

# HOW SMALL CLAIMS AND ENFORCEMENT OF JUDGMENT BOTH WORK IN CALIFORNIA

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AN INFORMATIONAL PUBLICATION  
BY JAMES F. POLK  
LA COUNTY IND. LDA REG. #2017038148  
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SUPERIOR COURT DEPARTMENT 30

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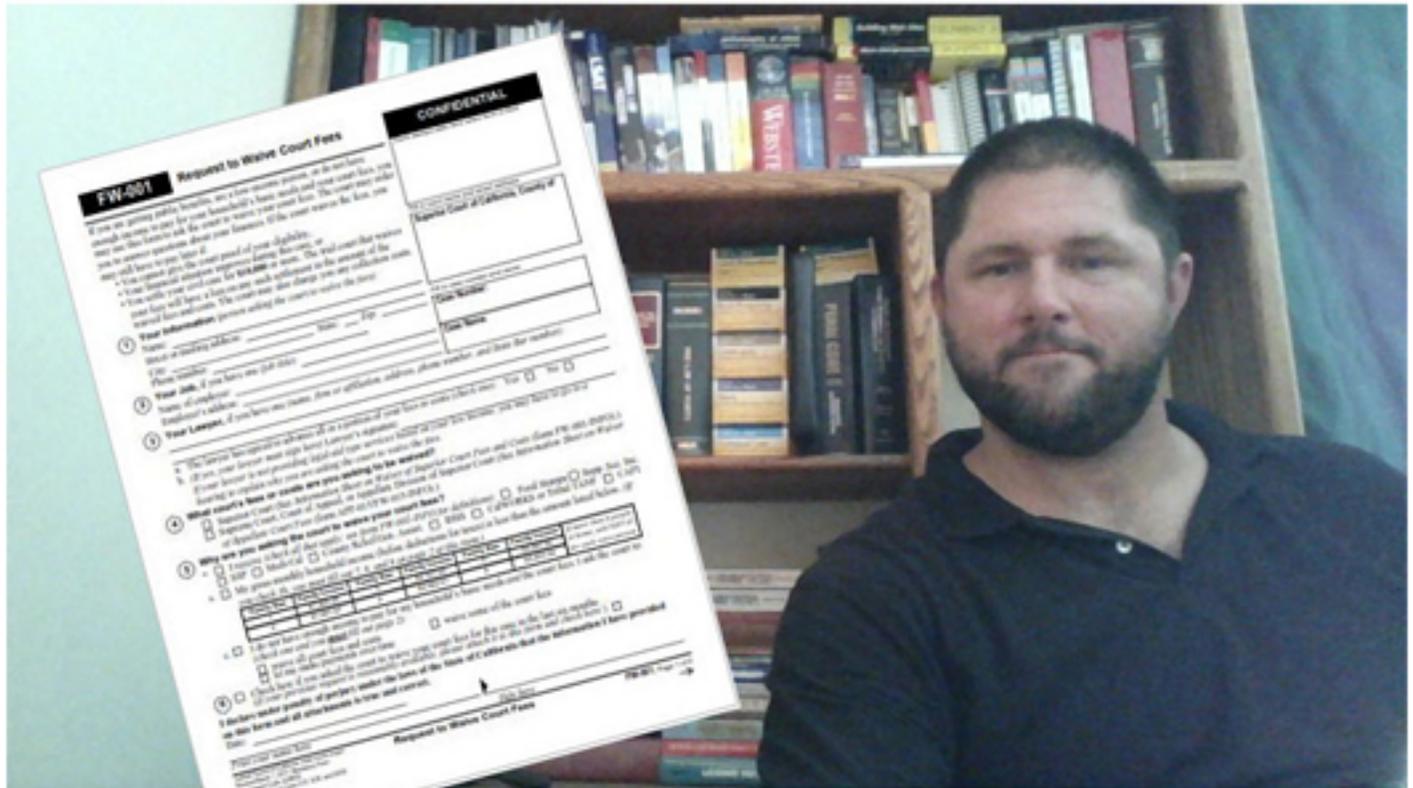
THANK YOU FOR VISITING THE SITE.  
THANK YOU FOR HELPING THE KIDS.

LEAVE A MESSAGE ABOUT SMALL CLAIMS OR ANYTHING ELSE AND I WILL WRITE BACK.

FILE YOUR CLAIM. THIS IS JUST AN INTAKE FORM. YOU CAN ELECT NOT TO FILE.

MEDIATION IS ALSO AN ALTERNATIVE TO FILING IN SMALL CLAIMS

# PLEASE SHARE THIS WITH ANYBODY YOU KNOW WHO IS UNDER THE POVERTY LINE!



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**FEE WAIVER (FW-01)**

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**MY NAME IS JAMES F. POLK  
I AM LA COUNTY IND. LDA REG. #2017038148  
I AM NOT AN ATORNEY, I AM A LEGAL DOCUMENT ASSISTANT  
I CANNOT GIVE LEGAL ADVICE. I CANNOT REPRESENT YOU IN  
A COURT OF LAW. I PROVIDE SELF-HELP SERVICES ONLY.**

# **How Small Claims Works in the State of California**

- An Informational Publication by James F. Polk  
LA County Ind. LDA Reg. # 2017038148

If you need more information, there are more resources on my website [www.SmallClaims.LA](http://www.SmallClaims.LA)

This publication is free to anybody who would like to read it. I only ask that you send me an email at [James@SmallClaims.LA](mailto:James@SmallClaims.LA) with your name and email so that I can send you my weekly newsletter with small claims and enforcement of judgment tips. I do not sell your information to anybody. If you do decide to avail yourself to my legal document assistant services, they are very fairly priced. If you find it hard to enforce your judgment, I also buy hard to enforce judgments at a discount and contingent on my ability to enforce the judgment. Thank you for your support.

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Free DIY Small Claims Information Publication

This publication is for informational purposes only and does not constitute legal advice.

My name is James F. Polk. I am LA County Individual LDA Registrant # 2017038148. I am not an attorney; I provide self-help services at the specific direction of my clients only and do not give legal advice. LDA with one county reg. are authorized in all of CA since the signing into law of AB 285 on October 1, 2015. Here at SmallClaims.LA we provide Legal Document Assistance with Small Claims Documents, Enforcement of Judgment Documents and Wage Garnishment Documents at the specific direction of our clients. We also purchase hard to enforce judgments.

I cannot give legal advice because I am not an attorney.

If you need legal advice, a monthly LegalShield Membership is approx. \$25 monthly, the prices go up every few of years by \$5. I am a LegalShield Independent Associate and you can purchase a membership from my LegalShield Hubsite: [www.LegalShield.com/hub/jamespolk](http://www.LegalShield.com/hub/jamespolk). You will be entitled to unlimited legal advice phone calls to your partner law firm. For a brief 14 minute video explanation of the different benefits of being a LegalShield and potentially also an IDShield Member, please go to [www.JamesPolk.US](http://www.JamesPolk.US).

