



Collecting Your Judgment

A STEP-BY-STEP APPROACH

Employees who win money judgments against their employers often find themselves without a way to collect those judgments. However, California law offers many options to employees for collecting their judgments on their own or in court.

This packet provides a step-by-step explanation of how you can try to collect your successful judgment. Attached are the forms you will need to follow these steps, and examples of correctly completed forms.



Step 1: Ask your employer to pay voluntarily.

To avoid the hassle and expense of formal collection, you should first ask your employer to pay your judgment voluntarily. This is a particularly important step if you believe your employer will pay, or if maintaining a good working relationship with your employer is important to you. To attempt to enforce a judgment voluntarily you should follow these steps:

- 1. Make an initial request for your money.** You can do this in a letter, telephone call, or personal meeting. You should remind your employer of the judgment against her, remind her of the amount of judgment, and state that you would like to make arrangements for her to pay off your award. This may be all the prompting that your employer needs to give you the money she owes you.
- 2. Send a final demand letter.** If your employer does not respond to your first request for payment within a week to ten days, you should write a formal final demand letter. Do not threaten your employer or promise to take actions you are not willing to take. You should simply restate that a judgment has been entered in your favor, that you request payment of that judgment, and that if you do not receive such payment within a set period of time you will begin formal collection efforts. A sample formal demand letter is attached as Form A.

If the above efforts to collect your judgment fail, you should begin formal collection procedures. To do so, you can use any or all of the legal enforcement tools discussed below.



Step 2: Obtain a Business Property Lien

What is a lien?

A “lien” is a legal device that strengthens your judgment from a claim against your employer to a claim against the employer’s property or assets. A business property lien attaches to property belonging to your employer so that you now have a claim against that property, and not just against your employer. That doesn’t mean your employer has to sell the property to pay off your judgment, but it does give you additional protection if your employer goes bankrupt, gets a new loan from the bank, tries to pay off a judgment to another person, or tries to sell off the property in the future.

To what kind of property can a lien attach?

A lien can attach to different types of property and assets owned by your employer. See Step 4, below, for ways of finding out what your employer owns. Types of property to which a lien might attach include:

- money that is owed to your employer because of business transactions (*accounts receivable*);
- documents, like car leases, showing that your employer owns a specific good but hasn't paid for it in full (*chattel paper*);
- business equipment, like machines or computers;
- crops that have been harvested from a farm;
- inventory that sells for more than \$500 per unit; for example, if your employer is a car dealership, the cars would qualify, but if your employer is a small grocery store, the individual bottles of Pepsi would not.

How to Create a Business Property Lien

- 1. Complete a Notice of Judgment Lien.** A Notice of Judgment Lien form is included in the appendix to this packet (Form D). The form asks for basic information on the source and amount of your judgment.
- 2. Serve your employer.** After you have filled out the form, you must arrange to serve a copy on your employer. *You must ask someone else who is not a party to your suit to do this for you.* The person you ask to serve your employer must be at least 18 years old, and must be a resident or employee in the county where s/he mails the papers. S/he can be a friend or relative, or you can hire a professional registered process server. There are two basic ways to serve papers, *by mail* or *in person*.

Service by mail: If you choose to serve papers by mail, you'll probably want to ask a friend or relative to do it. To serve papers by mail, you must:

- complete a Proof of Service by Mail form (see Form F, attached);
- make copies of all the papers, and keep a copy for yourself;
- put a copy of the papers and a copy of the unsigned Proof of Service by Mail form in an envelope addressed to your employer, stamped with sufficient postage;
- have the person you have chosen to serve your employer put the envelope in the mail;
- have that person sign the Proof of Service by Mail form;
- copy the signed Proof of Service by Mail form and file it with the court.

Service in person: When serving papers in person, it's best to hire a professional process server. There are several ways you can do this:

- You can ask the sheriff's office in the county where your employer will be served if it handles personal service. It probably does, or if it doesn't, someone there can tell you which law enforcement officers in the county do. Law enforcement officers generally charge around \$24.00 for service.
- Instead of using the sheriff's office, you can hire a registered process server to serve your employer. Hiring a registered process server is a good idea if you think your employer will be particularly difficult to serve. You can find registered process servers in the Yellow Pages. They typically charge a little more than law enforcement officers.
- You can have a friend or relative serve your employer in person. The person you choose must be at least 18 years old, and must be a resident or employee in the county where s/he serves the papers. S/he will need to fill out and sign a Proof of Personal Service form (attached as Form H). You should be careful to keep a copy of the signed Proof of Personal Service form for your files.

