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ENFORCEMENT OF JUDGMENTS

Collect When You Win a Lawsuit

This guide provides background information about a variety of common procedures used to enforce judgments. For instructions and sample forms, see the Step-by-Step guides listed below.

Related Guides:

- [Abstract of Judgment](#)
- [Acknowledgement of Satisfaction of Judgment](#)
- [Bank Levy](#)
- [Claim of Exemption: Bank Levy](#)
- [Claim of Exemption: Wage Garnishment](#)
- [Debtor's Examination](#)

- [Memorandum of Costs](#)
- [Renew Your Judgment](#)
- [Wage Garnishment](#)

Related Videos:

- [Enforcement of Judgments](#)

BASICS

After obtaining a judgment, the judgment creditor's next step is to attempt to collect what is owed. The court does not collect judgments; the prevailing party is responsible for all collection efforts. However, the court may issue a variety of orders and other documents that may be used to collect your judgment from the debtor.

1. Locate the Judgment Debtor

Before any collection efforts may begin, the judgment debtor must be located. Soon after the entry of judgment, this may be an easy task. However, as time passes, it can become increasingly difficult to locate the judgment debtor. For tips on how to do this, see the Legal Research Guide on Finding People and Businesses on our website at www.saclaw.org/finding-people.

2. Determine the Debtor's Assets

An Order of Examination, also called a Debtor's Examination, is a formal court proceeding during which a judgment creditor may question the judgment debtor about their income and property, to determine what assets are available to the creditor for collection of a judgment.

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For More Information

Get Information About the Debtor's Assets, from the California Courts Self-Help Website
www.courts.ca.gov/11187.htm

Sample Questions to Ask a Debtor, from the California Courts Self-Help Website
www.courts.ca.gov/11328.htm

Orders of Examination, from the Sacramento County Superior Court's Website
www.saccourt.ca.gov/civil/orders-of-examination.aspx

Debtor's Examination, Step-by-Step guide from the Sacramento County Public Law Library
www.saclaw.org/debtor-exam

3. Calculate the Amount Owed

Before beginning enforcement procedures, a judgment creditor must determine the amount currently owed. Unless the judgment debtor promptly pays the judgment in full, the judgment amount ordered by the court is rarely the final amount paid to the judgment creditor. A judgment creditor is entitled to reimbursement of any post-judgment costs, such as the costs associated with enforcing the judgment (including the cost of issuing the Writ of Execution, Levying Officers' fees, fees for the Application for Order for Appearance of Judgment Debtor, etc.). Additionally, unpaid judgment amounts accrue interest at the legal rate of 10% per year.

Judgment Calculator

jicalc.sdcourt.ca.gov/Disclaimer.aspx
The San Diego Superior Court provides this free online program that calculates the amount due on a specific day. Just input the judgment amount, date, and payment history, and the program does all the calculations for you.

For More Information

Memorandum of Costs, Step-by-Step guide from the Sacramento County Public Law Library
www.saclaw.org/memo-costs-after-judgment

4. Begin Your Collection Efforts

There are numerous ways a judgment creditor may collect from a judgment debtor. The method(s) used depend on the judgment debtor's assets. Below is information about several common enforcement methods. For more information on any procedure, visit the recommended websites or consult the books listed at the end of this Guide.

Collecting from Wages (Earnings Withholding Order)

If the judgment debtor is employed, the judgment creditor may garnish up to 25 percent of the amount over the federal minimum wage that the debtor earns until the judgment is paid in full.

For More Information

Collect Your Judgment, from the California Courts Self-Help Website
www.courts.ca.gov/1014.htm

Ask the Court to Stop or Reduce a Wage Garnishment, Step-by-Step guide from the Sacramento County Public Law Library
www.saclaw.org/coe-wg

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Collect Your Judgment from the Debtor's Paycheck, Step-by-Step guide from the Sacramento County Public Law Library

www.saclaw.org/collect-wg

Sacramento Sheriff Civil Bureau, Civil Process Types and Fees

<http://www.sacsheriff.com/Pages/Organization/CorrectionalCourt/civil.aspx>

Provides details of the procedures and required documents. Click on "Earnings Withholding Order" for more information.

Collecting Money from a Bank Account (Bank Levy)

If the judgment debtor has a bank account or safe deposit box, the judgment creditor may be able to take money from the account or seize the contents of the box.

For More Information

Collect from the Debtor's Property, from the California Courts Self-Help Website

www.courts.ca.gov/11190.htm

Collect Your Judgment from the Debtor's Bank Account, Step-by-Step guide from the Sacramento County Public Law Library www.saclaw.org/collect-bank-levy

Ask the Court to Stop or Reduce a Bank Levy, Step-by-Step guide from the Sacramento County Public Law Library www.saclaw.org/coe-bank-levy

Placing a Lien on Real Property

If the judgment debtor owns real property, the judgment creditor may place a lien on the property. If the debtor tries to sell or refinance the property, the creditor will be paid the judgment amount plus accrued interest from the escrow. In some situations, it may also be possible to "foreclose" on the judgment lien, and force the sale of the property. This is only an option if there is enough equity in the property to pay all existing liens and exemptions, as well as the costs of foreclosure.

