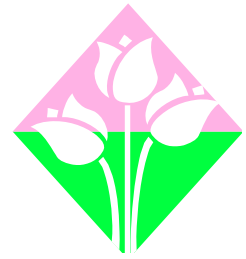




*Happy Spring!*

## Mesmer & Deleault, PLLC

41 Brook Street, Manchester, NH 03104  
Seacoast Office: One New Hampshire Ave., Suite 125  
Portsmouth, NH 03801



# “Tip of the Month”

## ENFORCING A MONEY JUDGMENT

Someone owes you money, but is refusing or failing to pay. You file a lawsuit and prevail in court. A judgment for the amount you are owed is awarded in your favor. That’s great news, right? But what if the debtor is still refusing or failing to pay?

**Garnish Wages.** If a judgment is not being paid, but the debtor receives a regular paycheck, a creditor may seek to garnish the debtor’s paycheck. This is known as a wage attachment or wage garnishment. Once a creditor secures a wage attachment, the debtor’s employer must garnish a portion of the debtor’s wages each pay period and send the money directly to the creditor.

Under federal law, a judgment creditor may garnish 25% of a debtor’s net earnings or the amount by which a debtor’s weekly net earnings exceed 30 times the federal minimum wage, whichever is less. Net earnings are gross earnings less any legally mandated deductions.

**Judgment Property Lien.** Another way of collecting a judgment is through the use of a Judgment Property Lien. In New Hampshire, a judgment property lien can be attached to both real estate and personal property. This type of lien gives the creditor the right to be paid a certain amount of money from proceeds from the sale of the debtor’s property.

To secure a lien on the debtor’s property, a creditor must file a Petition to Attach with the Court. If the Court grants the Petition, it will issue the Orders of Attachment to the creditor. To attach a debtor’s real estate, the creditor must file the Orders of Attachment with the Registry of Deeds in the county where the debtor has property. To attach a debtor’s personal property, the creditor must file the Orders of Attachment with the New Hampshire Secretary of State. Once property is attached, a New Hampshire judgment property lien remains effective for six years, even if the property changes hands. This applies to both real estate and personal property.

**Levy Debtor’s Bank Accounts.** Another way a creditor can collect on a judgment is by levying a debtor’s bank accounts. To do this, the creditor must file a Petition to Attach with the Court. The Petition must specify the amount that is owed, what the creditor wants levied, and where the funds to be levied are located. If the Petition is granted, the Court will issue the creditor a Writ of Execution, which can then be used to levy the debtor’s bank accounts.

The debtor will be served the Writ by the Sheriff, as will the banks at which the debtor’s accounts are located.

There are a number of other resources creditors have at their disposal for enforcing judgments.

If you were awarded a money judgment and would like assistance in collecting what you are owed, give us a call at (603) 668-1971 or contact us by email at [mailbox@biz-patlaw.com](mailto:mailbox@biz-patlaw.com)

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Frank B. Mesmer, Jr.  
Robert R. Deleault  
Ross K. Krutsinger  
Joshua N. Mesmer



(603) 668-1971

Fax (603) 622-1445

E-mail: [mailbox@biz-patlaw.com](mailto:mailbox@biz-patlaw.com)

Website: [www.biz-patlaw.com](http://www.biz-patlaw.com)