OVERVIEW OF COLLECTION OF A CIVIL JUDGMENT

P = Plaintiff

START HERE <u>D</u> = Defendant

JUDGMENT OBTAINED

- Judgment must be "entered" and "notice of entry" served on D
- No execution can issue until 10 days after "notice of entry" (or 30 days if in district court)
- · Nevada judgments enforceable for six years
- Judgment can be "renewed" every six years before it expires

If "default" judgment, \underline{D} can file motion to "set aside" judgment

- If judgment set aside, any money collected must be returned and <u>D</u> can file an answer to defend case
- If judgment not set aside, P can collect

If <u>P</u> knows where <u>D</u> works or banks or specifics of other assets, <u>P</u> prepares:

- · Writ of Execution
- Writ of Garnishment (if necessary)
- · Instructions to Sheriff or Constable
- Notice of Execution After Judgment P files writ with court and takes all documents to sheriff or constable for service

If <u>P</u> knows <u>D</u> owns real property in Clark County, <u>P</u>

obtains certified copy of judgment from court, records it with Clark County Recorder, attaches "judgment lien"

 If small claims, must obtain Abstract of Judgment from court

If <u>P</u> needs information about <u>D</u>'s assets, <u>P</u> files Motion for Examination of Judgment Debtor

- Court issues order setting examination date
- <u>P</u> has <u>D</u> served with court order
- P attends hearing and questions D about assets
- If <u>D</u> fails to attend, court can issue bench warrant

Sheriff or constable serves writ on employer, bank, etc., and collects available funds or property as instructed in writs

• Notice of Execution mailed to D's last-known address

$\underline{\mathbf{D}}$ has 10 business days after Notice of Execution mailed (or wages withheld) to file Claim of Exemption with court if $\underline{\mathbf{D}}$ believes funds or property are legally protected ("exempt") from execution

- <u>D</u> should attach available documentation to Claim of Exemption to prove exemptions (pay stubs, social security award letters, etc.)
- <u>D</u> must mail Claim of Exemption to <u>P</u>, sheriff or constable, and any third party involved (bank, employer, etc.)

If sheriff or constable does not receive Claim of Exemption from <u>D</u> within 25 calendar days after levy, funds or property released to <u>P</u>

\underline{P} has 8 business days after Claim of Exemption served to file Objection with court if \underline{P} disagrees with \underline{D} 's claimed exemptions

- · Court clerk will set hearing
- P must mail notice of hearing to D not less than 5 business days before hearing

If P does not file Objection,

funds released to <u>D</u> within 9 business days after Claim of Exemption served on sheriff or constable

If \underline{P} does file Objection, court holds hearing to decide whether \underline{D} entitled to exemptions claimed

• <u>D</u> must submit evidence to judge to prove <u>D</u>'s entitlement to exemptions claimed.

If judge denies <u>D</u>'s claimed exemption, funds or property released to <u>P</u>

If judge grants D's claimed exemption, funds or property released to D

- D should prepare and submit written order for judge's signature
- Mail order to P, sheriff or constable, and any third party (bank or employer).

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