Enforcement of Judgments

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.

There are several steps that may need to be taken prior to starting your collection efforts.

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 our Legal Research Guide on Finding People and Businesses (https://www.saclaw.org/resource_library/finding-people-and-businesses/) .

Determine the Debtor's Assets

It is important to have information about the debtor's assets, so that the judgment creditor can select the enforcement method(s) that will be the most effective.

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.

For More Information

How to Get a Debtor's Examination (https://selfhelp.courts.ca.gov/small-claims/after-trial/collect-money/debtors-examination) , from the California Courts Self-Help Website

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

Debtor's Examination (https://www.saclaw.org/resource_library/ej-debtors-examination/) , Step-by-Step guide from the Sacramento County Public Law Library

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 (http://ijcalc.sdcourt.ca.gov/)
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 (https://www.saclaw.org/resource_library/ej-memorandum-of-costs-after-judgment/) , Step-by-Step guide from the Sacramento County Public Law Library

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.

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

How to Collect Your Money (https://selfhelp.courts.ca.gov/small-claims/after-trial/collect-money) , from the California Courts Self-Help Website

Collect Your Judgment from the Debtor's Paycheck (https://www.saclaw.org/resource_library/ej-claim-of-exemption-wage-garnishment/) , Step-by-Step guide from the Sacramento County Public Law Library

Ask the Court to Stop or Reduce a Wage Garnishment (https://www.saclaw.org/resource_library/ej-claim-of-exemption-wage-garnishment/) , Step-by-Step guide from the Sacramento County Public Law Library

Sacramento Sheriff Civil Bureau, Civil Process Types and Fees (https://www.sacsheriff.com/pages/civil_bureau.php) 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

How to Collect Your Money (https://selfhelp.courts.ca.gov/small-claims/after-trial/collect-money) , from the California Courts Self-Help Website

Collect Your Judgment from the Debtor's Bank Account (https://www.saclaw.org/resource_library/ej-bank-levy/) , Step-by-Step guide from the Sacramento County Public Law Library

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

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 is there is enough equity in the property to pay all existing liens and exemptions, as well as the costs of foreclosure.

For More Information

How to Collect Your Money (https://selfhelp.courts.ca.gov/small-claims/after-trial/collect-money) , from the California Courts Self-Help Website

Placing a Judgment Lien (https://www.saclaw.org/resource_library/ej-abstract-of-judgment/) , Step-by-Step guide from the Sacramento County Public Law Library

Judgment Liens on Property in California (http://www.nolo.com/legal-encyclopedia/judgment-liens-california-46807.html) , an article from Nolo Press

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.

For More Information

Notice of Judgment Lien (http://www.sos.ca.gov/business-programs/ucc/judgment-lien/) , from the California Secretary of State

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 Debt via Liens against Debtors' Lawsuits (https://www.wallinfirm.com/collect-debt-via-liens-against-debtors-lawsuits/) , from the Wallin Firm

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.

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
Unsatisfied Judgments, from the Department of Motor Vehicles
Judgments over $1000 (https://www.dmv.ca.gov/portal/form/certificate-of-facts-re-unsatisfied-judgment/) , $750 if judgment issued prior to Jan. 1, 2017
Judgments under $1000 (https://www.dmv.ca.gov/portal/uploads/2020/05/dl17.pdf) , $750 if judgment issued prior to Jan. 1, 2017

Suspending a Driver License to Force Payment (http://dcba.lacounty.gov/portfolio/suspending-a-driver-license-to-force-payment/) , from the Los Angeles County Department of Consumer Affairs

Civil Judgments (http://www.cslb.ca.gov/Consumers/Legal_Issues_For_Consumers/Civil_Judgments.aspx) ,
Contractors State License Board

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

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
How to Collect a Judgment (https://selfhelp.courts.ca.gov/small-claims/after-trial/collect-money), "Some Other Less Common Ways to Collect," from the California Courts Self-Help Website

Renew the Judgment if Necessary

Most 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.

There are exceptions to this rule. As of January 1, 2023, a judgment can only be renewed once for 5 years if:

- The side that owes the money (the judgment debtor) is a person, not a business or government agency,
- The principal balance owed is less than $200,000 and related to a medical expense or is less than $50,000 and related to a personal debt, and
- The money owed is not due to a tort, fraud, unpaid wages, or other money owed to an employee

If a judgment that meets the above requirements was renewed before January 1, 2023, then it cannot be renewed again. But the prior renewal will still last 10 years.

Expired judgments cannot be enforced, so judgment creditors must be careful to renew judgments in a timely manner.

For More Information
Renew a Civil Judgment (https://selfhelp.courts.ca.gov/civil-lawsuit/judgment/renew), from the California Courts Self-Help Website

Renew Your Judgment (https://www.saclaw.org/resource_library/ej-renewal-of-judgment/) , Step-by-Step guide from the Sacramento County Public Law Library

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

Tell Court When You're Paid (https://selfhelp.courts.ca.gov/civil-lawsuit/judgment/satisfaction) , from the California Courts Self-Help Website

Satisfaction of Judgment (https://www.saclaw.org/resource_library/ej-satisfaction-of-judgment/) , Step-by-Step guide from the Sacramento County Public Law Library