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Obtaining and Enforcing the Judgment

- Obtaining the judgment for breach of contract, money owed, etc.
- The judgment can be obtained in numerous ways.
- Once the Court has granted the judgment, collection efforts can begin following a 30 day appeal period.

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Obtaining and Enforcing the Judgment

- When enforcing the judgment, look for assets of the debtor(s).
- Look for leverage where possible.
- Look for assets before the judgment is granted in order to be ahead of schedule.
- What if you do not have a new address or phone number?
- Databases to tract
- Information sources for litigation purposes

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The Debtor Lives in Another State

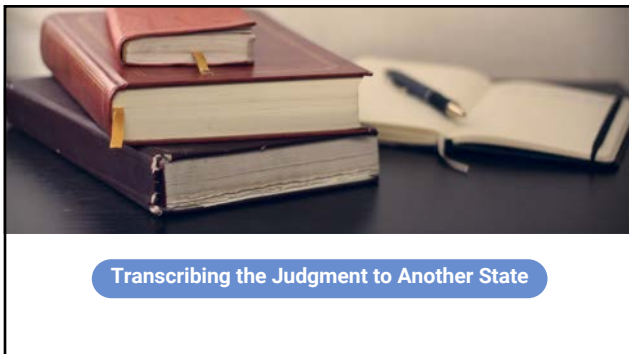
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The Debtor Lives in Another State

- Where to fight your fight?
- Sometimes fighting your fight in your backyard and transferring the judgment to the debtor's State of residence makes sense.
- There could be legal reasons why you need to file in the State where the debtor resides.
- Knowing where the debtor lives and/or has property to levy to satisfy the judgment.
- There are several reliable databases to locate the debtor if you do not know where they live or reside.

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Transcribing the Judgment to Another State

- Is a process of obtaining a certified copy of the judgment from the issuing Court to file in the new Court.
- It is proof of the action taken by the issuing Court to enforce in another jurisdiction.

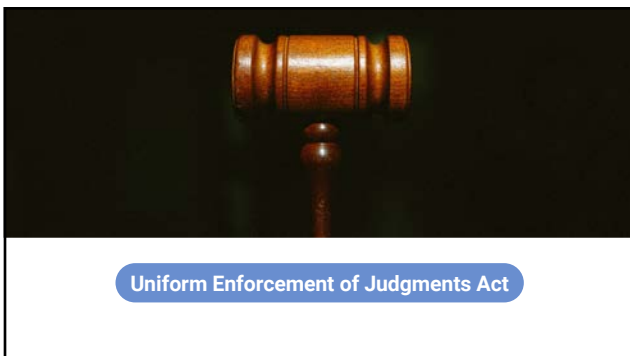
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Uniform Enforcement of Judgments Act


- Most States have adopted the Uniform Enforcement of Judgments Act in part or whole
- This allows a judgment of one State to be enforced in another State.
- Enforces the constitutional requirement that “full faith and credit” be given to judgments be rendered by other States.

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What Does the Creditor Need to Do?

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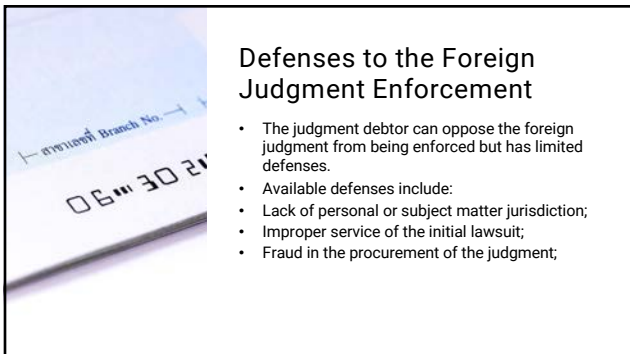
What Does the Creditor Need to Do?

- The creditor must initiate filing the foreign judgment in the District or County where the debtor resides or owns real property or has personal property.
- The filing includes a certified or exemplified copy of the judgment.
- The filing seeks enforcement of the foreign judgment and gives notice to the debtor that they may contest the enforcement of the judgment.

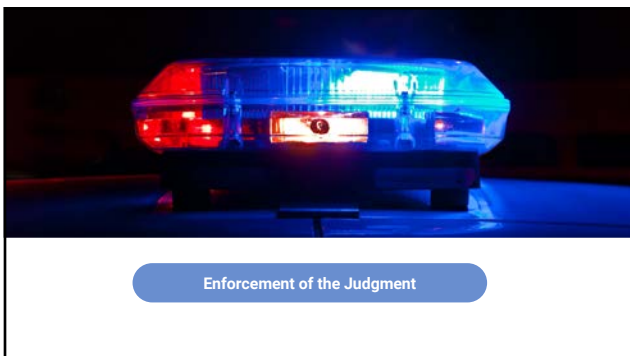
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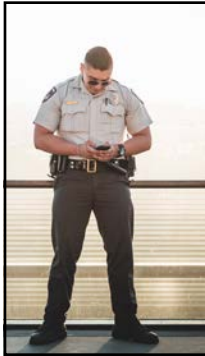
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Enforcement of the Judgment

- Once the judgment becomes final in the new Court, the process in North Carolina is:
- Begin locating assets;
- 30 day appeal period from the Court's decision;
- Issue Notice of Right to Claim Exempt Property to individuals;
- Issue Execution from the Clerk to the Sheriff to locate assets to satisfy the judgment;

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Questions?

If you have any questions or comments, please let us know.

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