

POST JUDGMENT REMEDIES

This information is furnished to you to provide basic information relative to the law governing actions brought in the Court of the Justice of the Peace, Pct #1, Randall County, Texas. The Randall County Justice of the Peace and the clerks are not allowed to give legal advice. You are urged to review the laws and to consult an attorney of your choice for further information to specific legal questions.

ABSTRACT OF JUDGMENT

This instrument is prepared by the Court and given directly to you for filing with the County Clerk. An abstract creates a judgment lien on any real property the defendant may own in a particular county where the abstract is recorded. This instrument can be obtained after the expiration of (10) ten days after the judgment has been signed. The court costs for this instrument is \$5.00. It is then your responsibility to file the abstract with the county or counties you choose. For your convenience, the Potter and Randall County Clerk's telephone numbers have been listed below. The County Clerk's office will be able to assist you in filing the abstract. Please contact the County Clerk to inquire as to their fees for the recording of the abstract.

Note: After the Defendant has paid his judgment, you will need to file a release with the Court and with the County Clerk

Potter County Clerk: 806-379-2275

Randall County Clerk: 806-468-5505

WRIT of EXECUTION

A Writ of Execution is a judicial writ for the enforcement of a judgment. It may be obtained after the expiration of (30) thirty days after the judgment has been signed. This document authorizes the Sheriff or Constable to seize and/or sell property of the judgment debtor for the purpose of paying a judgment rendered against them. Those

assets are then auctioned at a public sale and those proceeds are applied to the judgment. The court costs for issuing a Writ of Execution is \$5.00, plus the Sheriff's service fee. The service fee for Randall County is \$200.00. Therefore, if you request a Writ of Execution on one party located within Randall County, the costs is \$205.00. If you have an out of county service, please call the Court's civil office for service fee information. (Rule 558 T.R.C.P.)

WRIT OF GARNISHMENT

A Writ of Garnishment may be issued where the plaintiff has a valid, subsisting judgment and files an affidavit stating that within plaintiff's knowledge, the defendant does not have property in the defendant's possession within the State of Texas subject to execution sufficient to satisfy the judgment (63.001(3) V.A.C.P.R.C.) Please contact an attorney for assistance in filing a Writ of Garnishment.

TURNOVER ORDER

A Turnover Order is to aid the diligent judgment creditor in obtaining satisfaction of his or her judgment in a timely manner. The Turnover statute (31.002 T.C.P. R.C.) applies in those situation where the debtor's property cannot readily be attached or levied on by ordinary legal process and allows the court to grant injunctive relief, order a turnover of the property or appoint a receiver. Please contact an attorney for assistance in filing a Motion for a Turnover Order.