



NATIONAL JUDGMENT NETWORK

www.NationalJudgment.Net

Judgment Enforcement Manual

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Introduction

This manual is intended as information only and the publisher makes no warranties or representations of any kind regarding its accuracy. Readers are advised to conduct their own research carefully before actually attempting to engage in business. We assume no liability for any damage or loss that may result, directly or indirectly, as a result of the information contained in this manual or on the NJN website. We are not engaged in providing legal advice or professional services. If legal advice is required, an attorney should be consulted. The contents of this manual are intended for the use of National Judgment Network members only, and may not be reproduced in whole or in part in any fashion whatsoever.

Every attempt to make this manual as accurate as possible has been made. While judgment enforcement is very similar in all states, there are differences in the enforcement process from state to state. It will be the reader's responsibility to familiarize him or herself with state specific procedures. The contents of this manual are current as of the date of publication but rules, regulations, and procedures within the industry change on a routine basis. The reader is encouraged to conduct his/her own research to ensure that he/she has the most current information available.

You are about to embark on an exciting and financially rewarding business venture. Judgment enforcement is a legitimate business opportunity. It is not a get-rich-quick scheme. It will require an investment in both time and money. You will benefit from your new business in direct proportion to the amount of work you put into it. You have a great deal to learn, and will continue to learn throughout your career as a judgment enforcement professional.

The information in this manual has been compiled over years of enforcing judicial judgments and from the input of hundreds of National Judgment Network members. While it is impossible to publish a manual to cover every case you may encounter, this manual will provide you with the foundation necessary to proceed. It will benefit you to acquaint yourself with all aspects of civil law concerning judgment enforcement. The World Wide Web and your local library are filled with information on this subject. Be bold in the pursuit of your business while exercising caution as your knowledge increases. You will most likely encounter a few unfamiliar legal terms as you read through this manual. For that reason, you are encouraged to download the NJN Legal Dictionary, which can be found on the "Download" page of the NJN Website. Before proceeding, get comfortable and have a pen and pad handy so you can make notes as necessary.

Let the journey begin...

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Overview

A lawsuit commences when a claimant, called the **Plaintiff**, files suit against another party, called the **Defendant**. The parties can be individuals, corporations, partnerships, etc. If the claim is not resolved pre-trial, then the court will hear evidence from both sides and make a finding of fault and damages, called a **Judgment**. When the Judgment is rendered, the party that wins the award becomes known as the **Judgment Creditor** and the party that owes the award is called the **Judgment Debtor**. Depending on the claim and/or counter-claims, it is possible for the Defendant to prevail over the Plaintiff and become the Judgment Creditor.

The judgment itself is nothing more than a piece of paper. It is placed on file at the courthouse and a copy is delivered to both the judgment creditor and judgment debtor. The court then takes no further action on the matter. Enforcement of the judgment is the sole responsibility of the judgment creditor. About 20% of judgments awarded by the court are actually paid by the judgment debtor. The remaining 80% are simply never paid, primarily because the judgment creditor is unfamiliar with the process of enforcing the judgment. He could hire an attorney - but attorneys usually require a retainer fee, and can charge up to \$200 per hour for their services. And, while most attorneys are very good at litigation, they generally do very poorly at judgment enforcement. As a matter of fact, you will very likely get a good number of referrals from attorneys.

The judgment creditor could retain a collection agency, but the FDCPA (Fair Debt Collection Practices Act, § 805(c)) gives a debtor the right to simply tell the collection agency to ‘cease and desist’, and they must do so. To avoid payment, the judgment debtor may change his residence. He may even move out of state! If he has assets, he may hide them in an attempt to make himself **judgment proof**, or immune to the enforcement of a judgment.

This is where you come in. As a judgment enforcement specialist, you have the ability to conduct a skip trace to locate the judgment debtor. You can conduct an asset search to discover his assets. And, you have the knowledge and resources to utilize the legal system to enforce, or execute, the judgment. Before you can exercise these powers, you must first have the judgment creditor sign the judgment over to you, making you the **assignee of record**. Once the document, known as an **Acknowledgment of Assignment of Judgment**, has been filed with the court, the proceeds of the judgment will be payable to you rather than the judgment creditor, giving you the authority to pursue collection in your own behalf. Thus, you will not be representing the judgment creditor, but yourself!

Assignment is a legal term the definition of which is “The act of transferring an interest in property or some right (such as contract benefits) to another. It is used commonly by lawyers, accountants, business people, title companies and others dealing with property.”

It is the purpose of this manual to educate you in the enforcement process. We will cover each phase of the process, step by step. You will learn about business startup, where and how to obtain cases, customer relations, skip tracing, asset discovery, asset seizure, and legal procedures. Can we teach you everything there is to know about judgment enforcement? No! You will find that each and every case is a learning experience. Over time you will hone your enforcement skills.

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You will learn by doing! Over time, you will become more and more proficient, and provide a valuable service to your community in the process.

No manual can provide all the answers. This one will give you a solid understanding of the enforcement process and provide you with the tools necessary for success. You will perfect your skills through practice and experience.

Keep in mind that this manual is only part of your training package. It contains the basics. In addition to the information contained in this manual, you have full access to the NJN website. Here you will find tutorials, links to other sources of information, and input from judgment enforcement professionals throughout the United States. A wealth of information can be discovered by browsing every corner of the NJN website. One place you will not want to miss is the NJN Discussion Forum. The Forum is an education in itself! Start reading with post number one and continue until you have read every single post! You will be able to access the NJN Discussion Forum on the secure area of the NJN website.

Starting Your Business

The first step in starting any new business is choosing a business **name**. Most judgment enforcement professionals choose something descriptive, such as Acme Judgment Enforcement or Arizona Judgment Service. In doing so, a potential customer knows exactly what you do when he sees your name. And while we are on the subject of names, the correct way to spell "judgment" is j-u-d-g-m-e-n-t. It is often misspelled "judgEment". While this spelling may be acceptable in many applications - it is not the proper legal spelling. You can examine the names of other National Judgment Network members by visiting their websites at www.EnforceMyJudgment.com.

The next step will be **registering** your name with the appropriate authority.....

The full manual is actually comprised of over 380 pages and is cram packed with information. You will find step-by-step details on organizing your business, legal information for your state, and tutorials on everything from wage garnishment and bank account discovery to statutory analysis. When you are ready to become a part of the most dynamic judgment recovery organization in the United States, visit us at www.NationalJudgment.Net. We look forward to welcoming you aboard.