



How to collect your money after you win your case

Now that you won your case, you are the *judgment creditor*. And the person who owes you money is the *judgment debtor*.

The court ordered the debtor to pay you. But collecting your judgment (the money owed) may not be easy. This sheet explains how to collect your judgment, even if the debtor does not want to pay.

Will the Court collect the money for me?

The court will **not** collect the money for you. But the court can make orders to make the debtor to pay.

Is there a deadline to collect my judgment?

Yes, you must collect within 10 years. But, you can ask to extend the deadline for another 10 years. After the deadline, you will not be able to get your money.

Can I charge interest?

Yes. The Court allows 10% per year simple interest. Simple interest is added to the “interest” part of your judgment, not to the principal amount.

For example:

If your judgment is for \$10,000, in 2 years, you would be owed \$10,000 in principal plus \$2000 in interest. If you have not been paid, you can ask the court to renew your judgment – to add the interest to the principal – so your new principal would be \$12,000.

When can I collect my money?

You must wait 30 days from the date the judgment was mailed to you.

During this time, your debtor may:

- Pay the judgment voluntarily
- Ask the court for an installment plan
- File an appeal. (If this happens, you must wait until the appeal is decided.)
- Fill out and send you a *Judgment Debtor's Statement of Assets* (form SC-133). If your debtor does not send you this form, ask the court to order the debtor to go to a special hearing, called a *debtor's examination*.

Why do I need a debtor's examination?

You have a right to know about the debtor's property and assets so you can collect your judgment. The debtor's examination hearing is your chance to ask the debtor about his/her property and assets. (An asset is anything that has value like a paycheck, a bank account, a house, etc.)

How do I ask for a debtor's examination?

Follow these steps:

- Fill out form SC-134 (*Application and Order to Produce Statement of Assets and to Appear for Examination*). It comes in triplicate, so you will fill out 3 copies.
- Fill out the top part of form SC-133 (*Judgment Debtor's Statement of Assets*).
- If you want the debtor to bring financial records or information, fill out Form SC-107 (*Subpoena duces tecum*).
- Take the forms to the clerk at 400 McAllister Street, Room 103. The clerk will give you a hearing date.
- Serve a copy of these forms on the judgment debtor. (It is best to use a registered process server or a Sheriff's deputy.)

Where can I get the court forms I need?

Go to the ACCESS Center. Or visit the California Courts Self-Help website:
www.courtinfo.ca.gov/selfhelp

What if the debtor does not go to the debtor's examination?

The court will send a letter to the debtor with a new hearing date and a warning to go or face arrest.

Note: The court will *only* issue a warrant if you had a process server or sheriff serve your papers.

What do I do at the examination hearing?

Check in with the clerk in the courtroom before your hearing time. The clerk will ask you to take an oath. Then, you will ask your debtor questions.

Bring a list of questions to the hearing. Your questions should ask about the debtor's:

- Property and where it is
- Job
- Bank accounts
- Any other assets

If your debtor is avoiding your questions or not being cooperative, tell the clerk. Ask to go in front of the judge. You are only allowed to ask the debtor questions once every 120 days. So, do not stop until you get all the information you want.

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What do I do after the examination hearing?

Once you know about your debtor's assets and where they are, fill out a court form called a *Writ of Execution* (EJ-130). Take your form to the clerk in Room 103. The filing fee is \$15.00.

Note: You must have a separate *Writ of Execution* for each county where your debtor has assets or a job that you want to use to collect your judgment.

You can also make the debtor pay your filing fees and any other reasonable costs you have from trying to collect your judgment. Fill out form MC-012 (*Memorandum of Costs*).

What do I do with the Writ of Execution?

You must hire a levying officer (a registered process server or a sheriff's deputy) to collect your judgment. You **cannot** serve the Writ yourself.

Look at the information you have about your debtor's assets. Then tell the levying officer about the assets and where they are.

You must also tell the officer which method(s) to use to collect your judgment. These include:

- Bank levy
- Wage garnishment or wage withholding
- Lien on debtor's property

What is a bank levy?

A bank levy is when a bank takes money out of the debtor's account and gives it to the levying officer. A few weeks later, the officer gives the money to you.

Note: The debtor may try to fight the levy by filing a *claim of exemption*.

What is a wage garnishment?

The levying officer can tell your debtor's employer to withhold up to 25% of the debtor's gross income from each paycheck, until the debt is paid. The employer sends the money to the levying officer. And, the officer sends the money to you.

Note: If the debtor has another wage garnishment already, this method may not work.

How do I put a lien on my debtor's property?

Fill out form EJ-001 (*Abstract of Judgment*) and file it with a clerk in Room 103. The clerk will give you an abstract right away.

Then you use the abstract to put a lien on the debtor's property for the amount shown on the abstract. A lien means your debtor cannot sell the property until your judgment is paid, unless the debtor is selling the property to pay you.

Note: The amount of your judgment will change if you renew your judgment or add your collection costs. You must get a new abstract with the changed amount. File it to replace the old one.

You can place a lien on your debtor's:

- Real property, like land and buildings. (You must file your *Abstract of Judgment* in the recorder's office of the county where your debtor owns real property.)
- Personal property, like jewelry, furniture, or other things. (You must file your *Abstract of Judgment* with the Secretary of State. This isn't a very good way to collect your judgment. You should try the other methods first.)

What if nothing works and I can't get my money?

Collecting a judgment can be very frustrating. Don't give up! You have these options, too:

- Let the judgment rest for a few years and earn interest. Then try again. **Do not let the 10 years run out!**
- Hire a judgment enforcer or judgment collector to help you. Look in the phone book and on the Internet. (They will charge you 50% of the money collected.)

What happens after I get my money?

You must tell the court that the judgment has been paid. Fill out form EJ-100 (*Satisfaction of Judgment*) and file it with the clerk.

If you put liens on your debtor's property, the debtor can remove the liens by filing a certified copy of the *Acknowledgment of Satisfaction of Judgment* with the county recorder or the Secretary of State.

Need more information?

Go to the ACCESS Center.

Our schedule is:

Monday – Thursday: 8:30 a.m. – 12 Noon
1:30 p.m. – 4:00 p.m.
Friday: 8:30 a.m. – 12 Noon



ACCESS

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