This is a list of the most common California Small Claims and Enforcement of Judgment Forms. All required forms can be found at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) or just [www.courts.ca.gov](http://www.courts.ca.gov) under the Forms & Rules tab. I provide a link below to each form and a brief explanation of when to use each form along with notes when helpful. It is always recommendable that you go to Google or Yahoo or your favorite Internet Search Engine and search for "name of county in which you intend to file" along with "local county specific small claims court forms". This will reveal whether your County has any County specific forms.

### **Small Claims, Enforcement of Judgment, Wage Garnishment and Miscellaneous Forms in approximate chronological order of when they will become useful.**

\*there are many more forms than these, but these are the most common. The rest can be found at: <http://www.courts.ca.gov/forms.htm>

- [SC-100-INFO](#): This is a very brief **2 page explanation of how small claims works** in CA.
- [SC-100](#): **Plaintiff's Claim and Order to go to Small Claims Court**. Required for all initial Plaintiffs.
- [MC-031](#): **Attached Declaration**. Very versatile form, used in addition to the SC-100 to add a description of any pertinent events, elements of your claim, and also any witness statements.
- [SC-100A](#): **Other Plaintiffs or Defendants (Small Claims)**. One is required to be filed for each additional two Plaintiffs beyond the initial two. (ex. 5 plaintiffs requires an SC-100 and two additional SC-100A forms).
- [SC-101](#): **Attorney Fee Dispute (After Arbitration)** (Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court). For suing a former Attorney over a fee dispute.
- [SC-103](#): **Fictitious Business Name Statement Form** for Small Claims Plaintiff's who do business in the State of CA under a fictitious business name and wish to file a Small Claims Complaint regarding a business matter.
- [SC-104](#): **Proof of Personal Service (Small Claims)**
- [SC-104A](#): **Proof of Mailing (Substituted Service) (Small Claims)**
- [SC-104B](#): **What is "Proof of Service" (Small Claims)**
- [SC-104C](#): **How to Serve a Business or Public Entity (Small Claims)**
- [SC-120](#): **Defendant's Claim and ORDER to Go to Small Claims Court**. This form is to use if you as a Defendant want to sue the Plaintiff who is suing you.
- [SC-120A](#): **Other Plaintiffs or Defendants**. This form is attached to Form SC-120. One SC-120A is required for each 2 Plaintiffs or Defendants beyond the initial 2 for whom there is room on the initial SC-120.
- [SC-107](#): **SMALL CLAIMS SUBPOENA**. For personal appearance and production of documents and things at trial or hearing and declaration.
- [SC-109](#): **Authorization to Appear**. Filed to inform Court that you are authorized to appear on behalf of a Plaintiff or Defendant.
- [SC-200](#): **Notice of Entry of Judgment**. This form tells you the Court's Decision (Judgment) in your Small Claims Case. The date the Clerk hands or mails this form to you sets the deadlines for enforcement and appeals timelines.

- [SC-200-INFO](#): **What to Do After the Court Decides Your Small Claims Case.** Relatively self-explanatory. This form gives you the basics of Enforcement of Judgment.
- [SC-135](#): **Notice of Motion to Vacate Judgment and Declaration.** Either party can file within 30 days after the Notice of Entry of Judgment and Declaration (SC-200) is handed to them or mailed to them by the Court Clerk. If service of process was not completed properly before trial, the Defendant/Judgment Debtor has 180 days to file this form. If this request (SC-135) is denied, there is only a 10 day window from the receipt of notice of denial is mailed to file an SC-140 to appeal the judgment
- [SC-140](#): **Notice of Appeal** (Small Claims cases are appealed above the SC Court in the Superior Court).
- [EJ-001](#): **Abstract of Judgment - Civil and Small Claims:** This form is filed to put a lien on the Judgment Debtor's real property. Once filed at the Courthouse you then have to file the form at the County Recorder's Office in the County where you wish to place a lien on all property owned by the Judgment Debtor in that County. You may file in as many Counties as you want.
- [SC-145](#): **Request to Pay Judgment to Court.** Instead of paying a Judgment directly to a Creditor a Judgment Debtor can request to pay it to the court.
- [SC-220](#): **Request to Make Payments.** You can request that the Court grant you permission to make payments. The court decides whether to grant your request, not the Judgment Creditor.
- [EJ-165](#): **Financial Statement.** Must be filed concurrently along with the Request to Make Payments (SC-220).
- [SC-290](#): **Acknowledgement of Satisfaction of Judgment.** File this once you have been paid in the place of an Acknowledgement of Satisfaction of Judgment if no Abstract of Judgment (EJ-001) has not been filed.
- [EJ-100](#): **Acknowledgement of Satisfaction of Judgment.** File this once you have been paid if an Abstract of Judgment (EJ-001) has been filed.
- [EJ-190](#): **Application for and Renewal of Judgment.** Must be done before the Judgment expires. Judgments in California expire every 10 years.
- [EJ-195](#): The *Notice of Renewal of Judgment* must be personally served on the debtor or served by first-class mail.
- [SC-133](#): **Judgment Debtor's Statement of Assets.**
- [SC-134](#): **APPLICATION AND ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION.** You may file this form if a Judgment Debtor does not return the required SC-133.
- [EJ-125](#): **ORDER TO APPEAR FOR EXAMINATION.** You may file this form if a Judgment Debtor has returned the required SC-133.
- [EJ-130](#): **Writ of Execution/Possession/Sale.** One of the main Enforcement of Judgment Documents.
- [WG-001](#): **APPLICATION FOR EARNINGS WITHOLDING ORDER.** File to garnish a Judgment Debtor's wages.
- [FW-001](#): **Request to Waive Court Fees** (if you can show enough financial hardship)

## The Small Claims Process.

Before I talk about anything else, I need to make sure that I impress upon my readers the absolute requirement that a Small Claims Plaintiff first demand payment or equitable relief from the Small Claims Defendant before they sue in Small Claims Court. It is mandatory that you let somebody know that they owe you money or equitable relief before you sue them in Small Claims. It is the unauthorized practice of law for me to write a Demand Letter on your behalf because I am not an attorney. As part of a LegalShield Membership, your Attorney at your Partner Law Firm will write you a Demand Letter. They will also advise you on any issues which might make it appropriate to sue in Limited Civil Court, or even Unlimited Civil Court. There are quite a few reasons why it is a good thing to talk with an Attorney before filing a Small Claims Lawsuit against another person.

A LegalShield Membership costs a small amount each month, around \$25. It is a very helpful membership which provides a whole stack of benefits including but not limited to: unlimited number of legal advice phone calls with an Attorney from your Partner Law Firm, phone calls and letters written by an Attorney at your request, unlimited number of contracts and documents up to 15 pages reviewed by an Attorney, creation of and updating of a will, 60 hours every year of court time if you are sued, your immediate family is covered too with a family plan. Your LegalShield Partner Law Firm can also help you enforce a judgment once you win in court. 80% of Small Claims judgments go unenforced because it is not the job of the court, a judgment creditor must enforce their own judgment and most people are not able to. LegalShield will help you and will drastically increase the odds of you getting paid. For a 14 minute video presentation of the benefits of a LegalShield and an IDShield Membership, please check out my personal LegalShield site [www.JamesPolk.US](http://www.JamesPolk.US), you can purchase a membership through this site and also through [www.LegalShield.com/hub/jamespolk](http://www.LegalShield.com/hub/jamespolk). Thank you and please feel free to share this PDF with anybody you know who might want to file a Small Claims Complaint in the State of California.