3. File the Notice of Judgment Lien with the Secretary of State. The Secretary of State is a state government office that oversees many businesses. You should mail the Notice of Judgment Lien form you have completed with a brief cover letter to:

Secretary of State
P.O. Box 1738
Sacramento, CA 95808.

You should also include a copy of the signed Proof of Service form showing that you have served your employer. *You must also include a fee with the form.* As of January 1, 2000, the fee was \$20.00. However, you should check with the Secretary of State's office to find out if the rate has changed.

4. Wait. Your next step after successfully creating a business property lien is to wait until your employer tries to do something with the property you have attached, like sell it, or until she tries to get financing from a bank or other creditor. At that time, your employer will have to pay off the amount of your lien before s/he can proceed.



Step 3: Obtain a Writ of Execution

What is a Writ of Execution?

In addition to getting a business property lien, you can also get a Writ of Execution against your employer. Unlike the business property lien, the Writ of Execution is a proactive legal tool that allows you to go after your employer's assets to satisfy your award. Once you've filed a Writ of Execution, it lasts for 180 days.

How to obtain a Writ of Execution

- 1. Fill out the Writ of Execution form.** A blank Writ of Execution form is attached to this packet as Form N. A sample completed form is also attached as Form O. You need to fill out a separate form for each county in which you are trying to collect your judgment. You should file a Writ of Execution in each county in which your employer has assets you want to obtain.
- 2. File the form and have the court issue a Writ of Execution.** Make at least three photocopies of your completed form and take the copies and the original document to the court clerk. The clerk will issue the Writ by stamping it with the date and putting the official seal of the court on it. You may have your Writ issued by mail by sending your original Writ, the copies, the necessary fee, a self-addressed stamped envelope, and a cover letter to the clerk of the court asking that your Writ be returned to you. If information is missing from your form, or if your form has been filled out incorrectly, the clerk probably will reject your Writ. She will typically let you know why the Writ is being rejected so that you may quickly correct your work.
- 3. Serve your Writ of Execution.** After your Writ has been issued, the county's levying officer (the person in charge of enforcing Writs of Execution) will serve it upon whomever you tell him to collect against. For example, you may have the levying officer collect against your employer's bank account, or against the receipts that come into the business one day. Deciding what accounts to collect from is discussed in Step 4, below.



Step 4: Find Out What Your Employer's Business Owns

Before you can determine the best method of collecting your judgment, you need to know what assets your employer has and where they are kept. There are a number of ways you can get this information.

Debtor's Statement of Assets

This tool is available only if your judgment came from small claims court. After the verdict, the clerk of the small claims court should give your employer a Statement of Assets form. Your employer must fill out the form and return it to you within 30 days of the judgment. If your employer does not complete the form, you should ask the small claims court to find her in contempt. The small claims court may then add any fines it charges your employer to your judgment.

Court Records

If your employer has been involved in another lawsuit, the records from that suit may contain a statement of your employer's assets. You have a right to see the files from that suit, though you will have to go to the court in which the suit was filed to get them.

Debtor's Examination

After you have received a favorable judgment, you may require your employer to appear in court and answer questions about her assets. This is called a "debtor's examination." There are several steps to this process that must be followed closely.

- 1. Find the Proper Court.** Usually, the proper court is going to be the one that awarded you your judgment. However, if your employer does not live or have a business in the same county as that court, or within 150 miles of that court, the examination must take place in the county where your employer lives or has a business.
- 2. Schedule the Debtor's Examination.** Call the clerk of the court and find out when the court schedules debtors' examinations. You should schedule the examination for at least forty-five (45) days or more after you call to allow your employer to be served.
- 3. Complete an Application and Order for Appearance and Examination Form.** When you talk to the court clerk, ask if the court has its own Application and Order for Appearance and Examination form. If it does, find out how you can get a copy. Otherwise, ask if the court accepts the Judicial Council's Application and Order for Appearance form (attached as Form P). A sample completed form is also attached as Form Q. Complete the form and return it to the clerk. You should keep a copy of the form for yourself, and ask the clerk to mail you a copy of the form after a judge has signed it. The clerk will have it signed by a judge, and will give you the original or a copy.
- 4. Complete a Subpoena Duces Tecum (optional).** You may require your employer to bring certain documents to court for the examination by obtaining a subpoena duces tecum. "Duces tecum" means "bring it with you" in Latin, and a subpoena duces tecum is a court order that means your employer must bring certain documents to the debtor's examination. For example, you might want your employer to bring bank statements for the business. If you choose to obtain a subpoena duces tecum, a photocopy of the subpoena duces tecum must be served upon your employer with the Application and Order for Appearance. You should ask the court for a copy of the subpoena form it uses to issue a subpoena duces tecum.

