THE GARNISHMENT GAUNTLET – COLLECTING ON JUDGMENTS

Presented by JJ Moore of
Legal Action of
Wisconsin

LEGAL ACTION OF WISCONSIN

REVIEW STATUS



- Was it in the SCC or Judge?
- Has the time elapsed for appeal or kick up to Judge?
- Are all costs included?
- Is the judgment amount correct?
- Do they have a notice of Judgment?

HOW TO DOCKET A JUDGMENT

Large Claims

- Separate damages from attorney fees/costs
- Cite to docket entries that provide for damages and attorney fees/costs
- Judge will sign the order

Small Claims

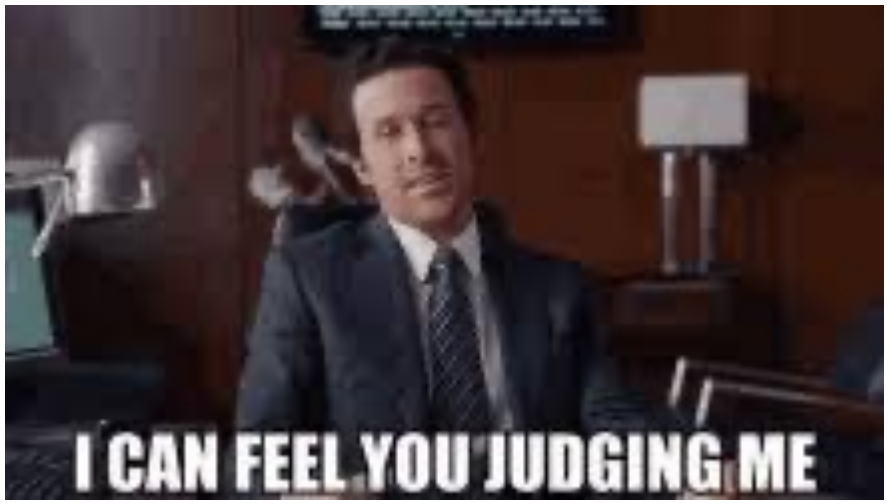
- Notice of Judgment is Autogenerated

Docketing

- Pay $14 docketing Fee
- In Person- Clerk of Courts (RM 104)
- Phone
- Online
- Mail



REVIEW NOTICE OF JUDGMENT



BENEFITS OF DOCKETING JUDGMENTS



- Becomes a lien against real estate that is owned in that county for a period of 10 years
- Allows you to take actions to enforce the judgment
- Is part of the public record



OUT OF COUNTY REAL ESTATE

Do	Have the clerk of the county in which the case was filed prepare a Transcript of Judgment (Rm 104)
Pay	Pay the clerk of court the fee for the Transcript of Judgment • ($6.80 in Milwaukee)
Send & Pay	Send the original Transcript of Judgment to the clerk of courts in the county where the real estate is located • Transcript filing fee ($10) • Docketing fee ($14)
Have	Case will have “TJ” in it instead of “CV” or “SC”

