

## INFORMATION ON CIVIL MONEY JUDGMENTS

This information is provided as a courtesy through the Eau Claire County Clerk of Court (COC) to assist you with procedural court information on civil money judgments. This information is not a substitute for legal advice or services. If you are proceeding on your own, you are responsible for roles an attorney would otherwise handle. If you have legal questions, you are advised to consult an attorney or make a decision based on your own study and conclusions of the law.

The COC is responsible for maintaining court records and can assist with general procedural questions. When calling the COC for information on a specific case, you will need to provide the case number and name of the case. If you do not have that information, you may search for it on <http://www.wcca.wicourts.gov>, otherwise the clerk will charge a statutory record search fee of \$5.00.

### 1. GENERAL INFORMATION.

- A. A judgment is entered with the COC when it is filed. This document states that you/the creditor (party whom the money is owed to) is entitled to a sum of money from the debtor (party owing the money). The debtor may or may not pay the creditor this sum of money. Depending on circumstances, you/the creditor may need to take further action to enforce judgment collection.
- B. After a judgment is filed with the COC, the judgment information may be recorded on the public judgment/lien docket pursuant to a written request and payment of the \$5 statutory docketing fee (waived in case of a restitution judgment).
- C. The judgment lien docket is an area subject to public inspection. The public may access these debt records and report the information to others for credit and/or background reports. The reports may affect decisions on real estate transactions, approval of financial loans, granting of credit, background checks, and employment opportunities.
- D. Actions to enforce collection of a judgment may be commenced through the COC in the county where the judgment is on file and may include procedures listed under section 2 of this document.
- E. You/the creditor, are responsible for:
  - 1. Deciding what enforcement action to take.
  - 2. Monitoring the enforcement proceeding.
  - 3. Paying fees & costs associated with enforcement process (filing & service fee, etc).
- F. Statutes allow you/the creditor to recover from the debtor reasonable fees and costs incurred for enforcement on a judgment. These fees include those paid to commence enforcement actions through the COC as well as service fees incurred in providing notice to the opposing party. The creditor is responsible for keeping track of these amounts, which may then be included in the judgment amount owing.

### 2. TYPES OF ENFORCEMENT METHODS:

- A. **GARNISHMENT PROCEEDING (Reference WI STATS Chapter 812):**  
A garnishment is an action brought against the debtor and parties that may owe money to the debtor (such as an employer, financial institution, or other relationships with indebtedness).
  - 1. **GARNISHMENT TYPES:**
    - a. Earnings garnishment: An action to collect from wages.
    - b. Non-earnings garnishment: An action to collect other indebtedness.
  - 2. **GARNISHMENT FORMS AND INFORMATION:** Garnishment forms are available through the COC or through the Court web-site under forms. Information on processes are covered in the Wisconsin Statutes as well as a small claims guide available for viewing or purchase through the clerk. The guide may also be accessed on-line through a "Self Help Center" under the court Internet site located at <http://www.wicourts.gov>

3. GARNISHMENT FEES: (Check with the Clerk for applicable and current fees)

- a. Fees are due to the Clerk for commencement of this action.  
There is no filing fee for a creditor (victim) to file in order to collect pursuant to a restitution judgment [Reference WI STATS 814.62(1)]  
\$210.50 is due for judgment amounts over \$10,000.00  
\$92.50 is due for judgment amounts under \$10,000.00.
- b. If a party is unable to pay clerk filing &/or sheriff service fees due to financial circumstances, they may petition for fee waiver.
- c. Garnishee fees are due and payable to each garnishee defendant for processing.  
  
For non-earnings, \$3.00 is to be paid to each garnishee defendant, or,  
For earnings, \$15.00 is to be paid to the garnishee defendant.
- d. Service fees: If personal service is selected, this amount would be established with, then due and payable to the sheriff or private process server utilized.

B. SUPPLEMENTAL PROCEEDINGS:

1. Supplemental proceedings can assist enforcement by having the debtor summoned to appear before a court commissioner. The debtor is placed under oath and questioned as to assets. This information may help you/the creditor decide how to enforce collection of the judgment. The COC does not have forms to facilitate this legal process and you should secure advice from a qualified source and/or proceed at your discretion.

C. OTHER enforcement methods may be available pursuant to statute.

3. AFTER A JUDGMENT IS PAID.

- A. When the amount owed is paid off, you/the creditor must complete a satisfaction form, which is available through the COC or on [www.wicourts.gov](http://www.wicourts.gov). If you do not complete this form, you may be liable for damages. (Reference WI STATS 806.20(2)).
- B. After you/the creditor complete the satisfaction form, it needs to be signed in front of a notary. It is then filed with the COC office in the county where the order or judgment is on file.
- C. A statutory fee of \$5.00 is required for filing and recording this satisfaction.
- D. The completed satisfaction form and fee may be submitted in person or through the mail to the COC address shown below. The name and address of the person submitting the satisfaction and fee should be provided to the COC in the event of problems.

4. OTHER INFORMATION.

- A. The Clerk of Court Office is located on the 2nd floor of the Eau Claire County Courthouse, 721 Oxford Avenue, Suite 2220, Eau Claire, WI 54703. Office hours: 8 a.m. to 5 p.m., Monday through Friday, closed major holidays. Phone: (715) 839-4816 option #5.
- B. There are free legal clinics sponsored by the local Bar Associations at the Eau Claire Public Library every 3rd Wednesday commencing at 6:30 p.m. and at the Chippewa Falls Public Library every 4<sup>th</sup> Wednesday commencing at 6:30 p.m. If you are interested in attending, you are advised to call ahead to verify the schedule.
- C. There is a self-help legal center available on line through the Wisconsin Court website under [www.wicourts.gov](http://www.wicourts.gov)