For More Information

Collect from the Debtor's Property, from the California Courts Self-Help Website

www.courts.ca.gov/11190.htm

How to Prepare an Abstract of Judgment in California, Step-by-Step guide from the Sacramento County Public Law Library www.saclaw.org/abstract-judgment

Judgment Liens on Property in California

www.nolo.com/legal-encyclopedia/judgment-liens-california-46807.html

Placing a Lien on Personal Property

A judgment creditor can have the sheriff take the debtor's personal property and sell it at public auction to pay the debt. This can be any type of property, such as jewelry, computers or other electronic equipment, musical instruments, coin collections, etc. This is an expensive process, though, so unless the property is extremely valuable, it is rarely worthwhile.

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For More Information

Collect from the Debtor's Property, from the California Courts Self-Help Website

www.courts.ca.gov/11190.htm

How to Put a Lien on the Debtor's Personal Property, Contra Costa County Self-Help Center,

www.tinyurl.com/personal-prop-lien

Notice of Judgment Lien, from the California Secretary of State

www.sos.ca.gov/business-programs/ucc/judgment-lien/

Placing a Lien on a Lawsuit the Debtor Has Against Someone Else

If the judgment debtor has a lawsuit against someone else, the judgment creditor may place a lien on the money the debtor hopes to recover if he or she wins that lawsuit.

For More Information

Collect from the Debtor's Property, from the California Courts Self-Help Website

www.courts.ca.gov/11190.htm

Placing a Till Tap or Keeper

If the judgment debtor is a business or the sole proprietor of a business, the sheriff may visit the business and take all money on the premises to pay the judgment and the sheriff's fee. The sheriff's department may also station a deputy near the cash register, and take possession of all funds as they come in.

For More Information

More Ways to Collect, from the California Courts Self-Help Website

www.courts.ca.gov/11188.htm

Suspending the Debtor's Real Estate, Contractor's, or Driver's License

If the judgment is related to a license, (e.g., a car accident is related to a driver's license; construction defects are related to a contractor's license), the judgment creditor may be able to have the judgment debtor's license suspended.

For More Information

More Ways to Collect, from the California Courts Self-Help Website

www.courts.ca.gov/11188.htm

Unsatisfied Judgments, from the Department of Motor Vehicles

www.tinyurl.com/dmv-dl30 (judgments over \$750)

www.tinyurl.com/dmv-dl17 (judgments under \$750)

Suspending a Driver License to Force Payment, from the Los Angeles County Department of Consumer Affairs

www.tinyurl.com/suspend-license

Civil Judgments, Contractors State License Board

www.cslb.ca.gov/Consumers/Legal_Issues_For_Consumers/Civil_Judgments.aspx

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Consumer Recovery Account, California Department of Real Estate
www.dre.ca.gov/Consumers/ConsumerRecoveryAccount.html

Obtaining a Seizure, Turnover, or Assignment Order

A seizure order allows the sheriff to take property from a private residence, while a turnover order requires the judgment debtor to give the property to the sheriff. These orders are most commonly used for large, expensive items, such as pianos, boats, or stereo systems. An assignment order requires the debtor to assign ongoing payments, such as sales commissions or rents, to the judgment creditor.

For More Information

More Ways to Collect, from the California Courts Self-Help Website
www.courts.ca.gov/11188.htm

5. Renew the Judgment if Necessary

Money judgments automatically expire after 10 years, unless the judgment creditor renews the judgment before it expires. A judgment may be renewed for another 10 years, and renewed repeatedly until it is paid in full. Expired judgments cannot be enforced, so judgment creditors must be careful to renew judgments in a timely manner.

For More Information

Renew your Judgment, from the California Courts Self-Help Website
www.courts.ca.gov/1180.htm

Renew Your Judgment, Step-by-Step guide from the Sacramento County Public Law Library
www.saclaw.org/renew-judgment

6. Once the Judgment is Paid in Full

Once a judgment is paid, either in full or in an amount the judgment creditor agrees to accept as full payment, the judgment creditor must file an *Acknowledgement of Satisfaction of Judgment* (EJ-100) with the court. It must also be filed with the County Recorder's Office if any liens were placed on real property, and with the Secretary of State's Office, if liens were placed on personal property. If you do not file an Acknowledgment of Satisfaction of Judgment, the judgment debtor may sue you for any damages caused by your failure to file the Acknowledgment, plus \$100.

For More Information

After the Judgment is Paid, from the California Courts Self-Help Website
www.courts.ca.gov/1182.htm

After Your Judgment is Paid, Step-by-Step guide from the Sacramento County Public Law Library
www.saclaw.org/ack-sat-judgment

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7. At the Law Library

These materials provide detailed explanations of the laws governing the procedures described above, as well as other, less common, enforcement procedures.

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#) (Ready Reference)

Electronic Access: On the Law Library's computers, using the *Matthew Bender CD*.

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Practice Guide: Enforcing Judgments and Debts [KFC 1065 .A9 S3](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

Debt Collection Practice in California [KFC 256 .C83](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

Enforcing Civil Money Judgments: Here's How and When to Do It [KFC 1065 .O65](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

How to Collect When You Win a Lawsuit [KFC 1065 .Z9 S25](#) (Self Help)

Matthew Bender Practice Guide: California Debt Collection and Enforcement of Judgments

[KFC 1065 .E5 M38](#)

Electronic Access: On the Law Library's computers, using the *Matthew Bender CD*.

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

Witkin's California Procedure [KFC 995 .W58](#) (Ready Reference)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

8. Community Resources

Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

www.saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. Appointments will be made beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment setting drawing.

Eligibility: Must be a Sacramento County resident or have a [qualifying case](#) in the Sacramento County Superior Court.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.