

How Do I Collect My Money?

The small claims court cannot collect your money for you, but the clerk or small claims adviser can tell you about some ways to do this yourself. Some just hire a collection agency.

For example, you may be able to have the defendant's wages "garnished." This means that the person's employer gives you part of the defendant's wages every pay day until the debt is paid in full with interest. To collect your money this way, you must find out where the person works-, be sure to get the name of the company and its full address, including the county. Then, ask the small claims court clerk for a Writ of Execution and fill it out. When the court issues this writ, the sheriff or marshal will deliver it to the debtor's employer.

If you know where the defendant banks, the small claims clerk can issue a Writ of Execution that the sheriff or marshal takes to the bank. You need to know the name of the bank, the full branch address and the county. The bank will pay you what is owed, if there is enough money in the account.

A Writ of Execution also can be used to "attach" or take certain kinds of personal property, such as stocks, bonds and the contents of a safe deposit box. After this property is collected, it can be sold in order to pay the money that you are owed.

Not all personal property can be taken. The defendant can file a Claim of Exemption to protect the " necessities of life," possibly including a house, car, clothes and some wages.

The cost of a Writ of Execution - as well as the amount that the sheriff or marshal charges to deliver the writ - can be added to the amount that the defendant owes you. You also are entitled to interest during the time it takes to collect.

If you do not have the information you need to collect your money, you can make the defendant come to court and answer your questions about wages, the employer's location, bank account, personal property and real estate. Contact the small claims adviser for information about how to schedule this hearing.

Remember: The judgment is good for 10 years, and you can renew it if you still have not collected the amount you are owed. But, in many cases, the longer you wait, the harder it is to collect the money.

About the Author

Mallory McGuinness works for a collections agency that works with a [debt collection lawyer](#). She also composes stories on business, finance, the credit industry and [collections agencies](#).

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