

GARNISHMENTS JUDGMENTS LIENS  
STIPULATIONS INTERROGATORIES

# JUDGMENTS

HOW DO I COLLECT A JUDGMENT

I AM THE JUDGMENT DEBTOR.. WHAT NOW?

# THE COURT HAS AWARDED ME A MONEY JUDGMENT



# WHEN CAN I START COLLECTING?

## COUNTY COURT

If you received your Judgment in County Court, you can start collecting your Judgment immediately after the Court enters the Judgment, unless the Judgment Debtor files an Appeal or a post-trial motion and asks the Court for a stay of execution of Judgment.

## DISTRICT COURT

If you received your Judgment in District Court, you have to wait 14 days from when the Judgment was entered to start collecting. After the 14 days has passed, you can begin collection unless the Judgment Debtor has filed an Appeal or Post-trial Motion and asked the Court for a stay of execution of Judgment.



If the Court grants a stay of execution of Judgment, you will have to wait until the Appeal or Post-trial Motion is decided to begin collection. However, during that time, the Judgment will continue to accrue interest and the Judgment Debtor may be required to post a Bond to help ensure that you will get paid if he/she loses on Appeal.

# DO YOU NEED INTERROGATORIES?



Determine if you need to do Interrogatories:



If you do not have any information about the person (or business) that owes you money, such as where they work, where they Bank, where they own property, etc., you can have them served with Interrogatories

**JDF 105 Pattern Interrogatories Under C.R.C.P. 369(g) - Individual  
or  
JDF 108 Pattern Interrogatories Under C.R.C.P. 369(g) - Business.**

This form asks the Debtor questions which the person or business that owes you money is required to answer.

Fill out the information in the box at the top of the form. Enter the name of the person or business that owes you money on the first line. The person or business (through a representative) that owes you money will need to fill out the rest of the form by answering the questions.

# INTERROGATORIES

# INTERROGATORIES MUST BE PERSONALLY SERVED ON THE DEBTOR -SERVICE OF PROCESS

## SHERIFF'S DEPARTMENT

Contact the Sheriff to arrange service of the Interrogatories on the Judgment Debtor. There will be a fee that can be added when you fill out the Garnishment.

Turn the Affidavit of service you receive from them, into the Court.

## UNINTERESTED PARTY OVER 18

A person who does not have an interest in the case (usually not a family member) can serve the party as well.

They must sign an Affidavit of service in front of a Notary stating who, what, where and when they served the other party and you must turn this into the Court.

## PRIVATE PROCESS SERVER

Contact a private process server by looking online or through the yellow pages.

They will return the Affidavit of service to you once the other party is served and it is your responsibility to turn it into the Court

# WHAT HAPPENS NEXT.....

## YOU RECEIVE THE ANSWERS BACK FROM THE DEBTOR

### GARNISH WAGES

- Writ of Continuing Garnishment

### PLACE A LIEN ON PROPERTY

- Contact the Clerk and Recorder

### GARNISH BANK ACCOUNT

- Writ of Garnishment with Exemption and Pending Levy

## YOU DO NOT RECEIVE THE ANSWERS BACK FROM THE DEBTOR

### Write a Letter to request the Payment

- This step is not required but may be helpful

### File a Motion for Contempt of Court

- JDF 123, JDF 124, and JDF 129

### The Judge rules in your favor at Contempt hearing

- You can proceed with collecting your debt with the information from the Interrogatories the Judge orders the Party to answer.

# WHAT IS A GARNISHMENT?

A Garnishment is a way of collecting a debt where the Judgment Creditor takes (garnishes) money or property that belongs to the Judgment Debtor but is in the possession or control of another person.

For example: a Judgment Creditor may garnish rent payments that are owed to the Judgment Debtor, but are still in possession of his/her tenant, or funds held by a Bank in the Judgment Debtor's Bank account. A Judgment Creditor may also garnish earnings (wages, salary, etc.) owed to a Judgment Debtor by the Judgment Debtor's employer.

# WHAT ARE INTERROGATORIES?

Interrogatories are written questions that must be answered under oath. A Judgment Creditor (the person who should be paid money under the Court's order) may send Interrogatories to the Judgment Debtor (the person who has to pay money under the Court's order) asking about where the Judgment Debtor has property, banks, works, or has any other assets.

