

Attachment and Garnishment

Did you lose a lawsuit? Here are your rights concerning garnishment and attachment.

If I lose a lawsuit, can the plaintiff make me pay the judgment?

If you lose a lawsuit the plaintiff becomes a judgment creditor. You can either voluntarily pay the judgment or the plaintiff can attempt to "execute" on the judgment against you. To execute means to take steps to get your wages or your property to pay off the judgment. To most common methods of attempting to execute on a judgment are called garnishment and attachment.

What are Attachment and Garnishment?

Attachment allows the creditors, with the help of the sheriff or constable, to take personal property such as a car from you and sell it.

Garnishment allows the creditors to take something of yours in the hands of another person or institution; for example, your employer or your bank.

When can you claim your exemption rights?

Just because you find your property listed as exempt, do not assume your property is safe. You must take action to protect your exempt property or income. The judgment creditors will not look out for your best interests. You must do that.

Before garnishment or attachment you may:

1. "Homestead" your home or mobile home if you own it and live in it. To learn more about this, check this WebSite.
2. If you have income that is exempt, such as Social Security benefits, it is best to notify the judgment creditor in writing of the fact that your bank account, for example, only has Social Security benefits in it. Keep a copy of that written notice for your records.

After garnishment or attachment see Contesting the Collection of a Judgment on the Clark County Courts' Civil Law Self-Help Center website. The site will answer questions including:

- What types of money and property cannot be taken to collect a judgment?
- How does the Debtor claim an exemption?
- What happens after the Debtor files his affidavit claiming exemption?
- When is a hearing on the property exemption to be scheduled?
- What you can do if the creditor requests a hearing?
- If the judge denies my exemption claim, do I have any appeal rights?
- Can exempt property ever be taken?
- What can I do if I have property or wages which are not exempt from execution?

