

How to Collect Money owed to You by Obtaining and Enforcing A Judgment

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If someone owes you a debt, the best way to try and collect on your debt is to turn the outstanding obligation into a judgment. Once a debt is turned into a judgment, there are many ways in which a judgment creditor (the person to whom the money is owed) can go about collecting on the debt. Unfortunately, the only way to turn an outstanding obligation into a judgment is for the judgment creditor to file a lawsuit and win.

However, filing a lawsuit and winning, does not necessarily have to be a long drawn out process. For example, if the amount of money that you wish to collect from your debtor is less than \$7,500 you can file a Small Claims Lawsuit against the debtor. A Small Claims Lawsuit is usually resolved by a judge on the day of trial. A trial date can be obtained within a couple of months of filing a complaint.

If you are seeking more than the amount allowed in a small claims action, you could obtain a judgment in as fast as thirty days if the defendant has been personally served with your lawsuit and has failed to respond within the required 30 day period. If the response is not filed within 30 days, you can obtain a default judgment against the debtor.

Once you obtain your judgment, you can essentially use your judgment to seize your debtors assets and take any money to which your debtor has access. For example, with a judgment, you can: i) place a lien on any property owned by your debtor; ii) serve your judgment on the debtor's bank (which will require the bank to put a hold on the debtor's [bank account](#) and turn over any money in the debtors account to you up to the amount of your judgment); iii) serve your judgment on any individual owing any money to your debtor (which will require those individuals to pay you instead of your debtor). Furthermore, if your debtor has any property that you desire to take (like a boat, car or any other tangible property), you can serve your judgment on the Sheriff and request the Sheriff to seize the debtor's property and turn it over to you.

If you are not sure about where your debtor banks or about the amount of assets to which your debtor might have access, you will be allowed to serve your debtor with a notice which will require the debtor to appear at court with their financial records and tell you and the court about their assets in detail.

About Wade Law Group

For information on California Business Law, contact a professional [California Business Attorney](#). In the San Jose area or within California, call Amiel Wade at [Wade Law Group](#) at [\(888\) 909-9430](tel:(888)909-9430).