

## **COLLECTION OF JUDGMENT IN SMALL CLAIMS**

Detailed instructions and forms may be obtained by accessing the Colorado Judicial Department website at <http://www.courts.state.co.us>

Once judgment is made, the court cannot collect it for you. You must personally seek payment. Often the debtor/other party will be "judgment proof". This means that the judgment debtor/other party has no assets which can be attached or income that can be garnished. Even though you may get a judgment against such a person, it may be worthless to you except that it has established a poor credit record of the debtor/other party. IN SOME INSTANCES, IT MAY BE YOUR ADVANTAGE TO CONSULT AN ATTORNEY OR A COLLECTION AGENCY FOR CERTAIN COLLECTION PROBLEMS.

A judgment is good for 6 years and collects interest at the rate of 8% per year from the date of the judgment.

**INFORMATION ABOUT THE DEBTOR/OTHER PARTY**-When attempting to collect a judgment, you must have information about where the debtor/other party works, banks, or owns property. If you do not have this information, you may ask for a MOTION AND ORDER FOR INTERROGATORIES (forms JDF 252 a or b). You must fill out your part of the interrogatories and pay for certified restricted postage. Once the Judge has ordered the interrogatories, the Court will mail them to the debtor/other party at the address that has been provided to us. The debtor/other party is to return completed interrogatories to the Court and you within 14 days of receiving them. You may also have the interrogatories personally served by the Sheriff's Office or a process server\*.

**BANK GARNISHMENT** - A WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY (Forms 29 and 30) may be filled out if you know where the debtor/other party BANKS. You must fill out your part of the Writ and sign it. The Court will need the original and two (2) copies. The cost for the Court to issue the Writ is \$45.00. The Writ MUST BE PERSONALLY SERVED by the Sheriff's Office or a process server\*; one copy of the writ and a blank JDF 30 MUST BE PERSONALLY SERVED on the BANK, and one copy of the writ MUST BE PERSONALLY SERVED ON THE DEBTOR/OTHER PARTY. When the Court receives an answer from the bank, you will be notified of the amount of money being held by the bank. The debtor/other party has fourteen (14) days after receiving the notice of levy to file a claim of exemption with the Clerk of Court. If a claim of exemption is not filed, then you must file an order for the bank to release funds to the Court. Before the order will be signed by the Judge, the Court MUST have the original returns of service on the Writ of Garnishment with Notice of Exemption and Pending Levy that have been served on the Bank and the Debtor/other party. After the order has been signed by the Judge, you may serve the order on the BANK. The funds will be paid into the Court by the bank and will be forwarded to you thereafter.

**EMPLOYER GARNISHMENT**-A WRIT OF CONTINUING GARNISHMENT WITH CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS (Forms 26, 27 and 28) may be filled out if you know where the debtor is EMPLOYED. You must fill out your part of the writ and then sign it. The Court will need the original and two (2) copies of the writ. The cost for the Court to issue the Writ is \$45.00. The original and one copy of the writ and a blank forms 27 and 28 MUST BE PERSONALLY SERVED by the Sheriff's office or a process server\* on the employer and is good for ninety (90) days if judgment entered prior to August 8, 2001 or is good for one hundred eighty (180) days if judgment was entered on or after August 8, 2001. The Court MUST have the original return of service on the writ. The funds will be paid to the party as indicated on the form. The debtor/other party has fourteen (14) after receiving the writ to file a written objection.

**JUDGMENT LIEN AGAINST REAL ESTATE**-Ask the Clerk of Court for a TRANSCRIPT OF JUDGMENT. This will cost you \$25.00. Take the Transcript to the County Clerk and Recorder where the debtor/other party owns real estate. The lien continues for six (6) years from the date of judgment. Advise the debtor/other party that he will not be able to sell or mortgage the real estate until he first pays off the judgment and you release the judgment lien.

**AFTER YOU COLLECT YOUR JUDGMENT**-You must complete a SATISFACTION OF JUDGMENT (JDF 111) and file it with the Court. Be sure to mail a copy of the Satisfaction to the Judgment Debtor/Other Party and Garnishee (bank or employer), if any. If you placed a lien on the real estate owned by the Judgment Debtor/other party, notify the Clerk and Recorder to release the lien.

\*YOU ARE RESPONSIBLE FOR ARRANGING THE PERSONAL SERVICE AND FOR ALL CHARGES ACCRUED FROM PERSONAL SERVICE. IF THE COST OF PERSONAL SERVICE IS ADDED IN AS A COST IN THE CLAIM, THE COURT MUST HAVE THE PAID RECEIPT FOR THE SERVICE. DO NOT SEND PAYMENT FOR THE PERSONAL SERVICE TO THE COURT.

Garnishment and Order forms may be purchased from the court for \$0.25 per page or obtained by accessing the Colorado Judicial Department website listed at the top of this page. Please make copies of your completed forms for filing. Completed forms can be copied by the court at a charge of \$0.25 per page.

For Questions Please Contact Marie Forest Toyama at 970-328-7036 or [05selfhelp@judicial.state.co.us](mailto:05selfhelp@judicial.state.co.us)