**The rest of this document is all free information on how to file your own Small Claims forms.** The purpose of this article is to familiarize you with the Small Claims Court process in the State of California. In addition to the Small Claims Court process, this article will contain information on mediation which can save you time, money, preserve relationships and keep you from having to go through trial. Many different types of disputes can be resolved in Small Claims Court. Whatever the dispute, the damages sought or the value of the equitable remedy sought can amount to no more than \$10,000 for an individual and \$5,000 for a business.

It may seem curious that we have information on how to do your whole small claims document process by yourself, but this is the only honest way for me to know that I have fully educated my clients on what it is that we help them with. The small claims process can be done completely on one's own with a few trips to the courthouse for some help.

## Before your Day in Court

For example, you can have a small claims case regarding a disagreement over payment for services rendered, property damage or rental deposits. Small claims court is not as formal as limited civil and unlimited civil; it is less time consuming and less expensive than regular civil court as well. Parties to a small claims action cannot be represented by attorneys unless they are at the appeals stage of a case. Attorney representation in court is allowed at the appellate level because small claims appeals are held in civil court and not in small claims court. Arguments on appeals tend to be more sophisticated and therefore attorneys are allowed. It is allowable at all stages of a small claims case, however, to consult with an attorney for advice and for document preparation. Legal document assistants are also available to help with document preparation, but not with advice.

In the initial small claims hearing the participants, both the plaintiff and the defendant speak with the judge directly. A common mistake that people make is to treat the conversation with the judge like a trip to the principal's office. The best thing to do is to be very respectful, and very matter of fact. The Judge will ask questions to clarify how the complaint is written and to clarify the meaning of any evidence presented. Do not interrupt the Judge and make sure to call the Judge "Your Honor". Do not talk to or argue directly with the other participant. Simply explain your case and have evidence and witnesses as proof to support your argument. The Judge will rule on the facts as presented. This is called applying the law to the fact pattern. The nice thing about small claims court is that the standard of evidence admitted is less formal. You still must maintain complete professionalism. Again, this is not a trip to the principal's, don't start with a long tale of all the past conflict with a person. Stick to the facts and to answering the questions the Judge asks. You will be glad you did.

This article is written to give you a summary of the small claims filing process and things to think about when you go to court. In every county, there is a Small Claims Legal Advisor, which is a service put together by the local court system to assist the self-represented small claims litigant. Once you read this article you will have a basic handle on what is involved in the small claims process and can make the choice as to whether you want to do the form selection, completion, filing and service of process on your own. **Many people are glad to know the process and though it is relatively simple still opt to use our service because they, like most people, are busy and only have a half an hour or so after work to spend online completing their small claims interview.**

Another purpose of this article is to give our clients information on mediation. Mediation is often a very good choice for people who care to preserve the relationship they have always had with the person, people or business with whom they are temporarily at odds with about a relatively minor amount of money. In mediation, rather than have a judge decide your case, both parties sit down with a mediator who can help you come to a compromise. Mediation is not binding; mediation is a last attempt to stay out of court and to come up with a compromise with which both people can agree. If you do come to an agreement, you can file a request for dismissal (CIV-110). This can be done with or without prejudice. Without Prejudice leaves it open for you to initiate another claim should the person with whom you came to an agreement end up breaching the new settlement agreement contract which you formed as the basis for the dismissal.

**Now let's look at what a small claims case timeline is like. Now that you have decided that you want to file a case, you need to begin filling out the required forms.** Every small claims case starts with the filing of an SC-100 form (Plaintiff's Claim and ORDER to go to Small Claims Court). This sets the case in motion. The next way a small claims case starts is after the initial filing of the Plaintiff's Claim, there can be filed an SC-120 form (Defendant's Claim and ORDER to go to Small Claims Court). The Defendant's Claim may or may not have to do with the exact situation that gave rise to the Plaintiff's Claim. If it does have to do with the exact situation that gave rise to the Plaintiff's Claim, then it can and probably should be held at the same time. If it is about something different, it doesn't have to be held at the same time. Many people get into situations where both parties have grievances because of a pattern of situations, and each side only sees the wrong the other side has done. It is not always possible for both parties to just let things go and see the wrongs as having canceled out, so the defendant's claim about a different situation is facilitated using the SC-120. The SC-100 and SC-120 are exactly parallel to the complaint and cross-complaint or countersuit in limited civil or unlimited civil actions.

A brief note here is in order. There are 4 types of equitable remedy available to the small claims litigant in the state of California. They are: Rescission, Reformation, Restitution and Specific Performance. If seeking one of these 4 types of equitable remedy, make sure that the value of the remedy does not exceed \$10,000 for an individual and \$5000 if you are suing as a business.

Now once you have decided you want to file a Plaintiff's Claim (SC-100) or a Defendant's Claim (SC-120) you have to fill out the forms and file them with the Court Clerk in the County where you are suing and also pay the filing fee. The Filing fee in Los Angeles County is \$30 for a claim up to \$1,500, \$50 for a claim above \$1,500 and up to \$5,000 and \$75 for a claim above \$5,000 and up to \$10,000. If you are filing your 13th small claim during the calendar year or beyond your 13th, each small claim beyond the initial 12 small claims incurs a court filing fee of \$100. Also, the court will only allow you to file 2 small claims for above \$2,500 in one calendar year. If you are attempting to file a claim for \$5000 and you have already filed 2 other claims for \$5000 during this calendar year, your only option for small claims is to cut your claim to under \$2500. Other than that, your recourse will be to file a limited civil claim in the civil court rather than use the small claims court. You can also apply to the court for a fee waiver. The small claims court fee waiver is the same as any other fee waiver FW-001. The California Courts Self-Help has a great page on fee waivers. <http://www.courts.ca.gov/selfhelp-feewaiver.htm>.

After filing and before your court hearing you have to perform what is called "service". This means you have to properly let the person you are suing know that you are suing them, why, and where as well as when the court hearing date and time are. There are 3 main routes to proper "service of process" in a small claims case. They are: Hiring a Process Server, having the court provide service of process via certified mail and an adult 18 years old or older who is not a party to the case serve process. No matter which way you choose, you must provide proof of service to the court prior to 10 days before trial. This is done using an SC-104 form. If you do not properly serve the other side as required by law, the judge will not hear your case and your

hearing will be postponed or canceled. Service can also be: personal service, by substitution, by mail, or by publication. By publication is a last resort if no other method can be used and should only be used as such.

A Process Server costs around \$65 and is the most effective way to ensure proper service. You must make sure you give your process server the correct address of the individual or business being served. If you know the person you need to serve, I mean really know them (like a neighbor or somebody like that), you can have another adult 18 years or older simply go to their house or apartment when you know they will be there with a copy of everything you have filed, hand it to them, say, “you’ve been served” and walk away. That person needs to then fill out an SC-104 and you must return it to the court clerk. Be sure to allow enough time for *service of process*. If possible, give yourself at least six weeks for the process of service (i.e., get a court date at least six weeks out). Someone must give each defendant a true copy of the Plaintiff’s Claim Form (Form SC-100) at least 15 days before the hearing date if the defendant lives in the county in which the claim is filed, or at least 20 days before the hearing date if the defendant lives outside the county in which the claim is filed. If the service was substituted service, add 10 days to each of the two time requirements listed above.