The Judgment Debtor must provide complete and sworn answers to the Interrogatories before the deadline given on the Interrogatories (usually 14 days in Civil cases) or risk the Court issuing a Contempt Citation. If the Judgment Debtor fails to appear at a hearing on a Contempt Citation, the Judge may issue a bench warrant for his/her arrest.

# WHAT IS CONTEMPT OF COURT?

Contempt of Court refers to behavior that is disruptive or disrespectful to the dignity of the Court. Such behavior can include disruptive or disrespectful actions in Court, but can also include actions outside of Court, such as failure to follow a Court order, failure to answer Interrogatories, or failure to obey a Subpoena.

If the Judge finds that you are in Contempt of Court, he/she may order sanctions against you. Sanctions can include an order that you pay the other party's Attorney's fees, or can include fines and/or jail time.

# WHAT IS A LIEN?

A lien is a claim on property for the payment of a debt. Typically, if the property is sold, the owner cannot receive any profit until the lien has been paid. This is filed at the Clerk and Recorders office in the County in which the Property is located.

# I HAVE A WRIT OF GARNISHMENT FROM THE COURT, WHY AM I NOT GETTING PAID?

You must have someone (like the Sheriff or a Private process server) serve a copy of the Writ of Garnishment on the person you believe is holding property or money that belongs to the Judgment Debtor (the Garnishee). The Garnishee will have a certain amount of time to respond to your Writ of Garnishment and let you know whether he/she/it is actually holding property or money that belongs to the Judgment Debtor (how much time depends on the kind of Writ you served on the Garnishee).

If you have served a Writ of Continuing Garnishment on the Judgment Debtor's employer, and all the time for the Garnishee and Judgment Debtor to respond has passed, and you are still not receiving anything, there may be other Writs of Garnishment ahead of yours. When the Judgment Debtor owes money to more than one person, his/her employer may have received more than one Writ of Garnishment.

There can be only one Writ of Garnishment in effect at one time and, generally, whichever Writ was served first has priority. The exception is Writs of Garnishment for Support (if the Judgment Debtor owes back child support or Maintenance/Alimony). Writs of Garnishment for Support have priority over all other Writs, regardless of when they are served. A Writ of Garnishment is effective for 182 days (or 91 days, for a Judgment that was entered before 8/8/2001).

Once the effective period for a Writ ends, payment will begin on the next Writ in line.

After the Garnishee responds to your Writ, the Judgment Debtor will have a certain amount of time to object or claim that the money/property is exempt from Garnishment. If the Judgment Debtor objects or claims an exemption, you will have to wait until the Court holds a hearing to decide whether the Judgment Debtor's objection or claim of exemption is valid before you receive any payment.

# WHAT HAPPENS IF THE JUDGMENT GETS PAID IN FULL?

When a Judgment is paid in full, it is the responsibility of the Judgment Creditor (the person who should be paid under the Court's order) to complete a Satisfaction of Judgment and file it with the Court in order to let the Court know that the Judgment has been paid.

If the Judgment Creditor placed a Judgment lien on real property (such as a house or land) belonging to the Judgment Debtor, the Judgment Debtor will want to make sure to get a Certificate of Satisfaction of Judgment from the Court clerk to file with the Clerk and Recorder of the county (or counties) where the property is located in order to release the lien. Once the Judgment has been paid in full, collection activities, such as Garnishment, must end

# CAN I COLLECT A JUDGMENT AGAINST SOMEONE WHO LIVES IN COLORADO EVEN IF THE JUDGMENT WAS ENTERED BY A COURT IN ANOTHER STATE?

Yes, but in order to use Court collection procedures (e.g. Garnishment) or enforcement procedures (e.g. contempt of Court) you must first file your Judgment issued by a state other than Colorado (known as a “foreign Judgment”) with the Colorado Court in the county that would have had jurisdiction if your case was originally filed in Colorado. (This may be the county where the Defendant lives or where the property is located or a different county.

Please see Colorado Rule of Civil Procedure 98). There is a filing fee for filing a foreign Judgment in Colorado. Please go to Form JDF 137 on the Forms page of the Courts’ website for instructions on how to file a foreign Judgment in Colorado.

