

# INFORMATION TO PLAINTIFF & DEFENDANT AFTER A SMALL CLAIMS HAS BEEN DECIDED IN HENDERSON JUSTICE COURT.

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## **BOTH PARTIES:**

If your case was heard by the Judge and you are not satisfied with the decision **YOU HAVE A RIGHT TO APPEAL THE DECISION**. You may do so within five (5) days of the date of judgment, not counting weekends or holidays. If you are the **PLAINTIFF**, in order to appeal you must post bond in the sum of \$250.00 plus a filing fee of \$97.00. You must contact the court reporter to see how much you will have to pay for the transcript (*in addition to the \$20.00 already paid*). **THE TRANSCRIPT OF THE HEARING MUST ACCOMPANY THE APPEAL TO DISTRICT COURT**. If you are the **DEFENDANT**, in order to appeal you must post a bond in the sum of the judgment plus the court costs, and a filing fee of \$97.00. You must contact the court reporter to see how much you will have to pay for the transcript (*in addition to the \$20.00 already paid*). **THE TRANSCRIPT OF THE HEARING MUST ACCOMPANY THE APPEAL TO DISTRICT COURT**.

## **DEFENDANT:**

If you have made arrangements with the Plaintiff for payment of the judgment, **KEEP THOSE ARRANGEMENTS** because the Plaintiff has a right to attach your wages, file a lien against your property, take your vehicle through a Writ, attach your bank account, etc. The judgment is effective for a period of six (6) years and can be renewed. You may **APPEAL** your case as in Paragraph One.

## **PLAINTIFF:**

If you have received Judgment by Default, which means the Defendant was served and did not appear, or if your case was heard by the Judge and judgment was granted to you, there are several options which you may take. You may execute upon wages, salary, commissions, bonuses and property. The judgment is enforceable by execution immediately, unless otherwise ordered by the Judge. All executions on property in the hands of a third party must be accompanied by a Writ of Garnishment with a payment of \$5.00 to the employer or company that will be processing the Writ. If you execute upon an automobile, you must have a full description of it and where it can be found. You must have a **PRINTOUT** from the Department of Motor Vehicles at the time the execution is filed. If you are executing on a bank account, you must have the bank account number, bank branch and address. You must come to Justice Court to file the execution. Please be prepared with information on the property to be seized including model and serial numbers were available. **PLEASE BRING YOUR CASE NUMBER AND, IF POSSIBLE, THE DEFENDANT'S SOCIAL SECURITY NUMBER**.

Additional fees include \$25.00 for the execution plus the writ fee and the Constable fees. Any monies received go to the Constable's Office; they in turn will make arrangements to turn the money over to you. The fees you pay for filing and serving the execution are added to the total to be paid by the Defendant.

The Court will file the execution and writ of garnishment. However, the Court **DOES NOT INVESTIGATE** the Defendant's employment or provide information on how to find assets. You **MUST** obtain this information before you come to the Clerk's Office to file the paperwork. The Court **DOES NOT** collect monies for you or accept payments.

**CUSTOMER SERVICE (702) 455-7980**