Because service is complicated and must be done properly, it is best to hire a Process Server. One pitfall of service by Court Clerk via certified mail is that if nobody signs, service must be done again and you will be out your \$15. Some people just don’t sign for things that come from court. They are like ostriches with their heads in the sand, hoping that things will go away. In this case, if you do not find another proper method of serving process, the small claims case will temporarily go away. This also happens if you provide the wrong address for the defendant. With a Process Server, it is also possible to not have the correct address at first, and this will cause an issue, but you will become aware of the issue in a much timelier manner. The Process Server will inform you that you gave them the wrong address. Usually they will suggest that you pay a small fee for skip tracing (which means they will find the correct address for you) and then you will have to pay another service of process fee. I know you don’t want to spend more money, but an extra \$100 of skip tracing and a second address attempt is better than no court hearing at all.

## On the Day of Court

Once you serve your claim, it is time to prepare for your court hearing. **If you have elected to pay the \$300 to use our form for document completion, this is really the only thing you have to do besides show up.** Small claims court hearings are very brief. They usually last between 5 to 10 minutes. It is therefore necessary to be organized. It will be required of you to present your information in a succinct manner in order to convince the judge of the merit of your case. Don’t get sidetracked, this is the only opportunity you will have to explain your side of the issue to the judge. It is important to understand the law in your case. Make sure to prepare your evidence: bring photographs, bills, receipts and contracts. Talk to any witnesses and make sure they will come to the hearing.

Usually witnesses are not required and the only necessary evidence is already in yours and the other party’s possession. When it is required to bring a witness or witness statements, things

become a little more complicated. If the witness supports your version of the event, and is likely to be the only person to have first-hand knowledge of the event, you should make a special effort to make sure the witness is able to attend the hearing. If a witness cannot attend the hearing, it is possible to have them sign a statement, which is called a “declaration”. It is a good idea to get the “declaration” notarized, and is a must if the person lives out of the state of California. This declaration can then be submitted to the court. You want the statement to include everything the witness wants to tell a judge about the event in support of your claim or defense. At the end of the statement, the witness should write, “I declare under penalty of perjury under the laws of the State of California that the above is true and correct., and that this declaration was signed on [date] at [location]—e.g., Los Angeles, California.” The witness should then date and sign the statement, and write his or her city and telephone number at the time of signing.

If the witness isn’t living in California, the statement should be signed before a notary public. The witness should also include a telephone number (and perhaps an e-mail address) in case the judge needs to contact the witness. The judge is not always required by law to accept a written “declaration” from a witness, notarized or not. This is why it is always a good idea to have witnesses show up in person the day of the hearing if at all possible. Some, but not all, Small Claims Judges will allow a witness, especially one who lives a long distance from court, or who will not be available for the hearing, to testify by telephone. Ask your Small Claims Clerk if your Judge will allow it. A best practice is to present the court with an explanation letter from the witness as to why the witness cannot appear at the hearing.

Always talk to a witness before the hearing. The witness may not see or interpret the facts in the same way that you do, or may have forgotten the key points. Also, if the witness is hostile to you, he or she may do you more harm than good.

If your case involves a technical issue, such as the reason that a car or TV isn’t operating properly, you may need to consult an expert. You can arrange for the expert to attend the hearing as a witness, or you can ask the expert to prepare and sign a written statement (declaration), as described above. The judge also can appoint or consult with an expert. You probably won’t be reimbursed for expert witness fees, but you still might want to hire an expert at your own expense.

If your witness won’t voluntarily come to court or won’t provide some documents you need to present your case, you can subpoena the witness. At your request, the small claims court will issue a Small Claims Subpoena for [Small Claims Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration](#) (Form SC-107)—a court order that requires the person named in the order and served with a copy of it to come to court to testify as a witnesses.

**Go to a small claims court hearing beforehand so that you will know what to expect.** During the hearing, the judge listens to both sides, reviews the evidence, and asks questions. The judge will base his or her decision on the law, which limits what he or she can order. The judge may make a decision at your hearing, or mail it to you later. This can take up to a month or sometimes even longer.

If you are not completely comfortable speaking and understanding English, bring a qualified interpreter. The court will probably not be able to provide one for you, and you want to make sure you understand everything that is said and that you can be understood.

The defendant can file an appeal within 30 days after the judge's decision is handed out or mailed. If the defendant does not file a valid appeal within that time, the judge's decision becomes final. The plaintiff cannot appeal the decision on his or her own claim, but can appeal the decision on a claim filed by the defendant. If there is an appeal filed, you have to present your case again. This time, you are allowed to bring a lawyer to represent you if you want. Appeals are held in the Civil Court rather than in Small Claims Court.

If you are the plaintiff and you won the case, the defendant might not pay you voluntarily. The court cannot collect the money for you, so the burden is on you to enforce your judgment. Efforts to collect your judgment can take time and money and can be frustrating. If you lose the case, you may have to pay the other side's costs on top of what you owe. Also, the court judgment against you could hurt your credit.

## **Small Claims Court Advisor Services**

Free assistance is available to help you with your Small Claims case. All courts in California have a small claims advisor or self-help center. Advisors can cover the information provided in this video in greater detail and can help you explore whether mediation may be a good option for you. Advisors can also help you to find a mediator. You can find about the small claims advisory services in your county by asking your local court or law library, or by visiting: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)

On this website, you can get more detailed information about small claims cases. You can get help writing a letter to the person who owes you money, receive assistance filling out the small claims forms, and find links and information to your local court.

**Thank you for reading my booklet on Small Claims in California. The Next Page is My Booklet on Enforcement of Judgment in California.**

**If you have any questions or want me to provide you with Small Claims or any type of Legal Document Assistance, my email is: [James@SmallClaims.LA](mailto:James@SmallClaims.LA)**

# **How Enforcement of Judgment Works in the State of California**

- An Informational Publication by James F. Polk  
LA County Ind. LDA Reg. # 2017038148

If you need more information, there are more resources on my website [www.SmallClaims.LA](http://www.SmallClaims.LA)

This publication is free to anybody who would like to read it. I only ask that you send me an email at [James@SmallClaims.LA](mailto:James@SmallClaims.LA) with your name and email so that I can send you my weekly newsletter with small claims and enforcement of judgment tips. I do not sell your information to anybody. If you do decide to avail yourself to my legal document assistant services, they are very fairly priced. If you find it hard to enforce your judgment, I also buy hard to enforce judgments at a discount and contingent on my ability to enforce the judgment. Thank you for your support.

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Free DIY Small Claims Information Publication

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My name is James F. Polk. I am LA County Individual LDA Registrant # 2017038148. I am not an attorney; I provide self-help services at the specific direction of my clients only and do not give legal advice. LDA with one county reg. are authorized in all of CA since the signing into law of AB 285 on October 1, 2015. Here at SmallClaims.LA we provide Legal Document Assistance with Small Claims Documents, Enforcement of Judgment Documents and Wage Garnishment Documents at the specific direction of our clients. We also purchase hard to enforce judgments.

