

# PREPARING FOR THE MONTEREY COLLEGE OF LAW COLLECTIONS CLINIC

## YOU WON IN COURT!

Congratulations on winning a Small Claims Court judgment. That decision by the court makes you a *Judgment Creditor* who is entitled to an award of money against the person or business you sued. The Defendant in Small Claims Court is now called a *Judgment Debtor*.

## FROM WHERE DO YOU GET THE MONEY?

1. Be aware that while the court made the decision to award you money, the court does not assist you with collecting the money from the Judgment Debtor.
2. Also be aware that there is no government agency or fund that pays you the money.
3. The money awarded to you must come from the property of the Judgment Debtor, or be willingly paid to you.

## WILL THE JUDGMENT DEBTOR WILLINGLY OBEY THE COURT'S DECISION?

1. Some Judgment Debtors obey the court and pay promptly. Others, ignore the court's order.
2. If the Judgment Debtor in your case is slow to pay, consider contacting the Judgment Debtor by mail, respectfully asking for payment. That sort of letter is sometimes called a *Demand Letter*. The Collections Clinic can help you with that letter if you are uncertain what to say.

## HOW DO YOU REACH THE JUDGMENT DEBTOR'S PROPERTY?

1. The Collections Clinic may explain that common ways of satisfying the court's award of money are:
  - A. A *Lien* on real property (land, house, condo, farm, etc.) owned by the Judgment Debtor.
  - B. The *Garnishment* of wages earned by the Judgment Debtor.
  - C. A *Levy* on accounts held by the Judgment Debtor.
2. The court will issue certain forms (a *Writ of Execution*, or, an *Abstract of Judgment*) that may allow the taking of the Judgment Debtor's property. Often, those sorts of forms are provided to the Sheriff's Office who delivers those orders to an employer or bank.

## WHAT WILL HELP THE COLLECTIONS CLINIC TO ASSIST YOU?

1. Understand that a lien, a garnishment, or a levy are only effective if the Judgment Debtor has property or assets. Therefore, before contact with the M.C.L. Collections Clinic, be a "detective" and find out about the Judgment Debtor's property and assets.
2. Locating real property owned by the Judgment Debtor can be done by contacting the County Assessor's Office within the county where the real property is located. Or, you can pay for a professional asset search.

3. Locating where the Judgment Debtor works & receives wages can be done informally by making inquiries. It is helpful to also know the address of employment and the supervisor's name.
4. Locating account assets can be found by searching for old check copies. It is important to know the name of the bank, the branch, and the account number.
5. If this information cannot be acquired, another court event is an *Order of Examination* (also called a *Debtor's Exam*) whereby the Judgment Debtor can be summoned to court, placed under oath, and ordered to give information about his/her assets. The Collections Clinic can provide further information about that event.

## **CONCLUSION**

1. To repeat, you should make contact with the Collections Clinic after you have found out about the Judgment Debtor's property and any other appropriate information, such as the Judgment Debtor's current mailing address.
2. Good Luck with your preparation and the Collections Clinic hopes to help you.

**NOTE:** To look up information of properties in Monterey County, you may go to the Assessor's Office in person or do a search online. They also offer appointments, please see the following information:

### **Monterey County Government Center Administration Building ASSESSOR'S OFFICE**

168 West Alisal Street, 1st Floor  
Salinas, CA 93901

### **HOURS OF OPERATION:**

- Counter: Monday - Friday, 8:00 am - 5:00pm
- Lunch (office closed): 12:00 pm - 1:00 pm

### **Phone:**

831-755-5035

### **For General Inquiries:**

[Assessor@co.monterey.ca.us](mailto:Assessor@co.monterey.ca.us)

### **For Appointment Requests Only:**

[AssessorAppointmentRequest@co.monterey.ca.us](mailto:AssessorAppointmentRequest@co.monterey.ca.us)

### **PROPERTY SEARCH:**

<https://www.co.monterey.ca.us/government/departments-a-h/assessor/assessor/real-property/on-line-parcel-info>