

# Legal Aid Foundation of Los Angeles Renters Small Claims Project



## POST-JUDGMENT GUIDE – After your small claims hearing

This guide is not intended to provide legal advice nor strategy.  
The information provided in this packet only presents options and examples.

**This is not a substitute for legal advice from an attorney.**

For assistance with COVID-19 rental debt judgment contact LAFLA at (800) 399-4529

This guide reviews possible next steps after a small claims hearing for recovery of COVID-19 rental debt. A small claims judgment on its own cannot result in you being evicted from your home, but it can still have a big impact on your life. A small claims judgment is valid for 10 years and can be renewed for an additional 10 years.

This guide will provide an overview of the important events after your small claims hearing and what you can do if a judgment creditor takes action to enforce a judgment through actions such as wage garnishment or a bank levy.

This guide is not intended to be legal advice. This guide is for general informational purposes only. Contact LAFLA at (800) 399-4529 to speak to an attorney if you have received a small claims judgment. You can also find more COVID-19 rental debt in small claims webinars and materials at this link (or scan QR code): <https://lafla.org/covid-resources/renters-small-claims/>



**THIS IS AN INTERACTIVE DOCUMENT.** All [blue, underlined text](#) are hyperlinks to court forms, sample forms, and additional resources/materials where you can learn more.

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## What happens after my small claims hearing?

After your small claims hearing, the judge will decide if you owe the debt claimed by the landlord in the small claims case.

**If you won** = case dismissed, you do not owe any money

- *Dismissed with prejudice* means the landlord cannot sue about this debt again
- *Dismissed without prejudice* means the landlord can sue about this debt again

**If you lost** = judgment entered against you for some amount of money

- You become the **Judgment Debtor** (party who owes money)
- The plaintiff/landlord becomes the **Judgment Creditor** (party who money is owed to)

DO NOT PAY RIGHT AWAY.... you have **30 days** to:

**Appeal** – If you disagree with the court’s decision because you think they did not take your evidence into account properly or they made a legal error, then you can file an appeal using Form SC-140. If the court decides you still owe money after the appeal hearing, then you must pay the judgment.

**Move to vacate** – if you were not present at the hearing or only learned about the small claims case AFTER the hearing occurred, you can file a motion to vacate using form SC-135. If the court denies your request to vacate, then you must pay the judgment.

If you do not appeal or move to vacate, come up with a plan to:

- Pay the entire judgment in full directly to the Judgment Creditor or via the court;
- Request/agree to a payment plan; OR
- Submit a Judgment Debtor Statement of Assets (SC-133) to the Judgment Creditor and explain to the Judgment Creditor why you are exempt from paying the judgment

**If you do not take action to vacate, appeal, or pay within 30 days**, then the Judgment Creditor can take steps to enforce judgment against you.

### Types of collection the Judgment Creditor may seek:

The landlord (Judgment Creditor) has many options to collect payment from you.

Two common enforcement actions the Judgment Creditor may seek from you are:

#### **Wage garnishment**

- When the Judgment Creditor files papers with the court and your employer(s) to have a portion of your paycheck (wages) withheld and used to pay off your outstanding debt.

#### **Bank levy**

- If the Judgment Creditor knows where you bank, they may ask the court for permission to collect money from your bank account.

**Additional resources:**

The enforcement actions listed above are the most common methods of collection but are not an exhaustive list. To learn more:

- Read [SC-200-INFO – What to Do After the Court Decides Your Small Claims Case](#)
- Watch DCBA Video “[Small Claims Court – Collecting a Judgment from an Individual](#)”
- Watch DCBA Video “[Collecting a Small Claims Judgment](#)”

**How to pay a small claims judgment**

If you decide not to appeal and/or do not file a motion to vacate, then you can choose to pay the judgment entered.