I cannot give legal advice because I am not an attorney.

If you need legal advice, a monthly LegalShield Membership is approx. \$25 monthly, the prices go up every few of years by \$5. I am a LegalShield Independent Associate and you can purchase a membership from my LegalShield Hubsite: [www.LegalShield.com/hub/jamespolk](http://www.LegalShield.com/hub/jamespolk). You will be entitled to unlimited legal advice phone calls to your partner law firm. For a brief 14 minute video explanation of the different benefits of being a LegalShield and potentially also an IDShield Member, please go to [www.JamesPolk.US](http://www.JamesPolk.US).

# General Information on How Enforcement of Judgment Works.

Before I get into the meat of explaining how Enforcement of Judgment works, let me first mention that LegalShield offers a Family Membership for \$35 a month and \$25 every month after which provides its members with a whole stack of benefits, inclusive of but not limited to advising on how best to approach enforcing your specific judgment as a judgment creditor. 80% of all Small Claims Judgments go unenforced because it is the responsibility of the judgment creditor to enforce the judgment that the court gives them, not the court itself. This article will help you, but it is still advisable to speak with an Attorney. Only an Attorney can give legal advice, and with a LegalShield Membership, you are entitled to unlimited number of legal advice phone calls with your Partner Law Firm as a part of your Membership. You are also entitled to a 25% preferred member discount off of hiring your Partner Law Firm to represent you in an Enforcement of Judgment Situation if it becomes too difficult to enforce your own judgment. You can see an overview of LegalShield and IDShield at my personal LegalShield Associate Website [www.JamesPolk.US](http://www.JamesPolk.US). You can purchase a membership there or at [www.LegalShield.com/hub/jamespolk](http://www.LegalShield.com/hub/jamespolk). Thanks, and please feel free to share this booklet with anybody you know who has a judgment in the state of California.

It may seem curious that we have information on how to do your whole enforcement of judgment document process by yourself, but this is the only honest way for me to know that I have fully educated my clients on what it is that we help them with. The enforcement of judgment process can be done completely on one's own with a few trips to the courthouse for some help. Our document completion is around \$25-\$100 per enforcement of Judgment Item+ court filing fees + chosen method of service. My fee is not much for all the time that it helps you save.

## **The purpose of this article is to familiarize you with the Enforcement of Judgment process in the State of California.**

The following is a narrative explanation of the enforcement of judgment processes available to you. Most of this and more can be found on the California Court's Self-Help website <http://www.courts.ca.gov/1014.htm>. The Court will not enforce your judgment for you! You must follow legal procedures to enforce the judgment you have been awarded by the court. 80% of judgments go unenforced because most people are completely unaware of this simple fact. This is an introductory presentation of the basics of Enforcement of Judgment. By reading this you are on your way to being better off than 80% of the plaintiffs out there who have won their small claims or civil court case. Don't be daunted. This presentation will cover the basics which are oftentimes all one needs to enforce their judgment.

First off, what do I mean by enforce your judgment? For one thing, most of the California Judicial Council Forms used are labeled EJ, which stands for Enforcement of Judgment. The other set of Judicial Council Forms used in enforcement of judgment are WG which stands for Wage Garnishment. EJ and WG, these forms are going to be the forms you use to force your judgment debtor to hand over the money they rightfully owe you.

The first thing you must do to enforce your judgment is to locate your debtor. Since you have probably just received a judgment against this person, you probably have a decent address to at least use as a starting point in locating your judgment debtor. It could be the case that you have just received a judgment by default (defendant did not show up and the judge awarded you a default judgment), or that you have an older judgment and are only now beginning the enforcement of judgment process. Either way, you need to locate your debtor and research your debtor's assets. Sometimes in a default judgment it was not possible to personally serve the defendant and substituted service or service by publication was completed. Most of the time with a default judgment, people are served properly with personal or substituted service and they just elected not to show up because they simply had nothing to say in their defense. What this means is that you probably have a good address and can easily locate the judgment debtor's address.

Sometimes the judgment debtor is a business. This is usually much simpler. You can usually find a business's address on their website or in the phone book. If they are incorporated, you can find their information at the secretary of state's office in the state of their incorporation. If they are a local company or sole proprietor, they will oftentimes have a fictitious business name statement on file with the local County Clerk's Office.

If you do not have a good address from your service of process or from the recent timeframe of the awarded judgment, and you cannot find a good address from initial corporate and business searches, don't despair, skip tracing is the name of this stage of the game. Think of what you know about the judgment debtor. Do you know any of the same people that they know? Friends or family? Do you know any of the businesses other customers or business associates? This is a good way to start your search, but be careful because there are regulations regarding contacting people about debtors under the Fair Debt Collections Practices Act. You are not allowed to mention the debt, only that you are attempting to locate the individual. A sample phone script is as follows: "Hello, I am looking for so and so, I know that you used to live near them, do you happen to know where they moved or did they leave a forwarding address". Lots of times people leave a trail of disgruntled former friends and business acquaintances in their wake and you can easily find information. Just don't mention the debt, don't try to bend the rules here. You don't want to effectively lose the economic advantage and leverage you were just given by a judge by violating the Fair Debt Collection Practices Act and becoming liable.

If you want to play it safe, you can hire a skip tracer or a private investigator to find the person and their assets. Another option is selling your judgment on the secondary market. There are many investors who invest in civil judgments. I will buy a judgment on a contingent basis for a 50% discount. When I enforce any part of the judgment, I pay out half after expenses until the entire judgment is satisfied. Before you do that though, keep reading and at least attempt to enforce the judgment on your own. I am by trade a Legal Document Assistant and what I do is charge a small fee to help complete and properly file and coordinate service of process of first small claims legal documents and then enforcement of judgment and wage garnishment legal documents. I only provide legal document assistance in the state of California, but I can buy judgments in all 50 states and federally. Small Claims is my focus however and my passion is helping people obtain the maximum amount of their awarded judgments as possible. I do judgment investing after everything else. My clients come first.

Enough of me talking about my business practices though, let's get to the meat of how enforcement of judgment works.

There are a ton of different subscription location services all over the internet. You can google people locator or locator service or any set of different keywords having to do with location services or find people, etc. These services can help in locating people. There are books on the internet all about skip tracing. Many people who have taken an active interest in the small claims process and want to learn a little about legal processes and enforcement of judgment like the research, it is interesting. Use whichever method you like best. Some of the location services on the internet will list family and former neighbors. Don't forget the phone book and yellowpages.com and whitepages.com. Some people have listed landlines these days still and not just cellphones. It's amazing.

Another thing is the public information available through a public social media profile. Don't send friend requests on Facebook or any of the equivalent on any other social media platforms. Not only can it get you into legal trouble, but it's just bad juju, kind of a karmic thing, an abuse of the natural laws of hospitality and friendship. The information that people make public can give you a good idea of a person's whereabouts.

If you happen to still be a friend on a person's social media that information is fair game as well. This brings up a side note, if you want to preserve a relationship with somebody who for whatever reason you have been friends with, but got into a legal dispute with and with whom you were not able to settle out of court, you can accept reasonable payments and your friend can even pay the court the payments rather than you directly. This type of thing can take the sting out of the adversarial proceedings. More about that a little later.

