

Assignment of Judgment and Changed Creditors

Upon acceptance of a proper Assignment of Judgment with fee, the Clerk will add the assigned creditor to the case, record an assignment of judgment in the judgment lien docket, and then may issue judgment enforcement actions accordingly.

A valid assignment or bill of sale should show the specific account being transferred along with an unbroken, valid chain of assignment between the **original creditor** (assignor) and the assignee (assigned creditor). For purposes of monetary judgments: A plaintiff is the party that brings a legal claim in court. An assignor is the party that holds the judgment transfer rights. An assignee is the party to whom the judgment rights are legally being transferred to.

To ensure that the Clerk of Court properly handles and issues these processes, the following applies.

- 1. A proper assignment of judgment document should comply with the following:**
 - a. The assignment document should clearly state the name and address of the owner and assignee.
 - b. The assignment document must be signed by the owner, NOT the party who the judgment is being assigned to. A notarized signature is recommended or may be required.
 - c. The assignment document must list the specific judgment being assigned (name of county, case, case #, creditor/debtor parties, and the judgment amount).
 - d. Because an assignment can be made in full or in part, it should clearly state whether the assignment is in full, or otherwise specify the judgment amount being assigned.
 - e. A \$5 fee must accompany the assignment or be paid before the assignment is recorded.

- 2. To Mandatory E-File parties (attorneys or high volume filers):**
 - a. If you are not yet a party to the action, you may Efile the assignment as a 3rd party filer.
 - b. If the assignment is deemed proper, the Clerk will add the assigned creditor as a case party. The attorney or agent for the assigned creditor may then opt-into the case through the assigned creditor party.
 - c. Upon payment of the \$5 fee, the clerk will record the assignment on the judgment lien docket.

- 3. To Elective E-File parties:**
 - a. If you wish to become an electronic party, you may opt-in to the case.
 - b. For information on E-Filing, access: <https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>
 - c. If you do not have your case opt-in code, contact the Clerk of Court for assistance. Make sure to include the name of the case and case number when you call. If you do not have that information, you can do a case search for circuit court records under: www.wicourts.gov .
 - d. After you opt-in, you can E-file the assignment and pay the fee on-line through the case.

4. **To litigants not required to E-File:**
 - a. The assignment document can be mailed or presented to the Clerk of Court along with payment of the \$5 fee.
 - b. If you wish to have the assignment document returned, please provide a self-addressed postage paid return mailer.

5. These processes were structured based on the following:
 - a. Wisconsin Statutes.
806.18 Assignment of judgment.
806.18(1) (1) When a duly acknowledged assignment of a judgment is filed, the clerk of circuit court shall enter the assignment on the judgment and lien docket.
806.18(2) (2) An assignment may be made by an entry on the judgment and lien docket thus: "I assign this judgment to A.B.", signed by the owner, with the date affixed and witnessed by the clerk of circuit court.
 - b. A 2014 Eau Claire County Administrative Order.
 - c. Various consults and opinions from the Corporation Counsel in Eau Claire County.

6. FAQs
 - a. If an Attorney is appearing for both entities (owner and assignee), the clerk **must** still have something signed by the actual **owner** of the original judgment, and not something signed by the attorney assigning the judgment to the new creditor, or something signed by the assignee.
 - b. An assignment of judgment or proof of merger is required when the original creditor has changed based on merger with another company.
 - c. Whenever a new creditor is named on a garnishment, the Clerk will not process it unless a proper assignment has been recorded.