# WHAT DO I NEED TO FILE A GARNISHMENT

## Garnishment of an individual's Bank / savings institution, or assets other than earnings

Form 29 - Writ of Garnishment with Notice of Exemption and Pending Levy

Required Paperwork - 1 original and 4 copies (5 if two Debtors)

Form 30 - Claim of Exemption to Writ of Garnishment with Notice

A Writ of Garnishment with Notice of Exemption and Pending Levy is most commonly issued to a bank but can be issued to any person or organization that has money that is due/payable to the Debtor. This is a procedure through which personal property other than earnings in possession or control of someone else but belonging to the Debtor, is required to be held for payment of a Judgment. This includes but is not limited to bank accounts and rental payments.

## Garnishment of an Individual's Wages

Form 26 - Writ of Continuing Garnishment

Required Paperwork - 1 original and 3 copies

Form 27 - Calculation of the Amount of Exempt Earnings

Required Paperwork - 1 original and 2 copies

Form 28 - Objection to Calculation of the Amount of Exempt Earnings

A Writ of Continuing Garnishment applies to wages. The Judgment Creditor will serve the Employer and the Employer will serve the Employee. The Debtor has 14 days to file a Claim of Exemption with the Court. Once the Claim of Exemption is filed the Court must set a hearing within 14 days to determine if the Writ is enforceable under the current terms.

## Garnishment of Debtor which is a business entity

Form 32 - Writ of Garnishment - Judgment Debtor other than Natural Person

Required Paperwork - 1 original and 2 copies.

A Writ of Garnishment for a Judgment Debtor other than Natural Person is only issued when the Debtor is a Corporation, Business, or Company. This Writ focuses on the property of an entity not an individual.

A Writ of Continuing Garnishment is good for 182 days for any Judgment ordered on or after August 8, 2001 and for 91 days for any Judgment ordered prior to August 8, 2001.

When the effective Garnishment period expires, you will need to complete a new Writ, file it with the Court and serve the Garnishee.

# STEPS TO REQUESTING A LIEN AGAINST REAL ESTATE

- **Step 1:** Ask the Court for a Transcript of Judgment. The cost is \$25.00.
- **Step 2:** Take the Transcript of Judgment to the County Clerk and Recorder where the Judgment Debtor owns the real estate. The lien continues for 6 years if the Judgment was awarded in County Court and for 20 years if the Judgment was awarded in District Court.
- **Step 3:** Advise the Judgment Debtor that he or she will not be able to sell or mortgage the real estate until the Judgment amount has been paid and you release the Judgment lien.

# WHAT TO DO AFTER YOU COLLECT YOUR JUDGMENT

- **Step 1:** Complete a Satisfaction of Judgment (JDF 111) and file with the Court.
- **Step 2:** Mail a copy of the Satisfaction of Judgment to the Judgment Debtor, and Garnishee if any.
- **Step 3:** If you placed a lien on the real estate owned by the Judgment Debtor, notify the Clerk and Recorder to release the lien.

**PRESS TO RETURN TO THE  
BEGINNING OF  
PRESENTATION**

# WHEN WILL COLLECTION START?

## COUNTY COURT

If you have a Judgment against you in County Court, the Creditor can start collecting the Judgment immediately after the Court enters the Judgment, unless (You) the Judgment Debtor files an Appeal or a post-trial motion and asks the Court for a stay of execution of Judgment.

## DISTRICT COURT

If you have a Judgment against you in District Court, there is a waiting period of 14 days from when the Judgment was entered to start collecting. After the 14 days has passed collection can begin unless (You) the Judgment Debtor has filed an Appeal or Post-trial Motion and asked the Court for a stay of execution of Judgment.



If the Court grants a stay of execution of Judgment, you will have to wait until the Appeal or Post-trial Motion is decided before collection begins. However, during that time, the Judgment will continue to accrue interest and the Judgment Debtor may be required to post a Bond to help ensure that you will get paid if he/she loses on Appeal.