5. Serve your employer. Unless you have an order from a judge stating that you may personally serve the Application and Order for Appearance, a sheriff or other registered process server must serve the Application.

After you have filled out the form, you must arrange to serve a copy on your employer. You must ask someone else who is not a party to your suit to do this for you. This person you ask to serve your employer must be at least 18 years old, and must be a resident or employee in the county where s/he mails the papers. S/he can be a friend or relative, or you can hire a professional registered process server. There are two basic ways to serve papers, by mail or in person:

Service by mail: If you choose to serve papers by mail, you'll probably want to ask a friend or relative to do it. To serve papers by mail, you must:

- complete a Proof of Service by Mail form (see Form F, attached);
- make copies of all the papers, and keep a copy for yourself;
- put a copy of the papers and a copy of the unsigned Proof of Service by Mail form in an envelope addressed to your employer, stamped with sufficient postage;
- have the person you have chosen to serve your employer put the envelope in the mail;
- have that person sign the Proof of Service by Mail form;
- copy the signed Proof of Service by Mail form and file it with the court.

Service in person: When serving papers in person, it's best to hire a professional process server. There are several ways you can do this:

- You can ask the sheriff's office in the county where your employer will be served if it handles personal service. It probably does, or if it doesn't, someone there can tell you which law enforcement officers in the county do. Law enforcement officers generally charge around \$24 for service.
- Instead of using the sheriff's office, you can hire a registered process server to serve your employer. Hiring a registered process server is a good idea if you think your employer will be particularly difficult to serve. You can find registered process servers in the Yellow Pages. They typically charge a little more than law enforcement officers.
- You can have a friend or relative serve your employer in person. The person you choose must be at least 18 years old, and must be a resident or employee in the county where s/he serves the papers. S/he will need to fill out and sign a Proof of Personal Service form (attached as Form H). You should be careful to keep a copy of the Proof of Personal Service form for your files.

6. File With the Court. You must file these documents with the court before your examination:

- proof of service for the Application and Order for Appearance, and subpoena;
- the original Application and Order for Appearance; and Examination;
- and the original subpoena duces tecum, if necessary (see #4, above).

7. Prepare for the Examination. You should prepare a list of the questions you want to ask your employer at the examination. Suggested questions include:

- Does your employer's business own any real estate?
- What, if any, debts does your employer's business owe?
- What is the location and value of all office equipment, computers, and furniture owned by the business?
- Where does the business have its bank accounts?
- Is the business or your employer currently a party in other court actions or lawsuits?

8. **Go to the Examination.** At the examination, you and your employer will privately discuss her ability to fulfill your judgment. This is the time for you to ask your employer the questions you prepared. If you served a subpoena duces tecum, you should ask your employer to produce the documents you requested. Your employer will be under oath to tell the truth during this conversation. You should maintain a civil tone during this examination, as your goal is to get your employer to pay you, not to create a more hostile situation. If your employer refuses to talk with you, tell the judge. The employer may be held in contempt of court.
9. **If Your Employer Doesn't Show Up.** Usually, if a debtor doesn't appear at an examination, the court will simply set a new date and notify the debtor to appear then. If your employer does not appear at the second hearing, you may ask the court to issue a bench warrant at that time, under which your employer may be arrested.



Step 5: Collecting Your Employer's Assets

Obtaining assets from your employer is usually done using a process called a "levy." A levy is a legal process by which money or property is taken from one party and given to another. Three main procedures exist for obtaining assets from your employer: you can levy her bank account, levy against her business receipts, or seize her business assets.

