

## VI. POST-JUDGMENT PROCEDURES

After judgment has become final, plaintiff may proceed with post-judgment procedures (see below) which would cause additional court costs to be assessed against the defendant. The defendant may contact plaintiff and attempt to reach an agreement as to payment of the judgment and court costs in an effort to save additional costs being assessed against defendant.

Some of the more common post-judgment procedures available to assist in the collection of judgments are briefly summarized below (additional fees for these procedures and any related services may be required):

- a. **Wage Deduction** - This summons is issued by the Circuit Clerk upon request by the plaintiff to the defendant's employer. Once served on the defendant's employer, a percentage of the defendant's

wages must be withheld. A wage deduction is a permanent lien on the employee's wages until the judgment has been satisfied. Prior to filing a wage deduction order, the burden is on the plaintiff to be certain that the defendant is currently employed by the named employer, and that there are no previous wage deduction orders filed against the defendant's wages. If a previous order is still current or the defendant is no longer employed there, it is useless to file. Out-of-state employers do not have to honor a wage deduction. The original summons and service page are returned to the Clerk after service. Copies of the summons and the Title III Federal Consumer Protection Act Restrictions on Garnishment are served on both the employer and the defendant (*see forms beginning at page 24*).

- b. Garnishments** - If the plaintiff knows of any third party who owes or holds funds due the defendant (a bank account, money owed for labor, etc.), the plaintiff may serve a garnishment summons on this third party. Upon service of the summons, the third party must hold these funds until the court orders whether or not they should be turned over to the plaintiff to satisfy the judgment (*see page 34 to view forms*).
- c. Writ of Execution** - If the plaintiff knows of any property owned by the defendant, he/she may request that a Writ of Execution be issued by the Circuit Clerk to attach and sell said property. Possession of property alone is insufficient to warrant seizure by the Sheriff for sale (the property may be mortgaged in someone else's name or subject to previous liens or attachments).
- d. Citation to Discover Assets** – A Citation to Discover Assets is a mandate, or order, by the court that the defendant appear before a judge in open court to be examined by the plaintiff as to any assets, funds, etc., that defendant may have with which to satisfy the judgment. The citation will be issued by the Circuit Clerk, but the petition for such a citation must be filed by the plaintiff (*see forms starting at page 26*). Failure by the defendant to appear to answer a Citation to Discover Assets, may result in the filing of a petition for a rule to show cause"; failure to appear to answer the rule to show cause may result in the issuance by the court of a writ of attachment" (see Terms and Definitions below). A Third Party Citation can be issued to ascertain information concerning income or property of the judgment debtor (defendant). If a Third Party Citation is issued, a Citation Notice must be sent to the defendant.