If somebody is completely impossible to find using different self-help skip tracing methods, hiring a professional skip tracer and/or a professional private investigator, then you probably also have a judgment debtor who has no assets to seize and you are probably at the end of your search for a little while at least. You never know what the future might hold. Every person who is at the bottom of their finances and going through the most poverty in their life might turn their lives around within the next 5 years and begin making money again. It is good to wait a few years and make sure you renew the judgment before it expires just in case. Sometimes judgment debtors die, sometimes they file bankruptcy. Neither of these are necessarily complete bars. There is a probate process and a process of filing creditor's claims and, as I am going to go over, once you locate somebody you can file liens on their real property and on their unencumbered personal property, levy their bank accounts, garnish their wages, seize their personal property, the list goes on.

## **Determining the amount owed**

Now to calculate the amount that a judgment debtor owes you. Of course, you know the amount of the initial judgment, but did you know that you are also owed interest as well as your collection costs? You see the spirit of the law is to restore an offended person to their original unharmed state. You have been damaged if you have been awarded damages and you are owed

your interest as well as the cost of enforcing your judgment. Don't forget that, this is a balancing of a cosmic equation as well as an equation of mankind, men have simply uncovered it. That's how our common-law system works, the law is uncovered. Don't feel bad about enforcing your judgment, your judgment interest and your judgment collection costs. If you don't do it nobody else is going to do it for you.

Interest accrues from the date of judgment at 10% simple interest. What that means is that you take the judgment amount, multiply it by .1, divide that number by 365 and then multiply by the number of days since the judgment was awarded. Simple equation:  $((\text{Judgment} \times .1) / 365) \times (\text{number of days since judgment})$ . To that you add your collection costs. If it happens to be time to renew your judgment, the judgment amount is recast as to the interest not yet paid. Interest then accrues at a 10% simple interest rate based on the new amount. One little silver lining behind the storm cloud of not being paid your money. If you happen to be reading this in the context of considering enforcing a family law judgment, take note, your family law judgment does not ever expire, so you must elect to renew to recast the unpaid interest into the new judgment amount. The renewal forms are EJ-190 and EJ-195. Usually this is a very beneficial gem that some women are not aware of. From time to time there are men collecting family law judgments too. Don't be sexist, it is a two-way street.

With respect to recasting the judgment amount, if your judgment debtor has paid any of the judgment debt, this must be properly taken into consideration when calculating the new judgment debt upon renewal. I suggest using the little judgment calculator website page that the San Diego Court system has created. It calculates the judgment and any interest and any payments made. The address is <http://ijcalc.sdcourt.ca.gov/Default.aspx>. The manual way though requires you to recast the judgment amount with interest on the original principal amount only up to the date of the payment that was made. Then the principal amount is reduced by the amount paid. A more thorough explanation is contained on the San Diego Court small claims self-help website, <http://ijcalc.sdcourt.ca.gov/JCalcUserGuide.pdf>. Make sure once you have calculated the interest and payments and costs that you update the court with a memorandum of costs after judgment, (MC -012). This will include all the costs of your attempts to collect your money and enforce your judgment.

Before you begin enforcement of judgment procedures it is necessary to form a basic picture of what assets your judgment debtor has for you to collect against. The first type of thing to look for is real estate. Does your judgment debtor own the house they live in? Do they have any rental property or any investment property? The easiest way to start your search is to look online at the County Clerk/Recorder/Assessor website in the county in which the judgment debtor resides. Every county, borough, or parish in the nation has an equivalent to the county clerk/recorder/assessor. Many counties have what is called a property information management system, or PIMS. A quick google search will give you a starting point. Look for property information management systems in google and type in .gov. Most government websites are .gov, some are .org.

The County Recorder records all kinds of documents including deeds and recorded judgments. The local county court house also has a register of action. Usually the county PIMS and the Recorder's office and the court house register of action can go back several decades. Usually you can search by a person's name. These searches can help you find other judgments and properties which also will give you addresses to search nearby for old

neighbors. The recorder's office will have a grantor grantee index. This is a very helpful tool.

If you locate a property which is currently owned by your judgment debtor, you can file what is called an Abstract of Judgment in the county of the property. An abstract of Judgment creates a lien on all real property in that county owned by your judgment debtor. It is required that you file an Abstract of Judgment in each different county where you discover that your judgment debtor owns property. You can use any map data from this search with google maps based on the streets that go through the plat maps and find specific addresses. Lots of times the maps you find will only have accessor's parcel numbers. The recorder and the assessor will yield different types of maps and data potentially. You can cross reference any data from either on the other's search sites.

Another thing that a recorder's search will yield is, as already mentioned, other recorded judgments which means other judgment creditors. One thing you can do is subpoena a business record from another judgment creditor. This can yield credit applications, last payments, last addresses. This can also yield checks sent to other judgment creditors. This will reveal where they bank for a bank levy. This is not only limited to judgment creditors; this subpoena process can be used for regular creditors. Because of your status as a judgment creditor, you have access to your judgment debtor's social security number and the right to pull a credit report to find your judgment debtor's other creditors. The downside of this type of subpoena tactic is that it will put your judgment debtor on notice that you are looking into their assets. People can shuffle bank accounts and sometimes even change jobs and living arrangements to avoid paying judgments. It is also possible for a judgment debtor to file a motion to quash the business subpoena.

Another useful tactic using credit applications is being able to find where somebody works. These days so many people have internet presences that it is possible to locate their place of employment by a simple google or yahoo search of their name, or even of a phone number you have of them. Most people have a harder time changing jobs than they have changing addresses or bank accounts. It is not unheard of, but it is much less likely. I happen to have a friend who won a judgment against a judgment debtor who kept changing jobs each time their paycheck was garnished using wage garnishment procedures. I think the judgment debtor had so much debt that they ended up working bottom of the totem pole jobs that they could switch easily because each wage garnishment was so financially painful that it was more beneficial to do so. Not the norm, my friend just had that type of luck.

If you do decide to subpoena the business records of another judgment creditor or a regular creditor you have found during your search for assets, a note of caution. Make sure your attorney does not have themselves or any of their staff as the deposition officer on the subpoena. This will open your records subpoena up to a motion to quash. Attorneys are supposed to know this, but sometimes they just overlook it. You have to designate a neutral and not a party to the case, counsel to a party of the case or counsel's staff. Just ask your attorney to make sure to designate an appropriate neutral deposition officer. A registered photocopier or legal photocopier service usually has deposition officer services, use one of these.

One of the traditional ways of discovering assets is to petition the court to order a debtor's examination. It is possible that your judgment debtor will simply choose to not show up. This leaves you with another option, a body attachment, i.e. petition the court for an arrest warrant. That's usually harder ball than most judgment creditors want to play. Civil contempt

is the reason for the arrest and therefore it is not a debtor's prison situation. Keep it in the back of your mind for the time being. You most likely will have better success using other methods.

