



# The Day After Your Day In Court

**In a stabilizing economy, when even judgment debtors are increasing their net worth and income, Anthony & Partners produces meaningful recoveries for its judgment creditor clients.**

Since the bottom of the recession in March 2009, tens of thousands of money judgments have been entered in favor of financial institutions and other judgment creditors — and against individuals and businesses that experienced the brunt of the economic difficulties of the last several years.

In commercial loan enforcement, sophisticated commercial litigation, tort litigation and other contexts involving the entry of money judgments, the victor sometimes finishes hard-fought litigation only to let the money judgment that has been obtained collect dust. But in a strengthening economic environment, it benefits diligent judgment creditors to seek enforcement of money judgments against

judgment debtors who may have improved their fortunes in light of economic trends.

Lawyers at Tampa-based Anthony & Partners have routinely achieved multi-million-dollar recoveries in judgment collection activities, and also efficiently realize on smaller judgments as well. Attorney John Anthony talks about how judgment creditors can get results by enforcing their money judgments after they have their day in court:

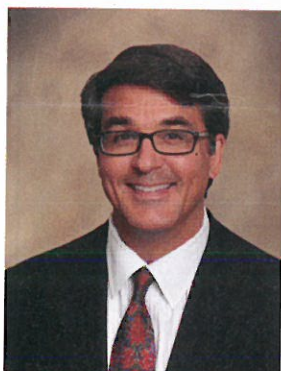
**After a judgment creditor obtains a final judgment, what are the first steps that can be taken to determine how to collect on it?**

We typically commence post-judgment representation by taking four essential steps. First, we enforce the right of a Florida judgment creditor to obtain a fact information sheet listing assets, liabilities, income and expenses of the judgment debtor so that capacity to satisfy the judgment at issue can be evaluated.

Second, we conduct specialized research and analysis using systems and procedures not disclosed to the judgment debtor or made of record, to further evaluate the judgment debtor's overall financial condition.

Third, we perfect a judgment lien so that collection activities can be utilized as against assets of the judgment debtor.

Fourth, once the client's lien position is established and the capacity of the judgment debtor has been determined, it is generally appropriate to engage counsel for the



**John Anthony**



judgment debtor and present a payment proposal that is realistic in light of research and analysis that has been conducted.

The goal is to protect the client's position and produce the best possible result in the least amount of time, and in the most efficient manner.

**Once the judgment lien is attached and assets are identified, what steps can be taken to be made whole from those assets against a defiant judgment debtor?**

The range of remedies available to a judgment creditor and thoughtful counsel is as broad as the business, financial and legal circumstances under which judgments are entered. If the underlying litigation has enabled the judgment creditor to determine where the judgment debtor banks, or who the judgment debtor's primary customers on open account might be, the remedy of garnishment is available to recover from those accounts. Personal property can be made the subject of attachment when not concealed by the judgment debtor. Real and personal property can be subject to execution and levy at sheriffs' sales. When an ongoing business or income producing property of a judgment debtor may be sold to satisfy a judgment, a receiver in aid of sequestration may be appointed to

maintain the status quo during the interim. And there are many other tools available.

**How do judgment debtors complicate the process of judgment collection in order to avoid paying just debts?**

The State of Florida has one of the most generous and complicated constitutional, statutory and common law exemption schemes in the country. It is common for judgment debtors to abuse Florida's exemption scheme to transfer or conceal assets. Additionally, assets are sometimes transferred to related individuals or entities in an effort to place them beyond the reach of a judgment creditor. The Uniform Fraudulent Transfer Act is available in Florida as a tool to recover transfers by judgment debtors made with intent to defraud a judgment creditor, or made by judgment debtors while they are insolvent without receiving reasonably equivalent value.

**How do the respective bankruptcy-related rights of a debtor and creditor figure into the process of judgment enforcement?**

When judgment enforcement activities are required for a client to be made whole, bankruptcy court may be one step on the way to resolution of the



**Personal property can be made the subject of attachment.**

debt. Normally, both creditor and debtor realize that there are more efficient and favorable ways to resolve an undisputed debt; however, judgment debtors sometimes seek protection in bankruptcy court so that they can restructure or discharge insurmountable financial burden. In some circumstances, the specialized knowledge and expertise of a bankruptcy judge, and the broader array of substantive rights afforded by the Bankruptcy Code, justify a creditor or creditors' decision to involuntarily place a judgment debtor into bankruptcy so that one tribunal can exercise jurisdiction over the judgment debtor's assets in an equitable manner.

A legal team charged with collection of a money judgment must have knowledge of financial transactions, computerized asset identification methodologies, state law judgment enforcement tools, substantive law relating to Florida's exemptions, fraudulent transfer law and substantive bankruptcy law. As the net worth of judgment debtors increases, so do the opportunities for Anthony & Partners to produce large recoveries for creditors who have already had their day in court, but who have not yet been made whole.



(back l to r) Kristi Davisson, Megan Greene, John Landkammer, Allison Doucette, Ed Whitson, Dominic Isgro; (front l to r) Stephanie Anthony, John Anthony, Frank Lafalce

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