

FILED
CIRCUIT COURT
EAU CLAIRE COUNTY
JAN - 9 2015

ADMINISTRATIVE ORDER
REGARDING THE AMENDMENT OF CAPTIONS AND PARTIES PLAINTIFF
IN POST-JUDGMENT COLLECTIONS, MORTGAGE FORECLOSURES
AND CREDITORS RIGHTS ACTIONS

SUSAN SCHAFFER
CLERK OF CIRCUIT COURT

The purpose of this Administrative Order is to enable the Clerk of Circuit Court for Eau Claire County to properly respond to a judgment creditor's request to amend the caption or the identity of parties or the assignment of a creditor's interest post judgment, but in conformance with Wisconsin law.

This Administrative Order has its origins in the recognition that commercial lenders, mortgagees and other businesses extending credit obtain money judgments against defendants and thereafter sells, conveys or assigns that original creditor's judgment interest to some third party for collection. The sales, conveyances or assignments are usually in bulk and an individual judgment or creditor's interest is not specifically identified in any sale, conveyance or assignment.

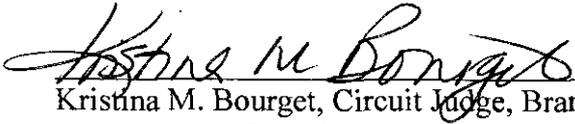
In the Eau Claire County Circuit Court, it has become the custom for judgment holders/owners, with the help of their attorneys, to sell, convey or assign the creditor's judgment interest by requesting that the circuit judge amend the caption of the action and the judgment to read something to the effect: "Creditor B as successor in interest to Creditor A vs. Debtor".

The Wisconsin Statutes contain an express statutory provision for the assignment of an interest in a judgment. See §806.18, Wis. Stats. This statutory section does not contemplate or authorize substituting parties or amending the caption. Section 803.10, Wis. Stats., Substitution of Parties, does not contemplate substituting parties in an action post judgment. Therefore, and for these reasons,

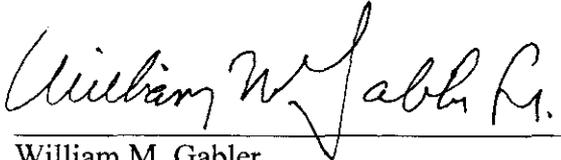
IT IS HEREBY ORDERED:

1. In the event a judgment holder or other creditor submits a post-judgment request to change the caption, substitute parties or otherwise assign an interest in a judgment, the clerk of circuit court's office shall, on its own, direct the movant to the provisions of §806.18, Wis. Stats.
2. In the event, or to the extent, that a judgment holder or creditor has not appeared to have complied with the requirements of §806.18, Wis. Stats., the office of the clerk of circuit court is authorized to deny the request. In the case of a close question, the clerk of court shall seek direction from the branch of the circuit court that rendered and entered the judgment.
3. In the event the judgment holder/creditor is unsatisfied with the decision of the clerk of court, it is incumbent upon that judgment holder/creditor to file a written motion with the clerk of court after having first obtained a hearing date from the court's judicial assistance and with proper notice to the debtor at the debtor's last known address.

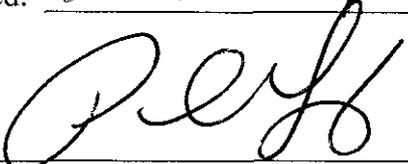
BY THE COURT:


Kristina M. Bourget, Circuit Judge, Branch 1
Circuit Judge, Branch 1

Dated: 12/15/14


William M. Gabler
Circuit Judge, Branch 3

Dated: 11-17-14


Paul J. Lenz
Circuit Judge, Branch 5

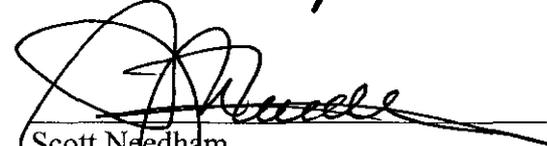
Dated: 11-24-14


Michael A. Schumacher
Circuit Judge, Branch 2

Dated: 12/15/14


Jon M. Theisen
Circuit Judge, Branch 4

Dated: 12/16/14


Scott Needham
Chief Judge, 10th Judicial District

Dated: 1/5/15