



## **CONSUMER RESOURCES**

All laws are subject to change without notice. This information is based on Florida law only and is NOT intended to be legal advice.

### **What to Expect After a Judgment is Entered Against You**

This packet is designed to give you information on what you can expect if/when a judgment is entered against you. A judgment is a Court order where the Court says you owe someone money.

#### **What is a Judgment?**

- A judgment is an order by the court stating that you owe a certain sum of money.

#### **What if you cannot pay?**

- The court can never order you pay the judgment. Also, you can never go to jail just for not paying your debts, unless those debts are alimony, child support, or IRS taxes. Creditors can, however, try to collect judgments by garnishing wage and levying on personal or real property.

#### **What Can you do?**

- You have the right to file a Motion for Rehearing if you believe the judgment was made wrongly by the Court.
  - If you wish to file a Motion for Rehearing, you must file and serve this motion within ten (10) days of the date that the Final Judgment was signed.
  - This motion should state why you believe the Judge should re-hear the matter.
  - If your motion is granted, your case will go before the same judge for a new trial; however, our office will not be able to represent you in this proceeding.
- You have thirty (30) days to file an Appeal. This is not something that our office will be able to help you with. You can find information and forms on how to file an Appeal in the Courthouse library.
- Should you choose not to file a Motion for Rehearing or Appeal, or should your motion be denied, you will receive documents from the opposing attorney and from the Court.
  - As you begin to receive documents from the Court, keep in mind that you are expected to respond to the best of your ability and in a reasonable manner.

Jacksonville Area Legal Aid is sorry it can't be of more assistance at this time. Please feel free to come again should you have other legal problems. Jacksonville Area Legal Aid wishes you the best of luck in the future.

**Jacksonville Area Legal Aid**  
126 W. Adams St.  
Jacksonville, FL 32202  
904-356-8371



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- You are also expected to show up for any appointments made by the Court. If you do not show up for these appointments, then you could be held in contempt of court.

### What Documents you should receive:

- The first document you will receive regarding your judgment is the “Fact Information Sheet”.
  - Once you receive the “Fact Information Sheet”, you have 45 days to return it to the opposing attorney. You should return it via mail only – do NOT file it with the Court because it has sensitive information on it.
  - There should be instructions on where to mail the completed form. Fill out the “Fact Information Sheet” honestly and completely to the best of your ability.
  - You need to answer all of the questions that you have answers to, even if you don’t understand why that information is important.
  - Failure to do so or to return it promptly could result in your being held in contempt of court.
- When returning your “Fact Information Sheet”, include a letter asking the opposing attorney not to file it with the court.
  - The sheet will contain your Social Security Number, and filing it with the court will make it public record.
  - If you have already returned your “Fact Information Sheet, still take the time to send the letter. Simply explain in your letter that because of potential identity theft, you would prefer that the “Fact Information Sheet” not be filed with the Court.
  - Make sure to keep a copy for yourself and keep it in a safe place. Also, make sure to send it as certified mail so that you can receive confirmation when your “Fact Information Sheet” has been received.

### What you should do after you mail the Fact Information Sheet:

- Once you have mailed your response, go to the Courthouse and file a “Notice of Filing of Fact Information Sheet” with the Court.
  - A “Notice of Filing” is a simply a document that tells the Court that you have complied with the request to fill out and return your “Fact Information Sheet”.
    - Make sure to include the case heading (case number, division, party names, etc.) as it appears on your other Court documents.

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- The notice should explain that you mailed a complete copy of the “Fact Information Sheet” to the attorney for the plaintiff and the date you mailed it.

### Post judgment discovery

- The next stage is the “post-judgment discovery” stage. In this stage, the opposing attorney will be trying to figure out how they will be able to collect the judgment from you.
- You will probably be asked to fill out more forms, or produce your bank account statements and tax returns as a way to verify your financial situation.
- It is extremely important that you answer any of the opposing attorney’s requests honestly, as completely as possible, and in a timely manner.
  - Failure to do so could result in your being held in contempt of court.
- You may also receive a “Notice of Deposition in Aid of Execution” during this stage.
  - This is like an interview.
  - The opposing attorney will ask you a series of questions about your finances and background.
  - *You must show up for this appointment or you may be held in contempt of court.*
  - If you find you have a conflict on the date that the deposition is scheduled, call the opposing attorney and he or she may be able to work with you.
  - Answer all of the questions honestly and to the best of your ability.
    - Failure to do so could result in your being held in contempt of court.

### There are three ways that a judgment can be collected: a lien on your home, repossession of your car and garnishment of your wages or bank account.

**#1: Lien on your real property:** If a creditor who has a final judgment against you records a certified copy of the final judgment in the public records of Duval County, it will become a lien upon the title to your home or any other real property you own in the county. Remember that a lien on your home does not mean that you will lose your home. It simply means that if/when your home is sold, the judgment is collected from the proceeds of that sale. The final judgment will bear interest and can last up to twenty years if properly renewed. In some situations, a lien can be removed by filling out a form and recording it with the City of Jacksonville.

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**#2: Repossession of a vehicle:** As far as the repossession of your car, creditors usually prefer to repossess newer cars with a lower level of debt, as older cars or those with a high level of debt usually will not turn a profit large enough to satisfy your judgment. However, we cannot predict or guarantee which cars will or will not be repossessed. Please see the info sheet on Repossessions and Deficiencies for more information.

**#3: Garnishment of wages and/or bank account:** A creditor can garnish your wages and can also garnish/freeze a bank account with your name on it. Garnishment is a relatively complicated process. For more information, please see the Garnishment info sheet on our website.

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