

## COLLECTING YOUR MONEY FROM A SMALL CLAIMS JUDGMENT

If you receive a money judgment through a lawsuit, you have the right to collect the money by the means allowed by law. **Collecting the judgment is your responsibility.** The length of time will depend upon your diligence and the judgment debtor's ability to pay.

### How much can I collect?

You can collect the amount stated in your small claims judgment, costs of the action, and any interest that accumulates after the judgment is issued. This is currently set at eight percent (8%) annually.

### How can I collect?

There are several ways to collect your money.

1. If the party who lost the lawsuit (called a judgment debtor) has the money and is present at the trial, s/he can pay you (called the judgment creditor) right then.
2. If the judgment debtor does not have the money at that time, the judge can set up a payment schedule. The court may order that the payments be made to the clerk's office. You may call the clerk's office to monitor the payments. You can come to the clerk's office to collect any payments that have been made. If the judgment debtor stops making payments, you can request proceedings supplemental as noted in paragraph 3 below.
3. If the judgment debtor is not present at the trial, the court will send a copy of the judgment to the judgment debtor. You must wait thirty (30) days and then you may file a proceedings supplemental. When a proceedings supplemental is filed, the judgment debtor is ordered to appear in court and answer questions under oath about his or her ability to pay based upon income, assets, liability etc. You may also obtain employment information from the judgment debtor. At the conclusion of the hearing, the judge may order the following:

- the judgment debtor to pay the judgment in full or in installments (the installments may be modified at any time in the future);
  - the judgment debtor to supply current information regarding employment status and address;
  - the judgment debtor to appear in court at some point in time in the future to provide additional information;
  - a garnishment of the judgment debtors earnings (if interrogatories have been received from the employer);
  - execution against the judgment debtor's personal property.
4. At any time in the future if the judgment debtor fails to follow a court order or if you have reason to believe that the judgment debtor's ability to pay has improved, you may ask that the judgment debtor be ordered to come back to court. This can be done throughout the lifetime of the judgment.
  5. If a judgment debtor is served with notice of the hearing and does not attend, the court may set a "show cause" hearing in order to determine whether the debtor is in contempt of court for failing to appear. If the judgement debtor fails to show up and has received personal delivery of the failure to appear notice, you can request a body attachment from the court. This is an order to arrest the judgment debtor for failing to appear.
  6. Once you obtain employment information, you can ask the court clerk to issue interrogatories to the employer. Once the interrogatories are returned to the Court, it will be determined whether the judgment debtor has wages that can be garnished.

For more information, please request to see a copy of the Small Claims Litigants' Booklet from a court clerk.