

Post-Judgment: Basic Steps in Collecting on a Judgment for Replevin

Use this packet if you have already won a judgment for replevin in small claims court. The court cannot do anything to automatically enforce a judgment on your behalf. It is your responsibility to enforce your own judgment.

Any forms mentioned in this basic guide may be obtained from the Clerk of Court or online at <http://www.wicourts.gov/forms1/circuit.htm>.

- 1. The debtor may voluntarily agree to return the property to you and pay any costs that you were awarded. The reason a debtor may do this is to avoid having the money portion of the court judgment placed on the Judgment and Lien docket of the court or to avoid paying additional costs of collection. If a judgment is “docketed,” it becomes a formal lien against the debtor’s property and can significantly affect that person’s credit rating.

If the debtor returns the property to you voluntarily and pays any costs that were awarded to you by the court, and you are satisfied, it is not necessary to formally file a Judgment or docket it; the court would simply dismiss the case.

- 2. If the debtor does not voluntarily agree, you can have the judgment for costs filed and docketed (See Post-Judgment: Basic Steps for Docketing a Judgment for Collection, SC-6060V):
 - a. Complete the Judgment – Small Claims form (SC-502) and file it with the Clerk of Court.
 - b. Pay the docketing fee to the Clerk of Court. (When you are seeking to collect the amount of the judgment later, you can also seek recovery of the docketing fee.)
- 3. The following are additional steps that you may take to collect your property:
 - a. Complete a Writ of Replevin form (SC-514). This is an Order to the Sheriff to seize your property from the debtor and return it to you.
 - b. File the Writ of Replevin with the Clerk of Court.
 - c. Have the Clerk of Court prepare two authenticated copies of the Writ of Replevin.

- d. Take the Writ of Replevin forms to the Sheriff Department for them to begin their process of seizing the item. The sheriff may request that you post a bond for the value of the property being recovered.
- e. The sheriff has 60 days to act on the Writ and obtain the property or submit a response to you.