

## Collecting Your Judgment

It is very difficult to collect a money judgment in Texas. Our law provides that only non-exempt property of the judgment debtor may be seized to satisfy the judgment. Most judgment debtors do not have non-exempt property; in other words, most people have only exempt property. This means that even though you might obtain a judgment against someone, it is likely that you may never recover any money.

If you decide to file a lawsuit and you obtain a judgment, you may follow these steps to try to collect your judgment.

1. We suggest that you wait until the appeal time runs out before you do anything. The appeal time is 5 days in Forcible Entry and Detainer (Eviction) cases and 10 days for other civil cases (Justice and Small Claims Court).
2. After the judgment is rendered, you may obtain an Abstract of Judgment which you may file with the County Clerk in Milam County or any county in which the judgment debtor has real property. The fee is \$5.00 and there is an additional recording fee for the County Clerk at the time you file the abstract. The abstract informs the county in which you have filed it that there is a judgment against the debtor and it creates a judgment lien on the debtor's real estate in that county. The judgment will probably be picked up by credit reporting agencies and be noted on the debtor's credit report. You may file this abstract in as many counties in Texas as you like. There will be a fee each time it is recorded.
3. Thirty days after judgment, you may obtain a Writ of Execution to attempt to seize the debtor's non-exempt property to satisfy your judgment. The fee for this writ is \$205.00. Before you pursue this remedy, you should determine whether the debtor has non-exempt property. To do this, you must rule out all the debtor's exempt property, as follows:
  - A. The homestead is exempt. This means a house and up to one acre of land in an urban area, or a house and up to two hundred acres of land in a rural area.
  - B. Current wages for personal services, certain unpaid commissions for personal services, and certain health aids are exempt.
  - C. Personal property that is eligible and that has an aggregate fair market value of not more than \$60,000.00 is exempt if the debtor is married or otherwise part of a family and \$30,000.00 if the debtor is a single adult not a member of a family. The following items of personal property are eligible for exemption within above monetary limits:
    - i. Home furnishings, including family heirlooms;
    - ii. Provisions for consumption;
    - iii. Farming or ranching vehicles and implements; tools, equipment, books, and apparatus, including boats and motor vehicles used in a trade or profession; clothing; jewelry (not to exceed 25% of the aggregate); two firearms; athletic and sporting equipment;
    - iv. A two, three, or four-wheeled motor vehicle for each family member who holds a drivers license;
    - v. Certain farm animals and forage on hand reasonably necessary for their consumption;
    - vi. Household pets;
    - vii. Cash surrender value of certain life insurance policies.

If a judgment debtor has no non-exempt property, you cannot execute on your judgment. There are other remedies available in addition to the Writ of Execution, but they are even more complex. Relevant law for these remedies can be found in the Texas Property Code, the Texas Civil Practice and Remedies Code, the Texas Rules of Civil Procedure and elsewhere. The best advice is to consult an attorney. This information is not intended to constitute legal advice or to take the place of an attorney. The Justice of the Peace and the clerks are prohibited by law from giving legal advice. The law concerning the collection of judgments is complex and can be properly explained by your attorney. You may want to view the [Texas Law Help web site](#).