

## HOW TO COLLECT YOUR JUDGMENT

If the judgment debtor does not pay you voluntarily and 30 days have passed since the date of mailing of the Notice of Entry of Judgment -- without any appeal or motion to vacate filed, you may do any of the following to collect your money:

1. **If you know where the debtor works**, i.e., name and address of employer (if you sued a person), you may file a **Writ of Execution (EJ-130)**, with the court clerk where you filed your original claim. You pay the filing fee of \$25 for the writ. Then bring the original Writ of Execution and a completed **Application for Earnings Withholding Order (WG-001)** to the Sheriff Court Services Office of the county where the employer is, pay the sheriff's fee (in San Bernardino, it is about \$35) and the sheriff will serve writ and wage garnishment order on the debtor's employer.
2. **If you know the bank account number of the debtor, and your judgment is against a person or a business**, you may file a **Writ of Execution (EJ-130)** with the court clerk, bring the original writ to the sheriff of the county where the bank is located and fill out Civil Process Instructions (sheriff's local form). The Sheriff shall serve Notice of Levy on the bank.
3. **If the debtor is a retail business and has a cash register or cash drawer and receives money from customers during the normal course of business**, you may file a **Writ of Execution (EJ-130)** with the court clerk; take the original writ to the sheriff. The sheriff may either do a **"till tap"** (one-time emptying of a cash register up to the amount of the judgment) or have a **"keeper"** put into business (keeper involves the sending of a sheriff deputy to a business for 4-8 hours to collect all cash and checks paid to the business during the time).
4. **If the debtor owns real property** (like a house or land) you may file an **Abstract of Judgment (EJ-001)** with the court clerk, pay filing fee of \$25 then bring original Abstract of Judgment to the County Recorder's Office where the property is located. The recording fee is about \$16 in San Bernardino County. You will not be paid automatically, but the owner-debtor cannot sell or refinance the property without first paying you your judgment, including interest.
5. **Other ways to collect your money/ enforce your judgment – read more at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) for more collections ideas**

**Levy on a Personal Property.** A property levy requires the posting of deposit in the amount of \$1500 to have the sheriff seize and sell the property. However, many items are partially or totally exempt from collection such as tools of the trade, homes, household furnishings and clothing. An automobile is exempt for the first \$2300 of the auction price (representing the owner's equity). Unless the debtor is in possession of a valuable piece of property with no current lien on it, a property levy may cost more in fees than you can collect from the sale of that property.

**Levy on a Spouse's Bank Account.** If the account is solely in the name of your debtor's spouse, you can levy the bank account by filing a Writ of Execution and providing the Sheriff with a **Declaration (MC-030)** signed under penalty or perjury that the judgment debtor and spouse are married. If the account is the name of both, no declaration is needed.

**Garnishment of a Spouse's Wage.** You can file with the court a noticed motion (CCP 706.109) using small claims form **Request for Court Order & Answer (SC-105)**. This method of collection may not be approved by the judge if this is your first way to collect the debt. Indicate on the SC-105 all efforts made to collect. It may also be helpful to the judge to know the legal authority for garnishing the spouse's wage, which is Code of Civil Procedure Section 706.109, which can be abbreviated as CCP 706.109.

### **Levy on Debtor's Money or Property Held by Someone Else**

**for the Debtor ("Third Party Levy").** Examples of possible items to collect:

- Loans made by the debtor to someone else,
- Accounts receivable payable to the debtor,
- Rent payable to the debtor,
- Royalty payments to the debtor.

Have the court issue a Writ of Execution to the sheriff in the county where the property or other person is located. The sheriff shall serve a **Notice of Levy (EJ-150)** on the person holding the property, instructing that person to turn over the money to the sheriff. If the party does not comply with it, you might be able to file a lawsuit against them.

**Lien on a Lawsuit a Debtor has against someone else.** Obtain and fill out **Abstract of Judgment (EJ-001)** and **Notice of Lien (EJ-185)** and file with the court where the debtor's lawsuit is pending. Personally serve or mail copies of the documents to all parties in the debtor's lawsuit.

**Suspending a Debtor's Driver's License.** If the original claim was based on a defendant's operation of a motor vehicle on a public roadway in this state and if the accident resulted to property damage or personal injury, you may ask the Department of Motor Vehicles (DMV) to suspend the debtor's license.

**90 day Suspension.** If the judgment is \$750 or less excluding court costs and remained unpaid for more than 90 days from date of judgment, you must mail to Department of Motor Vehicles, ATTN: Civil Judgment, P.O. Box 942884, Mail Station J237, Sacramento, CA 94284-0884 the following:

- Completed "**Notice of Unsatisfied Judgment of \$750 or Less**" (DL-17). Form is available at [www.dmv.ca.gov/forms](http://www.dmv.ca.gov/forms).
- Filing fee of \$20 (Check or money order payable to Department of Motor Vehicles)
- Certified copy of small claims judgment

**Suspension until Judgment Paid.** If the judgment is over \$750 or for personal injury regardless of the amount, you may ask the court clerk where your judgment was entered to issue a "**Certificate of Facts RE Unsatisfied Judgment**" (DL-30). Mail this certificate to DMV at the same address indicated above and enclose \$20 check or money order payable to the Department of Motor Vehicles together with a certified copy of your judgment. The suspension shall be in effect for 6 years, until judgment is paid or until an installment plan is put in place.

**Suspending a Contractor or Real Estate Broker's License.** If your judgment is against a licensed professional, i.e., contractor or real estate agent and if the dispute concerns their professional services, you may be able to file with the appropriate government agency for the suspension of their license. Go to the following websites:

- [www.cslb.ca.gov/consumers/legal-issues-for-consumers/civil-judgments](http://www.cslb.ca.gov/consumers/legal-issues-for-consumers/civil-judgments)
- [www.dre.ca.gov/cons\\_recovery\\_acct](http://www.dre.ca.gov/cons_recovery_acct).

**Finding Information on Debtor's Assets.** If you do not know whether your debtor owns anything at all, you can obtain information about his assets by filing an Application to **Produce Statement of Assets and Order to Appear for Examination (SC-134)**. You may also serve the debtor with a **Small Claims Subpoena and Declaration (SC-107)** to compel him to bring any documents to court. The result of this procedure is that the debtor is supposed to come to court, fill out the **Statement of Assets, (SC-133)** and answer your questions about the debtor's assets. This paperwork must be served by either the sheriff or you can hire a registered process server. If your debtor does not come to court, you can ask the court to issue a Bench Warrant against the debtor.