As the Judgment Debtor (person who owes money to the Judgment Creditor), you have three options:

1. Pay the judgment in full directly to the Judgment Creditor;
2. Pay the judgment via the court; OR
3. Pay the judgment in installments:

<b>SMALL CLAIMS JUDGMENT PAYMENT OPTIONS</b>	
<b>Pay the judgment in full to the Judgment Creditor</b>	<p>You can pay the full judgment amount to the Judgment Creditor. Keep a record of your payment showing how much, when, and who you made the payment to.</p> <p>After you pay the entire judgment, request the Judgment Creditor to file an Acknowledgement of Satisfaction of Judgment (<a href="#">Form SC-290</a>) with the court within <b>14 days</b>.</p> <ul style="list-style-type: none"><li>• See sample from <a href="#">here</a> (pg. 154)</li></ul> <p>If the Judgment Creditor does not file Acknowledgement of Satisfaction of Judgment within 14 days, you must go to the small claims clerk’s office and request a <i>Declaration of Judgment Debtor Regarding Satisfaction of Judgment</i>. Complete the form and attach your proof of payment.</p> <ul style="list-style-type: none"><li>• Note: this form is not available online and must be requested at the clerk’s office</li></ul>
<b>Pay the judgment in full through the court</b>	<p>You can make the payment to the court who will then pay the money to the Judgment Creditor.</p> <p>Complete the form <i>Request to Pay Judgment to the Court</i> (<a href="#">SC-145</a>) and file it with the small claims clerk</p> <ul style="list-style-type: none"><li>• See sample form <a href="#">here</a> (pg. 117)</li></ul> <p>File the form and pay the amount owed to the court.</p>
<b>Ask to pay in installments</b>	<p>You can request the Judgment Creditor to agree to a payment plan, OR You may ask the court for permission to approve a payment plan:</p> <ul style="list-style-type: none"><li>• Fill out and file Request to Pay Judgment in Installments (SC-220) and Financial Statement (EJ-165)<ul style="list-style-type: none"><li>○ Blank copy of SC-220 <a href="#">here</a>, and EJ-165 <a href="#">here</a></li><li>○ Sample SC-200 and EJ-165 <a href="#">here</a> (SC-200 at pg. 118 and EJ-165 at pg. 120)</li><li>○ Read <a href="#">SC-220-INFO</a> for overview of the process</li></ul></li></ul>

If the court allows you to make payments in installments, then the Judgment Creditor cannot use other methods to collect money from you as long as your payments are made on time.

**NOTE** - You can ask the court to make installment payments at any time.

**CAUTION** – If you miss an installment payment, the remaining balance of the judgment becomes immediately due, and the Judgment Creditor can take action to collect from you. Only enter into a payment plan if you are sure you can afford to make regular payments on time and in full.

## What if I cannot afford to pay the judgment?

If you cannot afford to pay the judgment, complete the Judgment Debtor’s Statement of Assets ([Form SC-133](#)) and mail a copy to the Judgment Creditor within 30 days of the court’s decision. If you fail to submit this form, the Judgment Creditor may request a Judgment Debtor Examination where you will be required to come to court and testify about your income and assets in front of a judge.

- Read LAFLA’s Renters Small Claims Project’s *Judgment Debtor Examination Guide* available [here](#)
- See also, California Courts Self-Help Guide, *What happens if I can’t pay?* [here](#)

**NOTE** – If you have not paid the judgment or have not agreed to an installment payment plan within 30 days after entry of the judgment, the Judgment Creditor can take attempt to enforce the judgment through actions such as wage garnishment or bank levy. Some income and assets may be exempt from these enforcement actions.

Read the section below, *What if I am collection proof?*, to learn about what may be protected.

## What if I am “collection proof”?

### What does “collection proof” mean?

A person could be considered “collection proof” if they do not have any income or assets that can be legally seized for repayment of a debt such as a court judgment. This does not mean a judgment cannot be entered against you, only that you may have no assets to repay it.

It is important to understand that being “collection proof” does not erase or eliminate the debt. You still owe the money even if you cannot pay it. The debt may still appear on your credit report and tenant screening report. In some cases, the debt may be sold or assigned to a debt collector. If you have a change in income or acquire assets in the future, the Judgment Creditor may then be able to collect the judgment through enforcement actions.