# **CAN I GO TO JAIL IF I DON'T PAY A JUDGMENT ENTERED AGAINST ME?**

**No. You cannot go to jail simply because you are unable to pay or have not paid a Judgment against you.**

**However, you should pay attention to everything you receive from the Court and/or Judgment Creditor. If you receive a Subpoena or Interrogatories and fail to appear or respond, the Judgment Creditor may ask the Court to hold you in Contempt of Court.**

**If you fail to show up at the hearing on Contempt of Court, the Judge may issue a bench warrant for your arrest. If the Judge finds that you are in Contempt of Court, the Judge can order jail time as a punishment for the Contempt of Court. You cannot be held in Contempt of Court simply because you are unable to pay or have not paid the Judgment against you.**

# WHAT IS A GARNISHMENT?

A Garnishment is a way of collecting a debt where the Judgment Creditor takes (garnishes) money or property that belongs to the Judgment Debtor but is in the possession or control of another person.

For example: a Judgment Creditor may garnish rent payments that are owed to the Judgment Debtor, but are still in possession of his/her tenant, or funds held by a Bank in the Judgment Debtor's Bank account. A Judgment Creditor may also garnish earnings (wages, salary, etc.) owed to a Judgment Debtor by the Judgment Debtor's employer.

# CAN ALL OF MY EARNINGS (WAGES) BE TAKEN BY GARNISHMENT?

No. Only part of your earnings can be taken by Garnishment. “Earnings” includes wages, salary, commissions, and bonuses. The percentage or amount of your earnings that can be garnished will be calculated from your “disposable earnings,” which means your earnings after deductions that are required by law (e.g. state and federal tax withholdings). The percentage or amount of your earnings that can be garnished may depend on how much you make, the federal and state minimum wage, and what type of debt is owed (for example, a larger percentage of your earnings can be garnished to pay a child support or Maintenance/Alimony debt than for other types of debt).

Certain types of income, such as child support or Alimony/Maintenance you receive from someone else, SSI, Social Security, Veterans’ benefits, Public assistance, and Unemployment, may be completely exempt from Garnishment or exempt from certain types of Garnishment. You may want to contact an Attorney or other legal service provider if you have more questions regarding whether your income is exempt from Garnishment.

# WHAT IS A LIEN?

A lien is a claim on property for the payment of a debt. Typically, if the property is sold, the owner cannot receive any profit until the lien has been paid. This is filed at the Clerk and Recorders office in the County in which the Property is located.

# WHAT ARE INTERROGATORIES?

Interrogatories are written questions that must be answered under oath. A Judgment Creditor (the person who should be paid money under the Court's order) may send Interrogatories to the Judgment Debtor (the person who has to pay money under the Court's order) asking about where the Judgment Debtor has property, banks, works, or has any other assets.

The Judgment Debtor must provide complete and sworn answers to the Interrogatories before the deadline given on the Interrogatories (usually 14 days in Civil cases) or risk the Court issuing a Contempt Citation. If the Judgment Debtor fails to appear at a hearing on a Contempt Citation, the Judge may issue a bench warrant for his/her arrest.

# WHAT IS CONTEMPT OF COURT?



Contempt of Court refers to behavior that is disruptive or disrespectful to the dignity of the Court. Such behavior can include disruptive or disrespectful actions in Court, but can also include actions outside of Court, such as failure to follow a Court order, failure to answer Interrogatories, or failure to obey a Subpoena.



If the Judge finds that you are in Contempt of Court, he/she may order sanctions against you. Sanctions can include an order that you pay the other party's Attorney's fees, or can include fines and/or jail time.

**When a Judgment is paid in full, it is the responsibility of the Judgment Creditor (the person who should be paid under the Court's order) to complete a Satisfaction of Judgment and file it with the Court in order to let the Court know that the Judgment has been paid.**

## **WHAT HAPPENS IF THE JUDGMENT GETS PAID IN FULL?**

**If the Judgment Creditor placed a Judgment lien on real property (such as a house or land) belonging to the Judgment Debtor, the Judgment Debtor will want to make sure to get a Certificate of Satisfaction of Judgment from the Court clerk to file with the Clerk and Recorder of the county (or counties) where the property is located in order to release the lien. Once the Judgment has been paid in full, collection activities, such as Garnishment, must end.**