

Post-Judgment Remedies

Frequently the Plaintiff will find it difficult to collect their judgment. Post Judgment remedies are available to help you collect your money. You may choose one, all, or a combination of the following:

ABSTRACT OF JUDGMENT

If no appeal is filed within 10 days for a small claims or 5 days for an Eviction, then you can file for an abstract of judgment. The Court will prepare the abstract which the Plaintiff must then file with the County Clerk's office. The abstract of judgment places a lien against the individual's name and prohibits this person from buying or selling real property within the county or counties to which you have filed the Abstract. The abstract is good for 10 years, but a writ of execution will need to be filed within that time.

When requesting an abstract of judgment, you should provide the Court, if possible, with the following information pertaining to the Defendant(s): **DOB, TX DL #, and Present Address**. The fee for preparing an abstract of judgment is **\$5.00** for each abstract you want to file within the county or counties you choose. For your convenience, the area counties have been listed below with the telephone number to the County Clerk's office. The County Clerk's office will be able to assist you in filing the Abstract.

Nueces County Clerk

361/888-0580

If you are deciding to file a lien against an individual, please understand that it is your responsibility once judgment has been satisfied to release the judgment correctly.

WRIT OF EXECUTION

Thirty days after the judgment is signed the party that won the judgment can request a Writ of Execution. This is an order issued to the Sheriff's office. The Sheriff then makes contact with the individual and attempts to collect your judgment by making an oral demand for payment. If attempts to collect fail, the Sheriff will seize any non-exempt personal property to confiscate and sell at a public auction to pay off the judgment. The proceeds from the auction will be forwarded to you in check form. If the Sheriff cannot find any property that is possible for seizure, he then returns the order to the Court unexecuted. This procedure is usually more effective in collecting from a company rather than an individual.

The court cost for issuing a Writ of Execution is \$5.00 plus the Sheriff's service fee. The service fee for Nueces County is \$150.00. Therefore, if you request a Writ of Execution on one party located within Nueces County, the cost is \$155.00. If you have an out of county service, please call the Court's civil office for service fee information.

WRIT OF GARNISHMENT

Thirty days after the judgment is signed, the party that won the judgment can request a Writ of Garnishment. A Writ of Garnishment on a bank account is a procedure used to collect a judgment, but it is not as simple as the other remedies discussed. Therefore, it is the policy of the Court to recommend having an attorney prepare the Application for Garnishment.

GENERAL INFORMATION

No personal appearance is required to request post-judgment remedies. You may request any of the referenced remedies by mail. In your request you must give the following information: {*You may print out online the Request for Process*}

The case number

Your name and current mailing address and telephone number

The party your judgment is against and their employment or home address

State which remedy you are requesting and enclose a money order or cashier's check for the court costs payable to Justice of the Peace, Precinct 1, Place 2.

Send all written correspondence to:

Judge Henry A. Santana
901 Leopard, Room 115
Corpus Christi, TX 78401

NOTE: CLERKS OF THE COURT ARE PROHIBITED FROM GIVING LEGAL ADVICE!

If you have any further questions, you are encouraged to seek the advice of an attorney.