**NOTE-** sometimes being “collection proof” is also referred to as “judgment proof” or “enforcement proof.”

### How do I know if I am “collection proof”?

Certain income and assets are exempt from being taken to repay a court judgment or debt. There are various laws that protect different kinds of assets. Individuals that receive SSI, SSDI, State Disability, public assistance, have limited personal property, and own no real estate are generally considered collection proof. For more information and a complete review of exempt property:

- Read [Exemptions from Enforcement of Judgments \(EJ-155\)](#)
- Read [Sacramento Law Library Exemption Summary Sheet](#)

Here are some common asset exemptions that generally apply. If possible, speak to an attorney regarding your specific situation to check which exemptions may apply to you:

Asset:	
<b>Wages</b>	<p>Your entire paycheck cannot be garnished to pay a court judgment. State laws limits the percentage of a judgment debtor’s paycheck to:</p> <ul style="list-style-type: none"><li>- A <b>maximum of 25%</b> of your net earnings (take-home pay after taxes and deductions); OR</li><li>- 50% of the amount by which your net earnings exceed 40 times the state minimum hourly wage (<a href="#">CCP § 706.050</a>)</li></ul> <p>If you can prove to the court that you need additional portions of your earnings to support yourself or members of your family (spouse or dependents), in whole or in part, it may also be protected from garnishment. (<a href="#">CCP § 706.051</a>)</p>
<b>Bank Account Balances</b>	<p>Your bank account cannot be emptied to pay a court judgment. Money in your bank account in an amount equal to or less than \$1,947* cannot be taken. This does not prevent or reduce your right to any other exemption under state or federal law. (<a href="#">CCP § 704.220</a>)</p> <p>Money in your deposit account above the protected amount can be exempt to the extent you can prove the funds are necessary for the support of yourself and/or your family (spouse or dependents). (<a href="#">CCP § 704.225</a>)</p> <p>*The amount of money protected in your bank account is adjusted annually in line with a measure called the “<a href="#">Minimum Basic Standard of Adequate Care</a>.” The protected amount through June 2023 is \$1,947.</p>
<b>Worker’s Compensation</b>	<p>Generally, workers compensation payments cannot be garnished or levied. Note that certain exceptions may apply; See <a href="#">CCP § 704.160 for more information</a>.</p>

<b>Public Benefits</b>	<p>Payments from state and local welfare programs, including funds from TANF programs, CalWORKS, foster care payments, and General Relief, are exempt from collection or garnishment. Financial aid payments provided by a charitable organization or benefit society are also exempt from collection. (<a href="#">CCP § 704.170</a>)</p> <p>For a complete list of exempt programs see <a href="#">Welfare And Institutions Code Div. 9 Section 1000</a></p>
<b>Social Security Payments &amp; Deposit Accounts</b>	<p>Social security benefits are exempt from garnishment and levy. (<a href="#">42 USC § 407</a>)</p> <p>Funds in a <b>social security deposit account</b>, an account in which public benefits or social security are directly deposited by the government, are protected up to a certain amount depending on the number of payees associated with the account. Read <a href="#">CCP § 704.080</a> for more information. Money in your deposit account above the amounts in CCP § 704.080 can also be exempt from levy to the extent that the funds also derive from social security or public benefit payments.</p>

**What are my options if I am collection proof?**

You are required to complete the Judgment Debtor statement of Assets (SC-133) and send it to the Judgment Creditor. You do not need to file this document with the court.

*Optional* – you can also send a letter informing the Judgment Creditor that you are collection proof and it is not worth taking action with the court to enforce the judgment against you. Explain what exemptions apply to you and provide any relevant proof to support your claim.

**What can I do if money is being taken out of my paycheck?**

**What is wage garnishment?**

**Wage Garnishment** is when a portion of your paycheck (wages) are withheld and used to pay off your outstanding debt. A Judgment Creditor may collect up to 25% of a judgment debtor’s total wages until the judgment is satisfied in full.

