

## COLLECTING A JUDGMENT

If you do not receive the money that is owed you, there are several ways to collect it after you have received a judgment against the debtor. However, the court cannot levy on child support, welfare benefits, Social Security benefits, SSI, veterans' benefits or unemployment benefits.

**Execution on Personal Property.** This remedy allows you to collect the money owed on a judgment from the debtor's bank account or personal property. (Real estate cannot be used to collect money owed.) You must locate and identify the debtor's personal property. You may, for example, ask that a court officer try to sell personal items such as office equipment at a public sale. The debtor may keep \$4,000 worth of personal property.

**Levy on a Bank Account.** If you know where the debtor has a bank account in Tennessee, you may ask that a court officer collect your debt from the money in the account. You must provide the name of the bank, the address, and the account number, if possible. Court officers are not required to search for bank accounts. After the money has been levied upon by the court officer, it must be paid by the bank to the clerk of the court, who will then send it to you.

**Garnishment of Wages.** An execution against a person's wages can be requested if the debtor works in Tennessee. If you obtain a garnishment order, it will be delivered to the debtor's employer by the court officer. The employer will hold back a portion of the debtor's pay and will send this money to the court officer, who will then send it to you.

**Recording the Judgment as a Lien on Real Estate.** You may have the judgment recorded in the Register's Office in the county where the court is located and in any other county in which the defendant owns real estate. Once your judgment is recorded, the debtor cannot sell the real estate with clear title until your debt is paid.

**Discovery without a Court Order.** A debtor may be served with interrogatories and requests for documents, after trial, in the same manner as may be done before trial.

**Court Order for Discovery.** You may file with the court a petition stating the amount due on the judgment and asking the court to issue an order requiring the debtor or any person who has information about the debtor's assets to answer questions. If the debtor or person named in the court order does not comply with the court order and fails to appear at the specified time and place to provide information about the debtor's assets, he or she is subject to contempt sanctions enforceable by the court.

**Collecting an Out-of-State Judgment.** A judgment from another state can be enforced by recording it in the Register's Office. It will then be a lien on any real estate owned by the debtor in Tennessee. Alternatively, you can attempt collection or enforcement of an out-of-state judgment by filing a complaint, with a certified copy of the out-of-state judgment attached, in the Circuit or Chancery Court in the county where the debtor lives or is located. Then you can use the remedies discuss in this memorandum.

**Payment.** If a judgment is paid, with or without the aid of a court officer, you are responsible for filing a pleading with the court that issued the judgment.

*Adapted from a publication of the New Jersey Superior Courts.*

[www.selegal.org](http://www.selegal.org)