Option One: Levying a Bank Account

1. **Find Out Your Employer's Bank and Account Number.** Your employer's bank account number will probably be listed on paychecks you have received. You can also find out your employer's bank and account number by writing a check to your employer's business (or you can have a friend do it). When you get the cancelled check back from your bank, it will have your employer's bank information on the back.
2. **Get a Writ of Execution.** Step 3 on page 3 explains how to complete this step.
3. **Time Your Levy.** You should plan to have your levy executed at a time when your employer's bank account will have enough money in it to satisfy your judgment. You should consider when your employer spends a lot of money (around payday, or times when bills are due) and when money will be coming in to the account.
4. **Find Out Levying Information for the County.** You need to determine who the levying officer is for the county in which you wish to pursue assets. Call the county sheriff's office and ask if it makes levies on civil judgments. If it does not, ask who does. This person is the levying officer. Once you have reached the levying officer, find out what fees apply for using its services. Ask for any forms or instructions the office might provide to help you execute your levy. You should also find out how long it will take the levying officer to serve your employer once you give him the information he needs. This will help you to time the levy, as explained above.
5. **Execute the Levy.** The levying officer will serve a Notice of Levy on the bank employee in charge of your employer's account. Your employer has ten days to object to the levy. If she objects, you must ask the court to set a hearing to settle the dispute.

Option Two: Levying Against Receipts

- 1. What Does it Mean to Levy Against Receipts?** To “levy against receipts” means that you will satisfy your judgment by collecting money as it comes in to your employer’s business, usually as payment by customers.
- 2. Two Methods of Levying Against Receipts.** There are two ways you can levy against your employer’s receipts, the till tap and the keeper. The till tap allows you to take money from your employer’s cash register; the keeper takes money as it is paid to your employer throughout a business day. Both methods are described in detail below. Note: if your employer runs her business out of her home, a levying officer will not be able to levy against her receipts without a court order specifically allowing the officer to enter the home.
- 3. Get a Writ of Execution.** Step 3 on page 3 explains how to complete this step.
- 4. Find Out Levying Information for the County.** You need to determine who the levying officer is for the county in which you wish to pursue assets. Call the county sheriff’s office and ask if it makes levies on civil judgments. If it does not, ask who does. Once you have reached the levying officer, find out what fees apply for using their services, including the deposit for a till tap and hourly rates for keepers. Ask for any forms or instructions the office might provide to help you in collecting your judgment.
- 5. Choose a Method.** You must decide if you want the levying officer to perform a till tap or to send a keeper.

Till Tap: If you ask the levying officer to make a till tap, the officer will go to your employer’s business and take money from the cash register. This method is quick and uncomplicated, and can be carried out as many times as required to fulfill your judgment, so long as you obtain new levying information each time. You must pay a fee before the levying officer will conduct a till tap (you should find out how much this fee will be when you contact the levying officer for your county), but if there is enough money in the register, the officer will collect enough to cover this fee and refund that money to you.

Keeper: If you request a keeper, a levying officer will be sent to your employer’s business, and will stay there for a specified period of time, collecting money that comes in during the day. The keeper can also inventory your employer’s business, which will give you a better idea of other assets you might be able to levy to satisfy your judgment. The keeper will stay for a set period of time, which you establish. For example, you may ask the keeper to stay for a few hours, or for an entire workday, depending on the amount you want to collect. Keepers normally charge an hourly rate, which you will probably have to pay up front. You should find out how much the keepers in your county charge when you first speak to the levying officer. A keeper will generally remain at the business until he has collected enough money to pay both your judgment and his costs, so you will probably be reimbursed for any fees you pay. If your employer objects to having the keeper at the business, the keeper has to leave. However, the keeper is then authorized to shut down the business and sell its assets to pay off your judgment.

- 6. Prepare Instructions for the Levying Officer.** You should fill out a form (samples are provided as Forms B and C) telling the levying officer the specifics of your judgment and instructing him on how you would like him to proceed in collecting your judgment. You should tell him the date and time that you would like him to collect your judgment, and any specific instructions you might have, such as asking him to inventory the business. You should then send your instructions to the levying officer, along with the original Writ and the copies you’ve made (keep a copy for yourself), and the officer’s fee.

- 7. Collect the Proceeds.** It may take awhile to collect proceeds. The levying officer should advise you as to the outcome of the levy once he has finished, and will tell you if any problems arise. However, often there is a significant delay between the levy and the time the officer turns over the proceeds to you. You should recognize this, and be patient. Don't be afraid to contact the officer if you believe that your case may have been forgotten, but don't harass the officer with repeated calls. Some levying officers will only communicate with you about your levy in writing.