- Wage garnishment can sometimes also be called “wage assignment,” “earnings withholding,” or “earnings assignment.”
- **NOTE:** If you are self-employed, a Judgment Creditor CANNOT garnish your wages. In other words, wage garnishment can only occur if you are employed by a third party.

Read [Form WG-003](#) *Employee Instructions* for more information about wage garnishment.

**How can I tell if my wages are being garnished?**

- You receive a copy of Earnings Withholding Order ([Form WG-002](#)). The Judgment Creditor will provide your employer(s) with this form and send you a copy.
- You notice or your employer informs you they are withholding earnings from your paycheck.

**What can I do if my wages are being garnished?**

There are two options:

(1) You may want to reach out to the Judgment Creditor to reach an agreement to pay the judgment in full or make installment payments

OR

(2) Determine if your wages are **exempt** from garnishment -- there are limits on how much of your income can be garnished by the Judgment Creditor, called exemptions. An exemption can protect some or even all of your earnings from collection.

<b>EXEMPT</b>	Your entire paycheck cannot be garnished to pay a court judgment. State laws limit the percentage of a judgment debtor’s paycheck to: <ul style="list-style-type: none"><li>- A <b>maximum of 25%</b> of the individual’s net earnings (take-home pay after taxes and deductions); OR</li><li>- 50% of the amount by which the individual’s net earnings for exceed 40 times the state minimum hourly wage(<a href="#">CCP § 706.050</a>)</li></ul> If you can prove to the court that you need additional portions of your earnings to support yourself or members of your family (spouse or dependents), in whole or in part, it may also be protected from garnishment. ( <a href="#">CCP § 706.051</a> )
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If money is being deducted from your paycheck, you can ask for an exemption by using a **Claim of Exemption from Wage Garnishment**, [Form WG-006](#). Generally, you should start this process as soon as you become aware of the Earnings Withholding Order ([Form WG-002](#)).

- The Claim of Exemption from Wage Garnishment notifies law enforcement (the levying officer) that your income should be exempt (excluded) from collection, and therefore should not be taken to satisfy your debt to the Judgment Creditor.
- This is an opportunity for you to explain how much of your take-home pay you need in order to support yourself and your family.



## How to request a claim of exemption from wage garnishment

Fill out Claim of Exemption Documents  (WG-006 & WG-007)	Fill out and complete Claim of Exemption ( <a href="#">Form WG-006</a> ). <ul style="list-style-type: none"> <li>Use this form to explain the amount you believe should be withheld from your earnings each pay period by your employer(s)</li> <li>In Item 4 of this form, put the amount you are willing to have withheld from your earnings each pay period during the duration of the withholding order. If the Judgment Creditor does not oppose this proposed amount, it will be accepted, and this will be the amount withheld each pay period.                         <ul style="list-style-type: none"> <li>Review sample of a completed Form WG-006 <a href="#">here</a> (pg. 141).</li> </ul> </li> </ul> Fill out and complete Financial Statement ( <a href="#">Form WG-007</a> ). Find a sample of a completed (Form WG-007) <a href="#">here</a> (pg. 120). <p><b>NOTE:</b> While your claim of exemption is being decided by the court, your employer(s) must still comply with wage garnishment and wages will still be withheld.</p>
Send Documents to the Levying Officer	Take or mail <b>2 copies</b> of each form - Form WG-006 <b>and</b> Form WG-007 to the levying officer <ul style="list-style-type: none"> <li>The sheriff/levying officer's name and address is listed on the upper right-hand corner of the Earnings Withholding Order (Form WG-002) you received.</li> </ul> Keep <b>1 copy</b> of Form WG-006 Form WG-007 for your own records.
Judgment Creditor's possible responses	The sheriff/levying officer will provide your claim of exemption and financial statement to the Judgment Creditor. The Judgment Creditor can either not respond to your claim or file an opposition to your claim within 10 days. <p>If the Judgment Creditor <b>does NOT oppose</b> your claim of exemption from wage garnishment (meaning they do not respond to your request), then the Earnings Withholding Order will be modified to reflect the amount of earnings you claimed to be exempt in Form WG-006, Item 4.</p> <ul style="list-style-type: none"> <li>Depending on the information you entered in your Form WG-006, you will then receive either part or all of your withheld earnings paid back to you.</li> </ul> <p><b>You will not need to take any further action if the Judgment Creditor does not oppose your claim of exemption from wage garnishment</b></p> <p>If the Judgment Creditor <b>OPPOSES</b> (disagrees with) your claim of exemption from wage garnishment, then the Judgment Creditor must schedule a court hearing to explain why they think your exemption should not be allowed.</p> <ul style="list-style-type: none"> <li>The Judgment Creditor has 10 days to oppose your claim of exemption from wage garnishment with the court.</li> <li>During this time frame, the Judgment Creditor must serve you (or your attorney, if you have one) a Notice of Opposition to Claim of Exemption (<a href="#">Form WG-009</a>), and a Notice of Hearing on Claim of Exemption (<a href="#">Form WG-010</a>).</li> </ul>

