

COLLECTING ON A JUDGMENT

Our forms are designed to address the most common claims. They are not designed for a specific case. Neither the judge nor staff is allowed to give legal advice or assist in completing forms. If you need more assistance, you should consult an attorney. Forms are available at our office, located at 800 South C Street, Virginia City, Nevada, or on our county's website at www.storeycounty.org.

Collecting on a judgment is your responsibility. If the judgment debtor does not voluntarily pay the judgment, you can try to collect the money involuntarily. There are various ways to collect. The following information covers the basics about executing a judgment or filing a lien. You may want to consult with an attorney to find out more information about collecting on a judgment.

EXECUTING A JUDGMENT:

Writ of Execution: The first form you will prepare is a Writ of Execution. A Writ of Execution is a court order that authorizes a constable or sheriff to take certain property belonging to the judgment debtor. The form must be typed, not handwritten. File the Writ of Execution with the court. You will need the original and three copies to give to the court clerk. There will be a filing fee. Once it is filed, the clerk will return the copies to you.

Notice of Execution: You are required to attach a Notice of Execution to the Writ of Execution. You don't have to fill anything out on the Notice of Execution, but it must be attached to the Writ of Execution. A Notice of Execution outlines the judgment debtor's rights.

Instructions to the Constable or Sheriff: Once you have your forms ready for serving, prepare the Instructions and take your forms to the appropriate constable or sheriff's office. Unless you have an Order from a judge waiving filing fees, the sheriff's office will charge fees for service.

Writ of Garnishment: If you are trying to collect money from someone other than the judgment debtor (the judgment debtor's wages or bank account), you will need to prepare a Writ of Garnishment. A Writ of Garnishment does not get filed with the court. Once it is completed, deliver it to the constable or sheriff along with the filed Writ of Execution.

RECORDING A LIEN:

Another collection option is to record a lien. If the judgment debtor owns a home or other real estate, you can record your judgment as a lien against the property. This will require submitting an Abstract of Judgment to the court. Record a certified copy of the Abstract of Judgment with the appropriate recorder's office. Once recorded, your judgment becomes a lien against the judgment debtor's property. This allows you to receive your money when the property is foreclosed upon or sold. Unless the judgment is satisfied, the lien will continue for six years. You can re-record the lien if you renew your judgment with the court.