Option Three: Seizing Business Assets

Seizing business assets is a much more complicated process than levying receipts, and is recommended only if you have received a large award (more than \$10,000) or are interested in receiving property your employer owns as part of your judgment. When business assets are seized, the levying officer at your expense takes property from your employer's business and then sells it to pay off what is owed to you, including the costs of seizing the assets. Not all property can be seized; property belonging to your employer personally or property that the business does not fully own is off-limits. Generally, the property is sold for much less than its market value. The main benefit of this method may be that the threat to your employer of having its business assets seized might coerce your employer into paying off your judgment.

Here's how to seize business assets:

- 1. Get the County's Levying Information.** You need to determine who the levying officer is for the county in which you wish to seize assets. Call the county sheriff's office and ask if it makes levies on civil judgments. If it does not, ask who does. Once you locate the county's levying officer, find out the county's procedure for selling business assets and the amount of the deposit required. You should also ask for any forms or instructions the office might provide.
- 2. Get a Writ of Execution.** Step 3 on page 3 explains how to complete this step.
- 3. Send Levying Instructions to the Officer.** You must write a letter to the levying officer telling him how you want to conduct the seizure. A sample instruction letter has been attached as Form F. Your letter should require the levying officer to give you an estimate as to the cost to you of seizing the assets. If those costs are too high, you can decide not to proceed with the seizure. Remember, though, you may be able to recover these costs from the proceeds of the assets sale. The letter should also specify the type of property you want to be seized. You should then send your original and copies of your Writ and instruction to the levying officer (keep a copy for your files), along with any fees that are required.
- 4. Sale and Receipt of Proceeds.** After seizing your employer's property, the levying officer will conduct a sale. Sales very rarely happen because the property is sold for a small fraction of its value. Instead, your employer often will work out a way to settle the judgment with you and get back its property before a sale takes place. If a sale does take place, the levying officer will then disburse to you proceeds of the sale in the amount of your judgment and costs.



Step 6: Collect Post-Judgment Costs and Interest

Collecting a court judgment can be a long and involved process. However, there is good news: you are entitled to interest upon the amount of your judgment from the date of the judgment until it is paid. You also are entitled to reimbursement for many of the costs you may incur in pursuing payment of your judgment. Therefore, you should keep good records of all of your costs in pursuing your award.

Three Methods of Collecting Your Judgment

A lien and a levy may be used separately or at the same time to collect a judgment

1. Voluntary Payment

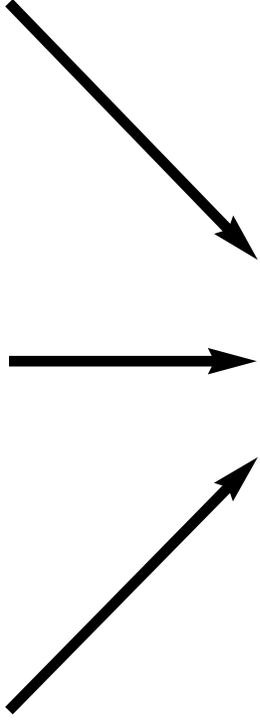
- An informal process where your employer pays your judgment without being forced to do so by legal means.
- May be achieved through informal discussion, or by sending a demand letter.

2. Lien

- A “passive” legal tool that gives you a claim to your employer’s property.
- A lien doesn’t force your employer to sell property or transfer the title of that property to you. But if your employer tries to sell that property, or get a new loan from the bank, s/he will have to settle your lien by paying your judgment.

3. Levy

- A “active” legal tool that allows you to collect money from your employer’s assets.
- A levy is a way to collect money from your employer’s bank account, or from the receipts of your employer’s business to satisfy your judgment.



Post-Judgment Interest and Costs

- You may collect interest on your judgment at the rate of 10% per year from the date your judgment is “entered” by the court to the date it is paid to you.
- You may also be reimbursed for many of the costs involved in collecting your judgment, like filing fees and other court charges.

Post-Judgment Interest

Interest on your judgment accrues at the rate of 10% a year. The amount of interest is calculated from the date the judgment was first entered. If your judgment is an installment judgment, interest is calculated for each installment from the date each becomes due.

