

# SMALL CLAIMS JUDGMENT METHODS OF COLLECTION

The following is a list of procedures which are provided to help you pursue the collection of a small claims judgment. One or all of these methods may be filed through the Clerk of Courts office. This information is procedural only and is not to be construed as legal advice. To obtain legal advice you may consult with an attorney.

1. **DOCKET:** An official list of court judgments open to public inspection. A docketed judgment becomes a lien against any real estate owned by the debtor in Waushara County and remains in effect for ten years. If the debtor tries to sell the property, the purchaser may require the lien be removed (by paying the judgment creditor) before taking title. **\$5.00 fee required.**
2. **TRANSCRIPT OF JUDGMENT:** Transfer of judgment to another county. A Transcript of Judgment may be obtained from the clerk and docketed in another county. However, you must docket the judgment in this county first. If the debtor owns any real estate in the other county, the filing of the transcript of judgment would place a lien upon the property in that county also. **\$5.00 fee required.**
3. **CONTEMPT:** If the debtor does not comply with the court's order to return the **Financial Disclosure Statement** within 15 days from the date of judgment or has not paid the debt, the creditor may start proceedings to have the debtor held in **contempt of court**. Ask the clerk's office for form **SC-507 - Motion and Order for Hearing on Contempt**.

After you file the Motion and Order for Hearing on Contempt with the court and you have had it **personally served on the debtor**, the court will order the debtor to appear and explain why he/she failed to send the proper financial disclosures. Once in court, the court will require the party to complete the Financial Disclosure Statement. If the debtor fails to appear, the court will issue a warrant for his/her arrest for being in contempt of court. The debtor can be placed in jail and required to complete the financial disclosure or pay the judgment in full. In some instances the warrant may only be served if the debtor's date of birth is available.

4. **WRIT OF RESTITUTION (eviction actions):** Legal document directed to the sheriff to assist a landlord in removing the tenant from the landlord's property. **\$5.00 fee.**
5. **WRIT OF REPLEVIN (return of property):** Legal document directed to the sheriff to assist a creditor in recovering personal property. **\$5.00 fee.**
6. **EXECUTION:** Legal document which directs the sheriff to seize non-exempt property of the debtor to satisfy the judgment. The **\$5.00 docket fee** and **\$5.00 execution fee** are required before the clerk will issue the execution.
7. **GARNISHMENT (Earnings & Non-Earnings):** Legal procedure authorizing the creditor to be paid from the debtor's available wages or bank accounts. **\$68.00 filing fee & \$15.00 fee to the employer. \$3.00 to bank for non-earnings garnishment.**
8. **AUTO ACCIDENT JUDGMENT ABOVE \$500:** Procedure in which the creditor may suspend the debtor's drivers license until paid upon certification of the judgment by the clerk. Ask the clerk for further info. **\$5.00 fee.**
9. **SATISFACTION OF JUDGMENT:** Legal document creditor **must provide** to debtor upon full payment of the judgment. Debtor files the form with the clerk with the proper fee. **\$5.00 fee.**