

ASSET ACCEPTANCE, LLC'S TESTIMONY IN SUPPORT OF S.B NO. 172, INCLUDING ITS REQUEST TO  
BROADEN S.B. 172'S SCOPE TO INLCUDE ALL JUDGMENT CREDITORS

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Asset Acceptance, LLC ("Asset") is a leading purchaser and collector of delinquent debt, with roots in the practice of purchasing delinquent receivables dating back more than 45 years. Asset's collection efforts include mailing letters, making phone calls, and offering discounts to resolve outstanding debts. Upon exhausting other collections efforts Asset sues to resolve some debts. Asset, like landlords and other Ohio businesses, is often unsuccessful in enforcing judgments against Ohio defendants. Based upon principles of equity and the challenges it confronts when trying to enforce judgments Asset supports S.B. 172.

Asset recognizes and agrees with S.B. 172's laudable objective of helping judgment landlords who are unable to collect upon judgments. Asset believes that Ohio's interests in promoting commerce will be further advanced by broadening S.B. 172's scope to benefit all classes of judgment creditors. Certainly other creditors confront the same challenges as landlords in attempting to satisfy judgments and thus they should be included within S.B. 172's scope. Asset supports this legislation and believes it can provide substantial benefits to landlords and other judgment creditors, all of whom are important components of Ohio's economy.

Lastly, Asset suggests that the Committee take notice of Michigan's efficient provisions for intercepting consumer refunds due from the State. See Michigan Compiled Laws Sections 600.4061, 600.4061a. Michigan law does not require judgment creditors to file suit to collect upon tax refunds and credits. In Michigan all judgment creditors may serve the State Treasurer's Office with a writ of garnishment including a verified statement identifying the full amount claimed to be due upon a judgment against a defendant, along with a \$6.00 dollar fee. Within seven (7) days after service of the writ, the plaintiff shall serve a copy of the writ on the defendant. After receipt of service of the writ, the State Treasurer: intercepts state tax refunds and credits pursuant to the writ; calculates the amount available to satisfy the writ; files a disclosure with the court identifying the intercepted amount; and serves notice of the intercepted amount on the defendant. Unless notified by the court that objections to the writ were filed within 14 days after serving notice of interception on the defendant, and not less than 28 days after filing its disclosure with the court, the Treasurer forwards the amount available for garnishment to the plaintiff. The Ohio General Assembly and Judiciary may find that Michigan's system of protecting all its judgment creditors is fair, efficient for both judgment creditors and courts, cost effective, and may be an appropriate model for Ohio's use.

Asset Acceptance, LLC

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