Post-Judgment Costs

The following costs may be added to your judgment:

- filing fees from the clerk of the court;
- fees charged by the levying officer;
- fees charged by the process server for serving the Application and Order for Appearance and Examination and subpoena, if approved by the court
- fees for issuing a bench warrant;
- attorney's fees, if called for by the applicable statute (like Title VII of the 1964 Civil Rights Act, or the California Unruh Act);
- other reasonable and necessary costs of enforcing the judgment, as determined by the court.

The following costs may not be added to your judgment:

- parking;
- meals;
- long-distance phone calls;
- copying costs;
- postage;
- mileage;
- your time;
- process servers not required or approved by the court.

How to Collect

To collect any post-judgment interest or costs that you are due, you must file with the court a Memorandum of Costs After Judgment. The name of this form and information it requires will vary from court to court, so you should ask the court clerk what your county requires. This form does not have to be filed at any specific point—it can be filed after the proceeds of the judgment are actually given to you—but does need to be filed within two years of the time the costs were incurred. It's good to file as soon as you have to pay the costs, however, because once the costs are filed, they become part of your judgment and you can begin collecting interest on them. After you complete the form, you must have it served on your employer (see Step 2, above, for instructions on how to serve documents). You must then file the memorandum and your proof of service with the court. Your employer has fifteen days to contest your memorandum before the amount becomes part of your judgment.



Step 7: After the Judgment is Paid

After you've received the amount of your judgment, there are still a few steps that you must take before the matter is completely finished. You must make an acknowledgement of the judgment and release any liens you might have made on your employer's assets or property.

Acknowledging the Judgment

- 1. Fill out an Acknowledgement of Satisfaction of Judgment Form.** A sample form is attached as Form I. *Note:* If you won your judgment in small claims court, the court clerk will automatically file a satisfaction of judgment.

- 2. Have the Form Notarized.** Before you sign the form, find a notary public (you can usually find one in the phone book or at the bank). Take your original form and some personal identification to the notary's office, and ask to have your signature notarized. The notary will give you a form to attach to your Acknowledgement of Satisfaction of Judgment.
- 3. Serve and File the Acknowledgement of Satisfaction of Judgment.** You may serve your employer with the Acknowledgement of Satisfaction of Judgment by mail or in person. You can have your employer file the Acknowledgement with the court if you serve her personally, but it is generally wiser to file the form with the court yourself. You may do this by mail. If you file by mail, ask the clerk of the court to send you a copy of the final filed document. Don't forget to keep a copy for your files!

Releasing Your Liens

If you created any liens on your employer's property, you must release them by filing your Acknowledgement of Satisfaction of Judgment with the Secretary of State. The release is required by law. A small fee must accompany the release. Contact the Secretary of State's office to find out how much the fee is currently.



Step 8: If Your Employer Files For Bankruptcy

It is generally bad news if your employer files for bankruptcy. However, you are still entitled to attempt to have your judgment, or a portion of your judgment, paid as part of your employer's bankruptcy plan.

If your judgment is named as one of your employer's debts, you will receive a Bankruptcy Notice from the court. Your judgment probably will be named, because your employer wants to get out of all debts. You should read this document carefully, as it provides important information as to your employer's financial status, what actions you can take to recover your judgment, and deadlines you must meet to do so. If you did not get a bankruptcy notice but know that your employer has filed for bankruptcy, contact the bankruptcy court in which your employer filed (listed in the phone book) and make sure you are listed as a creditor.

Recovering Your Judgment

- 1. Read the Bankruptcy Notice.** The bankruptcy notice will contain the date by which you must file your Proof of Claim. It is crucial that you find and abide by this date, as filing late usually means that you won't be able to recover any money.
- 2. File a Proof Claim.** A blank Proof of Claim will be sent to you with the bankruptcy notice. A sample form is attached here as Form L. After you have filled out the Proof of Claim, make a copy for your records. File one with the court as well, making sure that the court receives it by the date listed on the bankruptcy notice.
- 3. Answer Any Objections.** After you have filed your claim, your employer may object that the amount you claimed is incorrect (this is unlikely if you have a final judgment in hand already), or that you may have failed to attach required documentation. If you cannot fix these objections on your own, you should consult a bankruptcy attorney.
- 4. Wait.** The court will then determine what property your employer may keep and what will be distributed to your employer's creditors. With any luck, you will receive part or all of the money owed to you at this time. After this has been determined, the case will be discharged. After the final discharge, you will not be able to collect any money from your employer.

Good Luck!