	<p><b>Preparing for the hearing on your claim of exemption:</b></p> <ul style="list-style-type: none"> <li>• Read the forms you were served carefully, especially the Notice of Opposition to Claim of Exemption (Form WG-009). This form is where the Judgment Creditor lists why they think your claim should not be accepted. You can use the details on this form to get ready for the hearing.</li> <li>• Bring any evidence that will help you prove your Claim of Exemption and Financial Statement forms are accurate, and evidence that proves you need your earnings to support yourself or your family. Bring paystubs, bills, witnesses who can testify in support, or other forms of evidence.</li> </ul> <p><b>There are two possible outcomes to your hearing:</b></p> <ol style="list-style-type: none"> <li>1. If the judge <b>agrees</b> with your claim of exemption, then your employer will be ordered to stop withholding your earnings or to withhold less money, depending on the information you put on your (Form WG-006).</li> <li>2. If the judge <b>disagrees</b> with you and decides that the Judgment Creditor’s opposition to your claim of exemption is valid, then the withholding order will remain in effect as is.</li> </ol> <p><b>NOTE:</b> You have the option to appeal this decision to a higher court but should consult an attorney if you plan to do so.</p>
Additional Resources	<ul style="list-style-type: none"> <li>○ Read LAFLA Self Help, <i>Claim of Exemption Wage Garnishment Guide</i> <a href="#">here</a></li> <li>○ Read Sacramento Law Library, <i>Ask the Court to Stop or Reduce Wage Garnishment</i> <a href="#">here</a></li> <li>○ Read California Self Help Guide, <i>Respond to a Wage Garnishment</i> <a href="#">here</a></li> </ul>

## What can I do if money is being taken from my bank account?

### What is a bank levy?

**Bank levy** is an enforcement action that allows the Judgment Creditor to take funds from your bank account to repay debt that you owe. A bank levy is a common type of enforcement action.

### How can I tell my bank account has been levied?

- You are served with a Form EJ-150, Notice of Levy
- Funds removed from bank account, you cannot access funds in your account (your bank account is frozen), and/or you received a notice from your bank

### What can I do if an enforcement action has been taken?

You can file a ***Claim of Exemption from Enforcement of Judgment***. This protects your assets, including your bank accounts, from enforcement actions like a bank levy. By filing ([Form EJ-160](#)), you are claiming that your assets should be exempt (excluded) from collection, and therefore should not be taken by law enforcement in order to satisfy your debt to the Judgment Creditor.

**NOTE:** A claim of exemption from enforcement of judgment(s), can sometimes also be referred to as “a claim of exemption from a levy or other nonwage garnishment.” Note also the forms and process differs if your wages are being garnished, See the section titled *What can I do if money is being taken out of my paycheck?*, above.

