

Post-Judgment: Basic Steps for Handling a Small Claims EXECUTION AGAINST PROPERTY

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

<https://www.wicourts.gov/forms1/circuit.htm>.

In addition to the guidance in this handbook, follow local court rules or procedures:

[Wisconsin Circuit Court Rules](#)

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

What is an execution against property? In an execution, you are the creditor and the person that you have a judgment against is the debtor. An execution is a procedure to attempt to satisfy a judgment the creditor has against the debtor. It is an order signed by the court and addressed to the sheriff directing the sheriff to seize a debtor's property, sell it, and deliver the money received to the creditor. The creditor can get an execution only after a judgment has been granted against the debtor.

When can I get an execution? You may request an execution from the clerk of court only after you have been granted a money judgment by the court. If it has been more than five (5) years since your judgment was rendered by the court, you must first request a hearing with the court to ask the court for permission to get an execution. If you ask the court for such a hearing, you must notify the debtor of that hearing.

- 1. **First, you have to win your case.**
- 2. **Decide in which county you will obtain your execution.**
 - A. If the property is located in the county where judgment was granted, the clerk of court will issue the execution directing the sheriff to locate and seize the debtor's property
 - B. If the property is located in a county other than where the judgment was granted you follow the procedures:
 - Obtain the execution in the county where the judgment was granted: You must docket the judgment in the original county. See *Post Judgment: Basic Steps for Docketing a Judgment for Collection, (SC-6060V) form*. The Clerk of Court will prepare a transcript of your judgment which you must file in the county where the property is located. There is a fee for preparing and filing the transcript in the other

county. The clerk will issue the execution directing the sheriff of the other county to locate and seize the debtor's property.

OR

- Obtain the execution in the county where the property is located: You must docket the judgment in the original county. The clerk of court will prepare a transcript of your judgment which you must file in the county where the property is located. There is a fee for preparing and filing the transcript in the other county. You must also file a certified copy of your judgment with that clerk of court and pay an additional filing fee to begin a new action in that county. The clerk of court in that county will then issue the execution.

C. If you received your judgment in a municipal court (rather than the circuit court), an execution can also be issued from the clerk of court in the county where a transcript of the municipal court's judgment has been filed.

3. **Request an execution from the clerk of court.** Go to the appropriate clerk of court's office and request an execution. You must pay a filing fee to receive the execution. The clerk may complete all sections of the execution or may ask you to complete certain sections.
4. **Bring the execution to the sheriff for service.** An execution can only be served (delivered) on the debtor by the sheriff. In some counties, the clerk of court will forward the execution to the sheriff for service. In other counties, you may have to take the execution to the sheriff yourself. Check with the sheriff in the county to determine if there is an additional fee for serving the execution. If you know of specific property or bank accounts that the debtor has in that county, provide the sheriff with as much information as you can about the type and location of such items. You may be required to obtain a sheriff's indemnity bond from your insurance company before the sheriff will serve the execution. Contact the appropriate sheriff for further instruction.
5. **The sheriff will serve the execution on the debtor.** Within 60 days after receiving the execution, the sheriff will contact the debtor and determine whether the debtor has personal property, such as money or property that can be sold, that will satisfy your judgment. Some of the debtor's property may be exempt from execution, which means it cannot be taken. If the sheriff has to seize property to be sold to satisfy your judgment, the sheriff may have longer than 60 days to give the sheriff time to sell the property.
6. **Wait to hear from the sheriff.** The sheriff must return the execution to the clerk of court where the execution was issued. In most counties, the sheriff will deliver any money seized or proceeds from sales to you. In some counties the sheriff may deliver the proceeds to the clerk of court for payment to the creditor.
7. **File a satisfaction with the clerk of court.** If your judgment was paid in full by the property seized by the sheriff, complete a Satisfaction of Judgment, ([GF-129](#)) form. Send the satisfaction to the debtor's last known address. It is up to the debtor to file the satisfaction with the clerk of court. Alternatively, you may file the satisfaction with the clerk of court yourself, but you will have to pay an additional fee.
8. **If your judgment was not paid or partially paid.** If the sheriff was unable to collect your judgment or was only able to collect a portion of your judgment, you may begin the execution process again until your judgment has been paid in full.