Consult the appropriate agency or an attorney about your rights.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society - Employment Law Center cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

**For information and assistance with an unpaid wage claim, call:
The Unemployment and Wage Claims Project
(415) 864-8070**

The Legal Aid Society - Employment Law Center is a non-profit organization focusing on the employment-related legal rights of low-income workers and providing free legal information on a wide range of employment-related legal problems. For information, call the LAS-ELC's 24-hour Direct Services Information Line at (415) 864-8208.

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Attachments to “Collecting Your Judgment: A Step-by-Step Approach”

- Sample Final Demand Letter
- Instructions to Levying Officer (Till Tap)
- Instructions to Levying Officer (Keeper)
- Notice of Judgment Lien (blank)
- Notice of Judgment Lien (sample)
- Proof of Service by Mail (blank)
- Proof of Service by Mail (sample)
- Proof of Personal Service (blank)
- Proof of Personal Service (sample)
- Acknowledgement of Satisfaction of Judgment (blank)
- Acknowledgement of Satisfaction of Judgment (sample)
- Proof of Claim (blank)
- Proof of Claim (sample)
- Writ of Execution (blank)
- Writ of Execution (sample)
- Application and Order for Appearance and Examination (blank)
- Application and Order for Appearance and Examination (sample)

Sample Final Demand Letter

January 15, 2000

FINAL NOTICE

Ms. Emily Employer
ABC Corporation
425 W. 13th St.
San Francisco, CA 94103

Dear Ms. Employer:

As you are aware, on January 4, 2000, I received a judgment against you for unpaid wages in the amount of \$2,165.32 in the San Francisco Municipal Court. I have attached a copy of the judgment to this letter.

This judgment is final, can no longer be appealed, and is binding upon you as a matter of law. Accordingly, I ask that you pay it immediately. If you choose not to pay the judgment voluntarily, I will pursue the legal remedies available to me to collect the money I am due. These remedies include levying your incoming business receipts in the amount of my judgment. It is in your best interest to pay the judgment as quickly as possible, because if I am forced to resort to formal collection methods, I may collect interest on the unpaid amount at the rate of 10% per year. CCP § 685.010. You will also be liable for the costs I incur in collecting my judgment from you.

I will refrain from beginning formal collection procedures for 10 days from the date of this letter to give you time to contact me and arrange to make payment. If I don't hear from you by the end of that time, I will begin the formal collection procedures available to me by law. Please call me at (415) 555-0492, or send a check in the amount of \$2,165.32 to the following address:

Mr. William Worker
470 Mystic Drive
Oakland, CA 94720

Sincerely,

William Worker

Instructions to Levying Officer (Till Tap)

Date:

Instructions to Levying Officer for the County of _____

To Whom It May Concern:

Please take action in the manner described below to collect judgment in the matter of _____ . Please hold the Writ of Execution for 180 days or until the judgment is fully satisfied. I will contact you if I wish you to proceed differently.

Case Name: _____

Court: _____

Case No.: _____

Enclosed please find:

Original Writ of Execution and _____ additional copies.

Check or money order in the amount of \$ _____.

Instructions:

You are hereby instructed to seize enough of the cash and checks available at the following business to satisfy the full amount of my judgment, as specified in the enclosed Writ of Execution:

ABC Corporation
425 W. 13th St.
San Francisco, CA 94103

Please levy the ABC Corporation's receipts before the end of business on a Saturday, as the week's receipts are generally deposited at the bank on Saturday afternoons. Thank you.

Sincerely,

William Worker

Instructions to Levying Officer (Keeper)

Date:

Instructions to Levying Officer for the County of _____

To Whom It May Concern:

Please take action in the manner described below to collect judgment in the matter of _____ . Please hold the Writ of Execution for 180 days or until the judgment is fully satisfied. I will contact you if I wish you to proceed differently.

Case Name: _____

Court: _____

Case No.: _____

Enclosed please find:

Original Writ of Execution and _____ additional copies.

Check or money order in the amount of \$ _____.

Instructions:

You are hereby instructed to place an eight-hour keeper on-site at the following business, as authorized by the enclosed Writ of Execution:

ABC Corporation
425 W. 13th St.
San Francisco, CA 94103

Please ask the keeper to conduct an inventory of the personal property on the premises of the ABC Corporation, including office equipment, computers, furniture, telephones, and other personal property. Thank you.

Sincerely,

William Worker