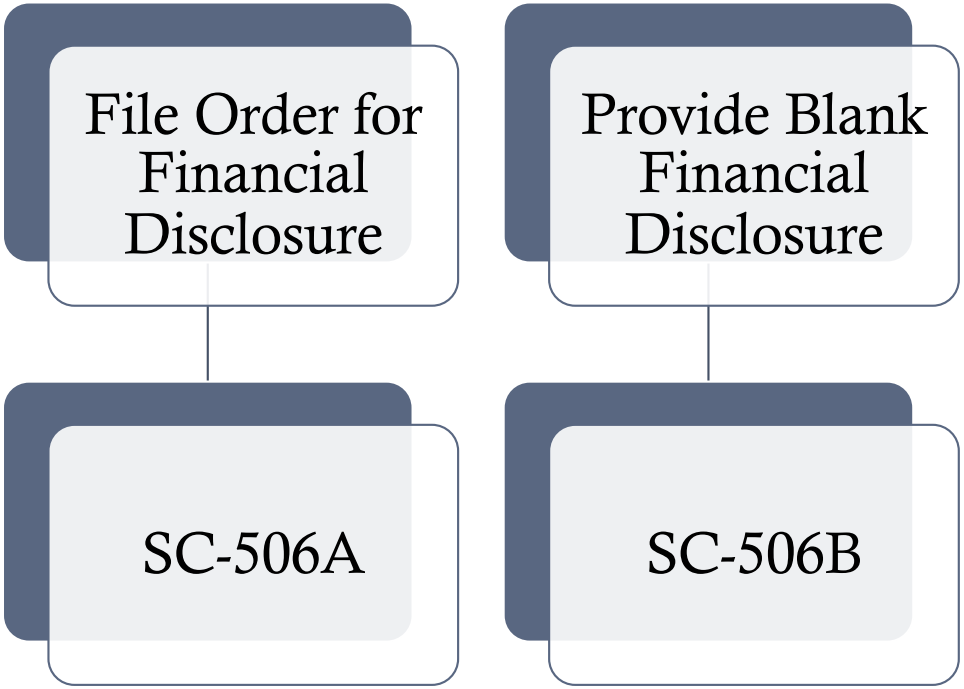
FINANCIAL DISCLOSURE & CONTEMPT

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"We found the accounting error. Somebody printed all the zeroes upside down."

FINANCIAL DISCLOSURE



BENEFITS OF OBTAINING FINANCIAL DISCLOSURE



Judgment to be paid within 15 days or complete FDS

Gathers info on

- Employment
- Real Estate
- Bank Accounts

Gives the option for Contempt

THEY DON'T PAY OR RESPOND

File Motion and Request for Hearing on Contempt

- SC-507A

File Order for Hearing on Contempt (Small Claims

- SC-507B

Requires personal service

Imprisonment for up to 6 months

Forfeiture of not more than $2000 per day

Civil Bench Warrant

Any other order necessary to ensure THEIR compliance



SUPPLEMENTAL HEARING

- A judgment creditor has a right to have the debtor appear before a court commissioner to answer concerning the judgment debtor's property.
  - Under Wis. Stats. Ch. 816

- Not recommended for pro se litigants

WAGE GARNISHMENT



GARNISHING WAGES

Serve the Employer (Garnishee) via Certified Mail

- Earnings Garnishment Notice
  - CV-421
- Earnings Garnishment
  - CV-422
- $15.00 check payable to the Employer

Serve on the Defendant (Debtor) via Reg & Certified Mail within 7 business days service on Employer

- Authenticated Earnings Garnishment
  - CV-422
- Earnings Garnishment Exemption Notice
  - CV-423
- Garnishment Exemption Worksheet
  - CV-426
- Earnings Garnishment Debtor's Answer (blank)
  - CV-424
- Poverty Guidelines for Earnings Garnishment
  - CV-427
- Complete Declaration of Service
  - SC-5130V

You may file CV-410A & B to waive the $96 garnishment fee, but won't waive $15 Garnishee Fee

OBJECTION TO DEBTOR'S ANSWER



Incomplete Debtor's Answer



File an Objection with copy of incomplete answer



Setup a Hearing regarding objection

BANK GARNISHMENTS



GARNISHING A BANK ACCOUNT

Serve on the Garnishee

- Authenticated copy of the Non-Earnings Garnishment Summons and Complaint
  - Wis. Stat. 812.07(1)
  - SC-302
- Garnishee Answer
  - Cv-302
- $3.00 check payable to the Garnishee
  - Wis. Stat. 812.06

Serve on the Defendant (Debtor)

- Authenticated copy of the Non-Earnings Garnishment Summons and Complaint
  - SC-302
  - Wis. Stat. 812.07(1)
- Summons (and complaint) from the principal action
  - Wis. Stat. 812.07(1)
- Debtor's Answer
  - CV-303
- These must be served not later than 10 days (personal service under Wis. Stat. 801.11) after service on the garnishee
- If you object, file Creditor's Objection to Answer and Demand for Hearing Non-Earnings Garnishment
  - CV 304

You may file CV-410A & B to waive the filing fee and sheriff service fees, but won't waive $3 Garnishee Fee

GARNISHING A BANK ACCOUNT



If the Garnishee files an Answer indicating that there are funds available, then file a proposed order

Non-Earnings Garnishment Order to Garnishee/Release of Garnishee

- GF-105



BEST PRACTICES

- Provide a copy of Satisfaction of Judgment to Debtor
- Keep your address updated with the Court
- Weigh putting good money into further collection



QUESTIONS