

## **NOTICE TO PLAINTIFF OF JUDGMENT ORDER IN SMALL CLAIMS COURT**

The attached Judgment orders the defendant to pay you the amount shown. The court has mailed a copy of this Judgment to the defendant and has ordered that payment be made directly to you.

The defendant has 30 days in which to appeal the decision. Within the next 30 days the defendant should either appeal the decision or pay you the amount due. If the defendant does neither, ask the defendant for the money. If the defendant still refuses to pay, you can come back to court in hopes that further court action will result in you getting the money that is owed to you.

**NOTE:** You may choose one or more of the four methods listed below to attempt to collect your money. The success of any method will depend on the defendant's financial situation and willingness to voluntarily pay. No method is guaranteed to succeed. You should consider the amount of time and money that you must put into collecting your money and the likelihood of success before you make your choice. You should also consider the attached "List of Exemptions" as it may affect your ability to collect.

### METHOD 1 ~ TRUSTEE PROCESS

If the defendant is a wage earner (gets a weekly paycheck) and you know where the defendant works, this method is the most likely one to succeed. It enables you to get a court order requiring the defendant's employer to deduct money from the defendant's paycheck and pay you directly. You must:

- find out where the defendant is working
- request a motion form and an affidavit form from the court clerk
- fill in the requested information, including the name and address of the defendant's employer
- have the affidavit notarized
- file the forms with the court clerk, along with a \$25.00 fee
- attend a hearing in court after notification of the hearing date  
(If the defendant no longer works for the named employer, the hearing will be cancelled.)

If you want to pursue trustee process against property other than earnings, you may want to contact an attorney; it is complicated.

### METHOD 2 ~ FINANCIAL DISCLOSURE

If you don't know where the defendant works or what property the defendant owns, this method may assist you in learning information that may help you to collect your judgment. The court will determine whether the defendant has the ability to pay. It enables you to require the defendant to tell the judge about ability to pay. You must:

- request a motion for financial disclosure form from the court clerk.
- file the motion and a \$25.00 fee with the court clerk
- attend a court hearing after notification of the hearing date

If you learn at the financial disclosure hearing that the defendant is not a wage earner, does not own any land or buildings and does not have any money in the bank, you probably will not be able to recover any money until the defendant's financial situation changes.

### METHOD 3 ~ JUDGMENT LIEN

If the defendant owns land or buildings in Vermont, this method is likely to provide long term success. It enables you to place a lien on the defendant's property in the town land records. Some defendants will choose to pay you in order to remove the lien. Those who don't will probably have to pay you at that time in the future when they want to sell or transfer their property. You must:

- find out where the defendant owns land or buildings in Vermont
- tell the clerk you would like to record a judgment lien with the town clerk
- tell the clerk the name of the defendant and docket number
- ask the clerk for a certified copy of the Judgment Order and pay the clerk a \$5.25 fee for the certified copy
- file the certified copy with the town clerk's office in the town where the defendant owns land or buildings. The town clerk may require you to pay a recording fee to the town.

The lien is good for 8 years from date of judgment and can be renewed.

### METHOD 4 ~ WRIT OF EXECUTION

If the defendant has money or property and will voluntarily pay the money or turn over the property to a sheriff who requests it, this method could work. It enables you to get a court order directing the sheriff to visit the defendant and demand payment. In most cases the defendant refuses or is unable to pay the sheriff and you will end up empty-handed. You must:

- find out where the defendant lives or works
- request a Writ from the court clerk and pay a \$25.00 fee
- tell the clerk the name of the defendant and docket number, the date and amount of the judgment and the date and amount of any payments made to you after the date of the judgment
- take the Writ to the Sheriff in the county where the defendant lives or works and pay the sheriff the service and mileage fee
- after the Sheriff returns the writ to you, return the writ to the court clerk

Before you get too discouraged, note that many defendants comply with court orders and pay the money owed. For those who don't, keep in mind that judgments are good for eight years and many people will accumulate money within that time. If you don't receive your money within eight years, you can file a new case requesting the court to renew your judgment for another eight years.