

Filing a Restitution Lien

If you wish to pursue filing a Restitution Lien, follow the procedures below:

- 1) Complete the **Restitution Lien**. All the information is necessary. Since the defendant's personal information is not public, no one within the court will be able to provide the information to you. You may find the defendant's full name and date of birth on the court sentencing document.

Choose one of the following two options:

- 2a) For Judge's Signature: Take the completed **Restitution Lien** to the court clerk for the original sentencing judge's (or division if the judge is no longer on the bench) signature. There may be a delay before the clerk receives back the signed document for filing/processing.

-or-

- 2b) For Prosecutor's Signature: Take the completed **Restitution Lien** to the prosecutor of the case for signature. After it is signed, take it to the court clerk for filing/processing.

- 3) Request 4 (four) certified copies of the **Restitution Lien** from the court clerk. If you are using the mail to conduct business, use **Clerk of Court Cover Letter – Restitution Lien** and include a self-addressed, stamped envelope. Once you have the certified copies, proceed with the next steps.
- 4) Mail regular copies of the **Restitution Lien** to the defendant, his/her attorney, and the prosecutor. If you are having difficulty notifying the defendant and he/she is on probation, the Adult Probation Office may be able to assist you. If the defendant is in custody at the Arizona Department of Corrections that agency may be able to assist you.
- 5) Take or mail a certified copy of the **Restitution Lien** to the County Recorder's office to be recorded. A.R.S. § 33-967 requires the **Information Statement of Judgment Creditor form** to be completed and included with your request for recording. The Recorder's Office will either record the document while you wait or send you the recorded document later. If you are conducting business by mail, use the **County Recorder Cover Letter** and include a self-addressed, stamped envelope.
- 6) Mail a certified copy of the **Restitution Lien** and a completed **MVD Request for Lien Letter** to the Arizona Motor Vehicle Division (MVD) for holds on the defendant's vehicle registration(s) at this address:

**Arizona Department of Transportation/Motor Vehicle Division
Central Communications Unit Supervisor
PO Box 2100, Mail Drop 554-M
Phoenix, AZ 85007**

It is not necessary to know if the defendant has any registered vehicles in his/her name. The Motor Vehicle Division will not send anything back to verify that the lien has been recorded and cannot discuss an individual's MVD record with another party.

- 7) To record a lien with the Arizona Secretary of State to protect financial interests on certain types of personal property, go to:
<https://www.azsos.gov/business/uniform-commercial-code-ucc>
- 8) Keep a copy for your files.

WHAT TO EXPECT

If a defendant sells a vehicle upon which a lien has been placed, the holder of the title of that vehicle will contact the lien-holder that appears on the Restitution Lien.

You may be contacted by either the seller, defendant, MVD, a 3rd party MVD, or the buyer requesting to transfer the title out of the defendant's name. Payment should be made payable to and mailed to the County Clerk of the Court for distribution.

If a defendant attempts to sell property upon which a lien has been recorded, the title company will contact the lien-holder that appears on the Restitution Lien.

Many people have similar or same names. You may be contacted by both title companies to verify if someone is indeed "one and the same" as their client. It is up to you to match the information that the title company has with the information on your Restitution Lien. If the information does match, then the title company may require written payoff instructions. Payment should be made payable to and mailed to the County Clerk of the Court for distribution.

The Restitution Lien does not need to be renewed, nor can it be discharged in bankruptcy. The lien is in effect until the debt is paid in full.