Let's assume that your judgment debtor shows up, which they probably will. You should have a series of questions prepared for your judgment debtor to answer. The great thing about a debtor's examination is that the judgment debtor must answer the questions you ask under penalty of perjury. You can ask about every conceivable type of asset. Anything that the debtor might have for you to collect against. If their answers turn out to be false, you can bring them back in for a second court ordered debtor's examination. The form you want to file for a judgment debtor's examination is AT-138 also called EJ-125 application and order for appearance and examination. You can google the judicial council form name or document number and file it yourself, or I can help you.

Generally, the court does not want to drag a judgment debtor into court any more often than potentially every 120 days. There is a section on the AT-138/EJ-125 that has a box to check if the judgment debtor has been examined within the last 120 days. The section asks you to provide good cause for why you are requesting to examine the judgment debtor again within 120 days of the last examination. The most common reason is false statement made during the last judgment debtor's examination. Simply state your cause. It can be anything the judgment debtor did to make enforcing the judgment impossible. Use MC-031 attached declaration for this. Make sure to reference the AT-138 on the MC-031 since this type of declaration form is always attached to a primary judicial council form.

The day of the debtor's examination, you check into the department where the examination is to occur at the court house. The debtor is sworn in and so is therefore answering your questions under penalty of perjury. You can bring a turnover order with you and attempt to have the presiding judge sign it so that you can examine the contents of the judgment debtor's wallet. It depends on what type of mood the judge is in as to whether they will sign the order or not. Some people end up having cash on them that you can take on the scene. Some people have items of information in their wallets. You never know. If you show up prepared with a turnover order with a few blanks to fill in before asking the judge to sign, you might just get lucky.

Sometimes at a debtor's examination the debtor will refuse to answer questions about cash on hand. If this happens, say something along these lines to the judge, "your honor, I have asked the judgment debtor to disclose the cash content of their wallet. The judgment debtor has refused, and the laws of our state require compliance with my questioning and for the judgment debtor to disclose the contents of their wallet, so will the court please sign this turnover order?" There is no judicial council form of a turnover order, so you need to do some searching online or have an attorney prepare a blank turnover order for you. Show up with one ready. Taking the cash somebody has on them at a judgment debtor's examination makes a big impression and will probably induce the judgment debtor to be more compliant in the future. Oftentimes judgment debtors will readily enter installment payment agreements with you at this point.

A word of caution about debtor's examinations. You will be asking a judgment debtor a plethora of questions about personal and sensitive financial information. You will have just asked about their savings, their checking, any investment accounts, their place of employment,

cars, boats, houses, land, jewelry, you may have just taken the contents of their wallets. You must act swiftly after the judgment debtor's examination and petition a court for a writ of execution EJ-130 and levy on their bank accounts before they withdraw their funds and place them in another bank. This is the most common judgment debtor tactic after a debtor's examination. Put yourself in their shoes, wouldn't this tactic come to mind if somebody was about to go to your bank with a court order and have the sheriff levy your funds? The thing to do when applying for an AT-138/EJ-125 is to simultaneously file an EJ-130 so you have a writ of execution ready right after the debtor's examination.

If the person lives within 150 miles of a courthouse, you can choose that courthouse for the debtor's examination. Some people like to choose the courthouse furthest away from the judgment debtor, some like to choose the courthouse closest to the judgment debtor. It is up to you. Sometimes it makes a bigger impression if a debtor must drive a great distance. Sometimes you just want to make it easy for the debtor to show up. This is a matter of preference.

Some people go dumpster diving to find information about their judgment debtors. Different municipalities have different ordinance about whether trash at the curb is accessible legally by the public. Call the local police or sheriff about this tactic if you want to potentially use it to read discarded mail. They will tell you if it is lawful or not.

Now that you have located your judgment debtor's whereabouts and also their assets, it is time to choose the methods of enforcing your judgment. The two most common tools for enforcement of judgment are the abstract of judgment and the writ of execution. The next two most common tools for enforcement of judgment are the bank levy and wage garnishment. You can also attach real and personal property. The writ of execution EJ-130 is the most versatile. The abstract of judgment is used in one county at a time to create a lien on all real property in that county owned by the judgment debtor.

Let's look at the writ of execution. The writ of execution is going to be required when levying bank accounts, garnishing wages, executing till taps and keepers and other enforcement techniques as well. Anytime you have the sheriff involved in the enforcement process, the EJ-130 writ of execution will be necessary. The form is simple and straightforward. Identify who you are, who the plaintiff is who the defendant is and what type of case it is and the case number. Then you indicate which county the judgment is being enforced in.

Each writ of execution is good for only one county. You can issue as many as you need for the number of counties where enforcement of judgment techniques will be used. They are good for 6 months. Be careful not to over-collect due to issuance in several counties. You must enter all the information asked for about the judgment. If your costs of collection are under \$100 at this point you can add them on the writ of execution. Interest again is calculated by multiplying the judgment amount by .1, dividing by 365 and then multiplying by the number of days since the judgment was issued. The signature line is for the Court Clerk.

The EJ-130 expires every six months. That means you must file a new one. With the wage garnishment, you start using the EJ-130 and the appropriate WG forms, it begins and keeps going until the judgment is satisfied, the person changes jobs, or they somehow petition to have

the wage garnishment stopped. You do not have to file a new wage garnishment form, and you especially do not need a new EJ-130. The EJ-130 only needs to be renewed if you want a levying officer to do anything new which normally requires an EJ-130 and your current EJ-130 has expired.

With most judgment debtors wage garnishment is the best, most likely way for you to enforce your judgment. Most people need their jobs to survive and are not very likely to switch jobs just because you have garnished their wages. The application for earnings withholding order (wage garnishment) is WG-001. The application for earnings withholding order is straightforward. It requires your name as the plaintiff, the defendant's information, the case number, judgment amount and date, levying officer information (Sheriff), and the employer's information. There is a separate form WG-035 Confidential Statement of Judgment Debtor's Social Security Number which functions as a confidential supplement to wage garnishment forms WG-001, 002, 004, 005, 009, 012, and 030. The clerk of the court is directed not to publish this form in any public court file. Make sure that this is the only place you have your judgment debtor's social security number written. Keep it in a safe place as it is not public record.

You must use the Sheriff in the county where the employer is, or where they are doing their payroll. The sheriff will take the WG-001, prepare the wage assignment order and send it to the employer. The employer then completes the employer's part, returns it, and then notifies the employee that their wages are going to be garnished. At this point the judgment debtor can file a claim of exemption. This again is done through the Sheriff's department who then notifies you. You have 10 days to respond to a claim of exemption to wage garnishment. If they do not file a claim of exemption, they are entitled to 75 percent of their check. This means that you as a judgment creditor are entitled to 25 percent of their check. If they do file a claim of exemption, they will state that the basis for the claim is to pay for the necessities of life. The judgment debtor then must fill out a financial statement which accompanies their claim of exemption.

When it comes to claims of exemption from a judgment debtor, a judgment creditor must go over every minute detail of the claim. They are attempting with a claim of exemption to claim that they cannot pay you because all their other expenses are too great. They are claiming that they do not have any money left over to pay you. It might be true if the person is just getting by. But look closely. Are they paying for entertainment and other non-judgment creditor debt? You take priority over their other creditors if they are non-judgment creditors, and you surely take priority over entertainment. Attack their claim of exemption at these points. You are entitled to preference and should be paid before a judgment creditor pays their charge cards. WG-009 is the notice of opposition to claim of exemption. You serve your WG-009 on the Sheriff, and do it immediately. Do it the day you receive notice of the claim of exemption. The timeline is short for these. You must set a court date to oppose the claim of exemption. Check with the local county court where the judgment debtor's employer is located. This can be tricky.

