



CJR RECOVERY MAXX™

COLLECTION PROCEDURES: SOUTH CAROLINA



This document is only to be used with a licensed copy of CJRRecoveryMaxx™.

CJRRecoveryMaxx™ is a registered trademark of CJR Development, Inc.
©2012 CJR Development, Inc. – Patents Pending
Last Updated: 09/12/2012
V1.0.508



TABLE OF CONTENTS

| | |
|---|-----------|
| BENEFITS OF OBTAINING JUDGMENTS IN SOUTH CAROLINA: | 4 |
| PROPERTY LIENS: | 4 |
| GARNISHMENT OF WAGES: | 4 |
| WHERE SHOULD I FILE MY CASE? | 5 |
| VENUE | 5 |
| OUT OF STATE DEFENDANTS | 5 |
| CHANGE OF VENUE..... | 5 |
| STATUTE OF LIMITATIONS: | 6 |
| REPRESENTATION: | 7 |
| COURT JURISDICTION: | 7 |
| FILING FEES: | 7 |
| RECOVERYMAXX PROCEDURES FOR FILING SUIT: | 8 |
| FILING YOUR CLAIM: | 10 |
| SERVICE OF YOUR CLAIM: | 11 |
| WHO MAY SERVE | 11 |
| MANNER OF SERVICE | 11 |
| SERVICE BY MAIL..... | 11 |
| SERVICE BY PUBLICATION | 12 |
| CERTIFICATE OF SERVICE | 12 |
| SERVICE TRACKING | 12 |
| DISMISSAL | 13 |
| PROOF OF SERVICE | 13 |
| AFTER YOUR CLAIM IS SERVED | 14 |
| DEFENDANT’S ANSWER | 14 |
| CALENDAR HEARINGS | 14 |
| TYPES OF JUDGMENTS | 16 |
| DEFAULT JUDGMENT..... | 16 |
| DEFAULT JUDGMENT AFTER SERVICE BY PUBLICATION | 17 |
| SUMMARY JUDGMENT | 17 |
| DECLARATORY JUDGMENT | 18 |
| JUDGMENT BY CONFESSION/CONSENT JUDGMENT | 18 |
| ATTORNEY FEES | 19 |
| SETTING ASIDE DEFAULT JUDGMENT | 19 |
| ENTERING YOUR JUDGMENT | 19 |
| SERVICE ON DEFENDANT | 20 |
| JUDGMENT APR | 21 |

| | |
|---|-----------|
| COLLECTION OF JUDGMENTS | 21 |
| JUDGMENT LIEN | 21 |
| EXECUTION OF JUDGMENT | 21 |
| EXEMPTIONS | 22 |
| DISCOVERY SUBPOENA | 24 |
| PROTECTION OF PERSONS SUBJECT TO SUBPOENAS..... | 24 |
| CONTEMPT | 24 |
| WHAT IS A GARNISHMENT? | 26 |
| GARNISHMENT LIMITS IN SOUTH CAROLINA..... | 26 |
| BANK GARNISHMENT | 26 |
| MONITORING ACTIVE GARNISHMENTS | 27 |
| ADDING COURT COSTS | 27 |
| MANUAL FOR A SINGLE ACCOUNT | 28 |
| BATCH FOR MULTIPLE FILES | 28 |
| PROCESSING GARNISHMENT PAYMENTS | 30 |
| EXPIRING A GARNISHMENT | 31 |
| GARNISHMENT TRACKING | 31 |
| RENEWAL OF JUDGMENT | 32 |

BENEFITS OF OBTAINING JUDGMENTS IN SOUTH CAROLINA:

Judgments are valid for ten (10) years and are generally awarded for a specific sum of money. Before the expiration of this ten (10) year period, an action may be brought on the judgment which has the effect of renewing the judgment for an additional ten (10) years.

Judgments act as a lien against any real property owned by the defendant, which means the plaintiff has the legal right to sell that real property at any time and a defendant must pay the judgment against him/her in its entirety prior to selling that real property themselves. Additionally, judgments are usually detected by credit reporting agencies and can **severely impact an individual's credit rating**.

The following remedies are available to judgment creditors in the state of South Carolina:

Property Liens: A judgment lien is created automatically on debtor property that's located in the South Carolina county where the judgment is entered. For debtor property in other South Carolina counties, the creditor files a transcript of the judgment with the clerk of the court of common pleas where the property is located. A Judgment Lien will remain attached to the debtor's property (even if the property changes hands) for ten (10) years.

Garnishment of Wages: Most creditors, including credit card companies, finance companies, and medical providers, cannot garnish wages in South Carolina. If the defendant was a resident of another state that allows a wage garnishment, and a court there issued a garnishment order, then the defendant moved to South Carolina, you **may** be able to successfully file a garnishment. The court that issued that order must have had jurisdiction over the defendant at the time the order was entered, among other procedural issues, so many such orders are subject to attack

Here are some important guidelines to keep in mind before you file your case:

If you are suing an individual: Make sure that you know the legal name and address of the individual you are trying to sue. The person you are suing has to receive the lawsuit before you can get into court. If you do not know their address, you will not know where to send the lawsuit.

If you are suing a formal business entity such as a Corporation or Limited Liability Company: You must use the company name as the name of the defendant. If the business you are suing is a partnership, or unincorporated business, and not an LLC, you must sue the owners of the business personally.

If you do not know the whereabouts or the physical address of the defendant(s), you should use a third party investigational service to obtain more information. Below are some easy and affordable online services:

1. PeopleFinder: Online People Search
2. InfoRegistry: Reverse Phone Lookup/Search
3. Yellowpages.com: Online Directory
4. Accurint.com (division of LexisNexis)

REMEMBER, YOU MUST PROVE THAT THE PERSON YOU ARE SUING OWES YOU SOMETHING. IF YOU CANNOT PROVE YOUR CASE, YOU MAY LOSE EVEN IF YOU THINK YOU SHOULD WIN. Do you have some proof of the debt such as a written contract, a receipt, promissory note, bill of sale, warranty and/or