. In addition, unless the court finds that there was justification for the defendant's failure to appear, the court shall immediately enter judgment, without pleading and without change of judge or change of venue, against the defendant for the amount of the bail bond, and the clerk shall record the judgment.

- Child Support Arrearages – I.C. 31-16-16-2 and 31-16-16-3

A payment required by a support order and delinquent shall be treated as a judgment against the obligor for the delinquent amount. A lien is created against the real and personal property of the obligor in the amount of this judgment.

- Collection of costs in change of venue cases – I.C. 34-35-7-1 and 34-35-7 -2

When a change of venue from the county is taken and an order of judgment for costs is made and entered upon dismissal (or otherwise disposed of and the costs remain unpaid for 30 days from the date of the final order/judgment the clerk of the county in which the order/judgment was entered shall certify an itemized transcript of all costs accrued in this action to the clerk of the court of the county where the action was first filed OR the clerk of the court of the county in which the judgment debtor resides (if the county of residence is different than where the action was first filed. The clerk of the court where the itemized transcript was set shall record the order/judgment in the judgment docket book. This judgment is a lien on property and land owned by the judgment debtor.

- Encroachments on State Highways – I.C. 8-23-5-1

After noticing the property owner or occupant and at least a 30-day period allowing owner/occupant to remove the encroachment, the Department of Transportation may enter the property and remove the encroachment. The cost of the removal will be billed to the property owner. If the bill remains unpaid for 30 days, the DOT will file the bill with the clerk of the court of the county where the property is located. The clerk shall enter the bill on the judgment docket against the owner of the property, and the bill is a lien against the property.

- Excise Tax Penalties – I.C. 6-8.1-8-2(b) and (d)

The Department of Revenue may collect any tax, including excise tax, using a tax warrant. When the clerk receives a tax warrant from the DOR or

sheriff, the clerk shall record the warrant in the judgment debtor's column of the judgment record.

- Judgments from Marion County (township) Small Claims Courts – I.C. 33-34-3-14 and Ind. Small Claims Rule 11(A)

All judgments rendered in civil actions in the Marion County Small Claims Courts shall be recorded in the judgment docket book of the small claims court. These judgments are a lien on real estate once the judgment is listed in the circuit court judgment docket. S.C.R. 11(A) requires the Marion County Small Claims Courts to forward their judgments to the Clerk of the Marion County Courts for entry on the Marion County judgment docket.

- Judgments from small claims cases (other than those heard in Marion County Small Claims Courts) – I.C. 34-55-9-2 and S.C.R. 11(A)

All final judgments for the recovery of money or costs in the circuit court and all other courts of record of general obligation constitute a lien on real estate in the count where the judgment has been entered into the judgment docket book.

- Judgments in Unsafe Building OV (Ordinance Violations) cases – I.C. 36-7-9-12 and 36-7-9-13

If the enforcement authority authorized to administer unsafe building law must make repairs to an unsafe premise, the owners (defined in 36-7-9-12(a)) are responsible for the costs of repair. If the costs remain unpaid for 15 days, the enforcement authority shall prepare a record and deliver it to the clerk. Owners can object to this record by filing a written petition requesting a court hearing with the clerk. If no objection is filed within 38 days, the clerk will enter a judgment for the amount stated in the record on the judgment docket, and it is a lien on the real and personal property of the person(s) named.

- OSHA Penalties – I.C. 22-8-1.1-35.7(b)

If an employer fails to pay an OSHA penalty within 10 days, the commissioner of the Department of Labor's Occupational Safety Standards Commission or sheriff may file an OSHA warrant with the clerk. The clerk shall enter the warrant in the judgment debtors' column of the judgment record. The judgment creates a lien in favor of the state that attaches to all the employer's interest in any real or personal property in the county.

- Recognizances – I.C. 27-10-2-11 and 35-33-8.5-9

All recognizances taken to secure the appearance of the defendant shall be recorded by the clerk in the order book and entered in the judgment docket of the court and shall be a lien on all real estate in the county owned by the obligors.

- Regulation of Billboards – I.C. 8-23-20-26(e)

If the Department of Transportation finds a billboard to be a public nuisance and incurs costs to remove this sign that remain unpaid for 30 days after notice to sign owner, the DOT will file the bill for removal costs with the clerk who will enter the bill on the judgment docket against the owner of the property as a lien against the property.

- Reimbursement plans – I.C. 35-50-5-4

If a county in which a criminal proceeding is filed has adopted an ordinance under I.C. 36-2-13-15 requiring a person sentenced for a felony or misdemeanor to reimburse the county for certain costs of incarceration, the court entering a sentence for a felony or misdemeanor may enter and order requiring the person being sentenced to execute a reimbursement plan for these costs. The court shall send a certified copy of this order to the clerk, and they will enter it in the judgment docket.

- Repair of Railroad Crossings – I.C. 8-6-12-2

The board of public works or town legislative body may issue a written improvement order requiring a railroad to undertake repairs of the street occupied by the track. If the railroad fails to start the work, the board may have repairs made and assess the costs against the railroad. The board

may certify the amount owed to the clerk, and the clerk shall enter this on the judgment docket.