The next technique is the bank levy. This is done with a writ of execution ej-130 and a levy form from the local Sheriff where the bank is located. These can vary in form; you just have to contact the local sheriff. I have a process server who opens the file with the Sheriff. They work in all 58 counties in California, and in all 50 states. I have yet attempted to levy out of country bank accounts, but I know my process server can provide service of

process to defendants outside the country. You usually need to provide the Sheriff with the location of the branch where the account is and the last four of the judgment debtor's social security number as well as the last known address of the judgment debtor and the case number, amount of judgment and date of judgment. You don't need to know the account number, just the branch. The levy will hit any deposit accounts and other accounts opened in their name. You can hit safety deposit boxes too, but this is where people keep their passports and wedding rings, not to mention that it is a gamble and there might be an old movie ticket stub and a letter from somebody's grandfather. I'm writing this in the context of small claims and think that safety deposit boxes are a little too much, but it is your prerogative. Retirement accounts are oftentimes exempt as well.

There are also claims of exemption on bank levies. These don't have so much to do with the necessities of life, but with the origin of funds having been an exempt source. If you can see that all that has gone into their account is their paycheck that is deposited every 2 weeks for the last 60 days, then you are still going to be limited by the same 75% that limits wage garnishment. There's not any getting around that in general. You can try, but it is probably going to be a waste of your time. Along the same lines of reasoning is social security funds. Go through the deposits in the accounts and look at their claim of exemptions, if they match up, then you are limited to the wage garnishment amount. If you have done your debtor's examination and you have discovered that a judgment debtor is unemployed and receiving social security, then you are going to have no real recourse in a bank levy unless they have some other types of random deposits. The court will oftentimes exempt even large pensions. The principle of law is not necessities of life, but the fact that it is retirement. You can challenge pension and disability exemptions, but you are not very likely to win on that point. Go ahead and try if you want though.

More likely an avenue of enforcement of judgment are judgment liens on real property. You do this by recording an EJ-001 with the county recorder's office in the county where the real property is located. Complete all the appropriate boxes and blanks with the appropriate information. If you have a complex judgment you can check box 12b and attach a certified copy of the judgment. What you do is submit it to the court clerk, obtain a certified copy, and then record it with the county recorder. The abstract of judgment form is the same for civil and small claims. The abstract and the judgment are both good for 10 years from the date of the judgment. When you renew your judgment, you can renew the abstract. This will increase the judgment amount and therefore the lien amount created by the abstract of judgment. What a recorded abstract of judgment does is create a name lien in the county of recordation. The lien attaches to any real estate bought, sold or refinanced in that county. Mortgages are paid first and then judgment liens created through recorded abstracts of judgment. Homestead exemptions do not wipe out judgment liens. What a homestead exemption does is keeps a homestead from being forced to sale out from under a person by a judgment creditor.

We have gone over: debtor location, debtor examination and other asset searches, writs of execution, wage garnishment, bank levies, claims of exemption, opposition to claims of exemption, recorded abstracts of judgment creating judgment liens. Now we go to business assets. If your judgment debtor is a business owner, consider the till tap and the keeper. This is an order using the EJ-130 which requires the Sheriff to go to a business and watch the till and take any monies collected by the business during the period allotted. Many times, business proprietors will elect to pay a judgment to get the Sheriff off the premises because the presence of a Sheriff confiscating money looks bad to customers. You use an EJ-130 and a

request form from the local Sheriff to do these. With a keeper, you can instruct the Sheriff to stay at a business location for up to 48 hours and any time a customer writes a check, they make it payable to the Sheriff. The Sheriff counts the money in the drawer and takes anything added at the end of the day. Imagine if your judgment debtor was a smoke shop or a liquor store or even a California Medical Cannabis Collective, many customers would be dissuaded from coming in at the sight of a Sheriff even though the businesses are being properly run with permits. The mere presence of a Sheriff will induce many proprietors of many types of businesses and oftentimes any new business to pay to get them to leave. They might call you right away and ask for a payment plan. Good leveraging tool.

Seizing personal property, i.e. possessions or chattel is a rather low percentage option, hence it's last place finish in this article. I am not saying not to do it, nor am I saying that it cannot be a valuable tool in your enforcement of judgment toolbox. What I am saying is that it yields the least amount of payment for the most part. Let's take for example filing a writ of execution/writ of sale or writ of possession EJ-130 and the appropriate Sheriff's documents to have the Sheriff go to a person's house and possess and then sell their vehicle. It costs about 1500 to have a Sheriff execute a writ of possession on a vehicle. This means that the judgment debtor should have 1500 plus some more equity in their vehicle to pay the auctioneer as well as the 3000-vehicle exemption. Just off the bat, it is about 5500 out of any available equity to possess a vehicle. Then you must pay off any financing on the vehicle before you get dollar one. Many times, it just will not add up. Not to mention that at auction the vehicles go at sometimes a 50% discount.

You can go for other types of personal property to get somebody's attention. I believe family heirlooms are exempt just like in bankruptcy. That and you probably won't find any value in them. People have art collections, firearms, etc. You can file a writ of possession for these and have the Sheriff possess them. Oftentimes this will cause a judgment debtor to want to come to a payment agreement with you and to make on-time payments to avoid any further personal property possession.

One last little trick is to petition the DMV to suspend the judgment debtor's driver's license if the judgment stems from an automobile accident. The form with the DMV is DL-30. Certificate of Facts RE Unsatisfied Judgment. Link to the DMV form is right here: <https://www.dmv.ca.gov/portal/wcm/connect/fb850161-30ad-4dbb-be46-df0008cd858a/dl30.pdf?MOD=AJPERES>

Email me if you would like help filing any of these forms. James Polk LA County Ind. LDA Reg. # 2017038148 (authorized to provide legal document assistance in all 58 California Counties.) [James@SmallClaims.LA](mailto:James@SmallClaims.LA)

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REGARDS,

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**THE WWW.4A2J.GURU PROJECT IS A SIMPLE ACTIVITY  
THAT A CHURH, SYNAGOGUE, MOSQUE, ASHRAHM,  
OR ANY LOCAL NON-RELIGIOUS COMMUNITY ORGANIZATION  
CAN DO FOR \$ZERO WITH A HUGE BENEFIT TO THE COMMUNITY.**

**THE IDEA IS TO ADOPT A STREET OR DEVELOP ANY TYPE  
OF WEEKLY COMUNITY SERVICE ACTIVITY THAT MEMBERS  
OF YOUR ORGANIZATION CAN SUPERVISE WHILE KIDS ON  
JUVENILE PROBATION DO THE WORK TO COMPLETE THEIR  
COURT ORDERED COMMUNITY SERVICE HOURS FOR THE JUDGE.**



**THAT IS THE IDEA IN A NUTSHELL.**



**CALL JAMES POLK - (657) 234-2232**