



## **Attwaters Jameson Hill – Guide to Enforcing a Money Judgment**

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### **Instruct a bailiff**

A bailiff will attend the Defendant(s) property and try and take possession of valuables up to the amount outstanding. Obviously, this method depends on the judgment debtor having goods of sufficient value.

### **Third party debt order**

By third party debt orders, sums owed to a judgment debtor by a third party, such as a bank, are frozen and seized for the benefit of the judgment creditor.

### **Charging orders**

A charging order is a way of securing a judgment debt by imposing a charge over a defendant's property or certain other assets. A charging order would prevent the defendant from selling the land without paying what is owed to you, provided that there is enough equity after payment of other creditors. A charging order is most effective when there is substantial equity in a property and defendant is the sole owner.

A charging order does not give you the right to sell the property in order to pay the debt. That would require a sale of the property, which does not automatically flow from the obtaining of a charging order.

### **Attachment of earnings**

An attachment of earnings order provides that a proportion of the defendant's earnings is deducted by his employer and paid to you until the judgment debt is paid.

The amount deducted is calculated based on a percentage of the defendant's net pay.

### **Attending court for questions**

An application is made to the court for an order that the defendant attends court for questioning to establish their financial position. The court will then order that individual to pay the debt by way of monthly instalments. If they do not turn up for questioning they will be in contempt of court. They will be given one further opportunity to attend, if they again fail to turn up then the court will issue a warrant for their arrest. This does incur substantial costs as the orders will need to be served on the individuals personally.

### **Insolvency proceedings: bankruptcy and company liquidation**

If the amount you are owed by an individual judgment debtor is more than £750, you can apply to make that debtor bankrupt. You can also apply for a company to be wound up. After a bankruptcy or winding-up order is made, the judgment debtor's assets will be collected in by a trustee in bankruptcy or liquidator and distributed among all the creditors in accordance with insolvency law. This can be expensive and time-consuming, and may not ultimately lead to any recovery.