- Restitution – I.C. 35-50-5-3(b) and (d)

A restitution order is a judgment lien that attaches to the property of the person subject to the order. When a court issues a restitution order, it shall send a copy to the clerk who enters the order on the circuit court judgment docket.

- Unpaid Contributions to the Unemployment Insurance Benefit Fund – I.C. 22-4-29-6, 22-4-31-4 and 22-4-32-21

The Commissioner of Workforce Development may file a warrant for unpaid contributions with the clerk who will retain a duplicate of the warrant and enter the warrant in the judgment debtor's column of the judgment record.

2. These judgments **should not** be listed in the Judgment Docket book:

- Judgments in which money is owed to a state, county, or another governmental entity because of:
A criminal conviction or
A violation of an infraction or ordinance
- Judgments from cases in which a governmental entity is the sole creditor.

Specific examples include:

Fee	Citation
Alcohol Abuse Deterrent Program Fee or Medical Fee	I.C. 33-37-5-11; 9-30-9
Appeal bonds/supersedeas	I.C. 34-49-5-3, 34-49-1, T.R. 62(D), Ind. Appellate Rule 18,

Fee	Citation
Bonds in Will Contests	I.C. 29-1-7-19
Civil undertaking bonds	I.C. 34-49-1
Countermeasures fee	I.C. 9-30-5; 33-37-5-10; 33-37-4-1(b)(6); 33-37-7-2(b)(2); 33-37-7-2(c)(2); 33-37-4-2(b)(4); 33-37-4-3(b)(5); 5-2-11; 33-37-9-4; 9-27-2-11; 9-21-8-50; 9-21-8-52; 7.1-5-1-3; 7.1-5-1-6
Deferral fees	I.C. 34-28-5-1
Delinquent personal property tax	I.C. 6-1.1-23-9, 6-1.1-23-10, 6-1.1-23-13
Document fee	I.C. 33-37-5-1; 33-37-5-3; 33-37-5-4; 33-37-5-5
Domestic Violence Prevention Fee	I.C. 33-37-5-13; 33-37-7-2(b)(4); 33-37-4-1(b)(8)
Drug Abuse Prosecution Interdiction and correction fee	I.C. 33-37-4-1(b)(5); 33-37-5-9; 33-37-7-2(b)(1); 33-37-7-2(c)(1); 5-2-11-2; 35-48-4
Excess Weight Vehicle Fine	I.C. 9-20-18-12
Highway Work Zone Fee	I.C. 33-37-5-14; 33-37-7-2(b)(5); 33-37-4-1(b)(9); 33-37-4-2(b)(5); 33-37-7-2(b)(5); 33-37-7-8(d)(3); 9-21-5-2; 9-21-5-3; 9-21-8-75

Fee	Citation
Infraction Deferral fee	I.C. 34-28-5-1(g); 34-28-5-1(h); 33-37-4-2(c)(3); 33-37-4-2(e); 33-37-7-2(a); 33-37-7-8(a); 33-37-8-3(b)(4); 33-37-8-5(b)(6); 33-37-8-5(c); 4-6-12-9; 33-37-8-4(b); 33-37-8-6(b)
<i>In rem</i> judgments	
Infraction and Ordinance violations judgments	I.C. 34-28-5-4 and 34-28-5-5
Injunction bonds (required in contempt actions for willful disobedience of a court's injunction order)	I.C. 34-26-1 and 34-49-1
Judgments for/Orders of possession/Replevin and Quiet Title	I.C. 32-30-3-17, 32-30-3-9, 32-35-2
Judgments in criminal contempt proceedings	I.C. 34-47-2 and 34-47-3
Judgments from confidential juvenile cases	In June 2015, the Supreme Court's Records Management Committee determined judgments from confidential juvenile cases should not be listed in the judgment docket book nor is there a need to maintain a confidential judgment docket book
Law Enforcement Continuing Education fee	I.C. 33-37-5-8(c); 33-37-4-1(b)(4) and (d)(4); 33-37-4-2(b)(3) and (c)(2); 33-37-8-3(b)(3); 33-37-8-5(b)(5)

Fee	Citation
Marijuana Eradication program fee	I.C. 33-37-5-7; 35-48-4; 15-16-7-8; 33-37-8-5(b)(3)
Ordinance Violation Deferral fee	I.C. 34-28-5-1(g); 34-28-5-1(h); 33-37-4-2(c)(3); 33-37-4-2(e); 33-37-7-2(a); 33-37-7-8(a); 33-37-8-3(b)(4); 33-37-8-5(b)(6); 33-37-8-5(c); 4-6-12-9; 33-37-8-4(b); 33-37-8-6(b)
Pretrial diversion fees	I.C. 33-39-1-8
Probate bonds	I.C. 29-1-11
Property settlements in Domestic Relations cases	I.C. 31-15-2-14 through 31-15-2-17
Public defense fees:	I.C. 33-40-3-6, 33-40-3-8
Receiver bonds	I.C. 32-30-5-12, 32-30-5-13, 34-49-1
Reimbursement to Dept. of Natural Resources	I.C. 14-8-2-318; 14-22-40-7; 14-22-40-8; 33-37-5-16(3); 14-22-3-3(1); 14-22-3-4
Replevin bonds	I.C. 32-35-2
Trustee bonds	I.C. 30-4-6