

Post-Judgment: Basic Steps in Collecting on a Judgment for Money

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at <http://www.wicourts.gov/forms1/circuit.htm>.

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information to fit your case. Talk to a lawyer if you are unsure that these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

Use this packet if you have already won a judgment in small claims court. The court cannot do anything to automatically collect a judgment on your behalf and has no funds to pay your judgment for you. It is your responsibility to collect on your own judgment.

1. The debtor may voluntarily agree to pay the judgment. The reason a debtor may do this is to avoid having a judgment lien on the debtor's real estate. If a judgment is "docketed" in this manner, it could significantly affect the debtor's credit rating.

If the debtor pays the judgment voluntarily, it is not necessary to formally file a judgment or docket it. After payment, the court may vacate the judgment and dismiss the case.

2. If the debtor does not voluntarily agree to pay the judgment, you must then have the judgment filed and docketed (*See Post-Judgment: Basic Steps for Docketing a Judgment for Collection, SC-6060V*). To docket a judgment in the county in which the case was heard, pay the docketing fee to the clerk of circuit court office. (When you are seeking to collect the amount of the judgment later, you can also seek recovery of the docketing fee.)
3. The following are additional options that you may consider to collect the judgment:
- a. Do nothing and wait. The debtor may end up paying you voluntarily because a docketed judgment is a lien for ten years. If the debtor wants to

remove the judgment from the record or attempts to get a loan in the future, the debtor may be required to satisfy the judgment before such a loan will be approved.

- b. Turn the matter over to a collection agency for help in collecting a judgment. Collection agencies are generally listed in the telephone book. The agency will likely charge a fee or a percentage of what they recover for their services.
- c. Garnish the wages of the debtor. See *Post-Judgment: Basic Steps for Handling a Small Claims Earnings Garnishment (SC-6070V)*.
- d. Garnish checking and savings accounts and other money owed to or held on behalf of the debtor. This is a “non-earnings garnishment” and you cannot use the earnings garnishment forms. See *Non-Earnings Garnishment Summons and Complaint (SC-301) form*.
- e. Have the sheriff seize property of the debtor and sell it on your behalf (called an “Execution”). See *Post-Judgment: Basic Steps for Handling an Execution Against Property (SC-6080V)* and *Execution Against Property (GF-115) form*.