Judgment Recovery - Does the Court Help Collect the Judgment? by Pat O Connor

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Yes and no. The court can help to collect your judgment. However, the court will not proactively take action to collect your judgment for you. As the winner in court and holder of the judgment, you must find a means for the debtor to pay you and then the court will help to enforce your collection effort.

Debt collection horror stories refer to lenders using drastic â€œmafia-likeâ€• henchmen to enforce collection, by physical violence. There is really no need for such antiquated means when the courts will send men with badges and guns to collect your money! These men and women are called sheriffs or constables. (Simply being served with a lawsuit by a man with a badge and gun is unnerving to make some debtors pay.)

The various methods to force a debtor to pay you may include the pursuit of wage garnishment (not in Texas), bank accounts, personal property, real property and intangible personal property. The types of assets that can be claimed to satisfy a judgment vary from state to state. Following are the assets that are exempt in Texas as written in the Texas Property Code, which is considered a debtor friendly state:

Sec. 42.001. PERSONAL PROPERTY EXEMPTION. (a) Personal property, as described in Section 42.002, is exempt from garnishment, attachment, execution, or other seizure if:

(1) the property is provided for a family and has an aggregate fair market value of not more than $60,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property; or

(2) the property is owned by a single adult, who is not a member of a family, and has an aggregate fair market value of not more than $30,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property.

(b) The following personal property is exempt from seizure and is not included in the aggregate limitations prescribed by Subsection (a):

(1) current wages for personal services, except for the enforcement of court-ordered child support payments;

(2) professionally prescribed health aids of a debtor or a dependent of a debtor;

(3) alimony, support, or separate maintenance received or to be received by the debtor for the support of the debtor or a dependent of the debtor; and

(4) a religious bible or other book containing sacred writings of a religion that is seized by a creditor other than a lessor of real property who is exercising the lessor's contractual or statutory right to seize personal property after a tenant breaches a lease agreement for or abandons the real property.

(c) Except as provided by Subsection (b)(4), this section does not prevent seizure by a secured creditor with a contractual landlord's lien or other security in the property to be seized.

(d) Unpaid commissions for personal services not to exceed 25 percent of the aggregate limitations prescribed by Subsection (a) are exempt from seizure and are included in the aggregate.

(e) A religious bible

Sec. 42.002. PERSONAL PROPERTY. (a) The following personal property is exempt under Section 42.001(a):

(1) home furnishings, including family heirlooms;

(2) provisions for consumption;

(3) farming or ranching vehicles and implements;

(4) tools, equipment, books, and apparatus, including boats and motor vehicles used in a trade or profession;

(5) wearing apparel;

(6) jewelry not to exceed 25 percent of the aggregate limitations prescribed by Section 42.001(a);

(7) two firearms;

(8) athletic and sporting equipment, including bicycles;

(9) a two-wheeled, three-wheeled, or four-wheeled motor vehicle for each member of a family or single adult who holds a driver's license or who does not hold a driver's license but who relies on another person to operate the vehicle for the benefit of the nonlicensed person;

(10) the following animals and forage on hand for their consumption:

(A) two horses, mules, or donkeys and a saddle, blanket, and bridle for each;

(B) 12 head of cattle;

(C) 60 head of other types of livestock; and

(D) 120 fowl; and

(11) household pets.

The first issue is to identify assets not exempt from collection. The second issue is to ask for court help to obtain or monetize the assets.

After getting a judgment, file an abstract of judgment in the county where the debtor lives, does business, owns property, or may in the future. Then file a writ of execution with the court for real property or personal property, a writ of garnishment to obtain a bank account or a turnover motion to obtain intangible personal property.

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Pat O Connor - About Author:
Contact the authorities at a National Judgment Recovery Center. We can pay for your judgment.

Don't know how to a Collect a Money Judgment in texas? Contact the National Judgment Recovery Center to collect money sooner.

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