<b>How to request a claim of exemption from enforcement of judgment</b>	
Determine if your bank account assets are exempt	<p><b><u>First, determine if you have any assets that can be collected to satisfy the judgment.</u></b></p> <p>Read Section <i>What if I am “collection proof”?</i> above and/or review <i>Exemptions from Enforcement of Judgments</i> (<a href="#">Form EJ-155</a>) and <a href="#">Sacramento Law Library Exemption Summary</a> to learn which assets and property may be exempt from collection. The examples below include assets from (Form EJ-155) which are not subject to collection and cannot be taken to satisfy the judgment.</p> <p><b>Some assets exempt from collection are:</b></p> <ul style="list-style-type: none"> <li>• Social security benefits (including SSI and SSDI) and deposit accounts</li> <li>• Workers' compensation and unemployment benefits</li> <li>• Other welfare and public benefit payments</li> </ul>
Fill out Claim of Exemption Documents  (EJ-160 & EJ-165)	<p>Read <a href="#">Form EJ-155</a> for a list of qualifying exemptions from enforcement of judgment.</p> <p>Fill out a Claim of Exemption Enforcement of Judgment (<a href="#">Form EJ-160</a>) <b>AND</b> a Financial Statement (<a href="#">Form EJ-165</a>) within <b>10 days</b> of receiving the Notice of Levy (EJ-150)</p> <ul style="list-style-type: none"> <li>• On Form EJ-160, select which claims in Items 4-9 apply to your situation. <ul style="list-style-type: none"> <li>▪ See a sample of a completed (Form EJ-160) <a href="#">here</a> (pg. 140).</li> </ul> </li> <li>• On Form EJ-165 provide your financial information for you and your household <ul style="list-style-type: none"> <li>▪ See a sample of a completed (Form EJ-165) <a href="#">here</a> (pg. 120).</li> </ul> </li> </ul>
Provide Documents to Levying Officer	<p>Take or mail 2 copies - the original EJ-160 and EJ-165 forms plus one copy of each form to the <i>sheriff/levying officer</i>:</p> <ul style="list-style-type: none"> <li>• The sheriff/levying officer’s information will be listed on the Notice of Levy (Form EJ-150) you received on the right side of the box at the top of the page.</li> </ul> <p>Keep 1 copy for your records.</p> <p>The Judgment Creditor has 10 days to oppose your claim of exemption. During these 10 days, the levying officer will hold onto your asset(s) until the Judgment Creditor opposes your claim, or until a hearing is held to discuss your claim of exemption.</p>
Judgment Creditor’s possible responses	<p>The sheriff/levying officer will provide your claim of exemption and financial statement to the Judgment Creditor. The Judgment Creditor can either not respond to your claim or file an opposition to your claim within 10 days.</p> <p>If the Judgment Creditor <b>does NOT oppose</b> (does not respond) your claim of exemption from enforcement of judgment you filed, then the levying officer will return your property to you.</p>

	<p>If the Judgment Creditor <b>OPPOSES</b> your claim of exemption from enforcement of judgment, you will receive a Notice of Opposition to Claim of Exemption (Form <a href="#">EJ-170</a>) explaining why they disagree and a Notice of Hearing on Claim of Exemption (Form <a href="#">EJ-175</a>) with the date for you to come to court. Bring to court evidence to support why your money should not be taken from your bank account, including proof of receipt of any public benefits and evidence supporting the money you need to support yourself and your family.</p> <p><b>There are two possible outcomes to your hearing:</b></p> <ol style="list-style-type: none"> <li>1. If the judge <b>agrees</b> with your claim of exemption from enforcement of judgment, you will get your assets back.</li> <li>2. If the judge <b>disagrees</b> with your claim of exemption from enforcement of judgment, then they agree with the Judgment Creditor. This means the levying officer will continue to give your money to the creditor.</li> </ol>
Additional resources	<p>Read LAFLA Self-Help Center Guide – <i>Claim of Exemption Bank Levy</i> <a href="#">here</a>  Read Sacramento Law Library, Asking the Court to Stop or Reduce Bank Levy Guide <a href="#">here</a>  Read California Courts Self Help Guide, Respond to a Bank Levy <a href="#">here</a></p>