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## Chapter 1 : Bennett on Creditors and Debtors Rights and Remedies | Legal Outlet

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Armed with the judgment, the holder of the debt, called a "judgment creditor," can take legal steps to seize the amount. It can also charge interest at a court-approved rate, typically in the range of 5 percent to 10 percent, until you pay up. But the bang of the gavel may not be final. Instead of being the end of the line, a court judgment marks a phase in dealing with debt, a phase that comes with its own set of choices: In most debt judgments, consumers never got their day in court. Often these one-sided "default" judgments can be erased, giving the debtor another chance to fight the charges. Why would the winner of a judgment give you a discount on the amount due? A settlement in ready funds is a bird in the hand, lawyers say. For the creditor, collecting a judgment is time-consuming and fraught with difficulties. And if collecting the debt drives you into bankruptcy, they may wind up with nothing. This is the personal finance version of the nuclear option: It may be your best option, especially if multiple debts are unpaid. Bankruptcy provides a partial shield against collectors, but carries its own costs and risks. Make sure you weigh the downsides against what you stand to gain. People with few assets and modest income may be "judgment-proof," because legal protections exempt them from collection. But that does not mean you can ignore a judgment. It takes work to determine that your wages and belongings are protected from seizure by a complex web of state and federal exemptions. And you should take steps to head off wrongful collection attempts on your exempt property before they happen, consumer attorneys say. Many people do so out of fear of the court process, but the consequences get ugly. After a judgment you may be summoned to answer questions about your finances -- and asked to turn out your pockets on the spot, in some areas. Fail to answer the summons and it is remotely possible that you will be picked up by police for disobeying a court order. Research legal questions yourself at Nolo. Find out if you qualify for bankruptcy with " Bankruptcy Basics " from the U. Get help selecting a bankruptcy lawyer from the National Association of Consumer Bankruptcy Attorneys. They last 10 years or more in many states, and are easy for the creditor to renew, because the law assumes that you had your day in court, or passed it up voluntarily. A judgment supposedly means that you and your opponent had your chance to make arguments and submit evidence, and the better case won. Debt caseload bulges Cases in state civil courts, where most debt cases are heard, grew by 11 percent over the decade that ended in , according to the National Center for State Courts. In , general purpose courts in 17 states saw 1. Just how many cases led to judgments is a difficult number to find in the fractured court system. Debt cases are handled in a variety of small claims courts and state courts subdivided into districts. But consumer attorneys studying the issue say that a flood of lawsuits by debt buyers is keeping courtrooms busy. In , Minnesota enacted a law requiring creditors to present documents proving the debt in order to obtain a judgment. Join the discussion We encourage an active and insightful conversation among our users. Please help us keep our community civil and respectful. For your safety, do not disclose confidential or personal information such as bank account numbers or social security numbers. Anything you post may be disclosed, published, transmitted or reused. If you are commenting using a Facebook account, your profile information may be displayed with your comment depending on your privacy settings. The editorial content on CreditCards. The comments posted below are not provided, reviewed or approved by any company mentioned in our editorial content. Three most recent Legal, regulatory, privacy issues stories: New technology, analytics help fight card-not-present fraud â€” Issuers innovate to thwart cybercriminals, but the shift to mobile puts the onus on merchants to step up against card-not-present fraud Immigrants may need good credit to stay in the U. But achieving a high U. Should you buy identity theft coverage from your home insurer?

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