

# **EXECUTION ON A JUDGMENT**

## **JUDGMENT AGAINST AN INDIVIDUAL**

The procedure for execution shall be in accordance with the practice and procedure of the state in which the district court is located (Rule 69(a) F.R.C.P.). A judgment creditor may file an execution demand after 30 days from the entry of the judgment.

The execution demand consists of:

1. [MOTION/REQUEST TO CLERK TO ISSUE NOTICE TO CLAIM EXEMPT PROPERTY](#)
2. [CLERK'S NOTICE OF RIGHT TO HAVE EXEMPTIONS DESIGNATED](#)
3. [DEBTOR'S NOTICE TO CLAIM EXEMPT PROPERTY FORM](#)
4. [WRIT OF EXECUTION FORM](#)

Documents numbered 1 through 3 above should be served on the judgment debtor when issued.

The judgment creditor should:

- File electronically the motion/request for the Clerk to issue Notice to claim exempt property pursuant to Rule 69 of the F.R.C.P. and the Constitution and laws of the State of North Carolina. **(CM-ECF Dictionary event: Civil Motions - Issue Notice to Claim Exempt Property)**
- Submit *Notice Of Right To Have Exemptions Designated form* to the Clerk in **pdf format** via **CM-ECF CyberClerk Submit Document to Court - using category "Submit Civil Summons."**

The Clerk will issue the Notice To Debtor and electronically file the document on the case docket. Counsel will receive the issued notice by notice of electronic filing (NEF) which should be printed for service on the judgment debtor along with the Debtor's Notice to Claim Exempt Property form.

### **NOTICE TO CLAIM EXEMPT PROPERTY FILED:**

The judgment debtor has twenty (20) days to file an executed Notice To Claim Exempt Property. If filed, the request to exempt property will be entered on the case docket and served electronically to the Court and all counsel of record.

After exemptions, if any, are designated by a Magistrate Judge, the judgment creditor may proceed with a Writ of Execution. **The Writ should be submitted to the Clerk for issuance in pdf format via CyberClerk - category "Submit Civil Summons."** The executed Writ will be issued, filed, and served electronically.

## **FAILURE TO FILE NOTICE TO EXEMPT PROPERTY:**

In the event a judgment debtor fails to file the notice to exempt property within the time prescribed, the judgment creditor should:

- File electronically a [motion for the final execution](#) to preclude exempt property and for issuance of the writ of execution. (CM-ECF Dictionary event: Civil Motions - Final Execution)
- Submit to the COURT: A [proposed order](#) for final execution and preclusion of exempt property **via CyberClerk - category “*Submit Proposed Document to Judge*” in pdf format.**

After execution of the Order, the judgment creditor may submit the **Writ of Execution to the Clerk for issuance in pdf format via CyberClerk - category “*Submit Civil Summons*.”** The executed Writ will be issued, filed, and served electronically.

## **JUDGMENT AGAINST A CORPORATION**

If a judgment is to be executed in this district, the judgment creditor may proceed with a Writ of Execution 14 days after the judgment is entered unless a stay pending appeal has been granted.

The judgment creditor may submit the **Writ of Execution to the Clerk for issuance in pdf format via CyberClerk - category “*Submit Civil Summons*.”** The executed Writ will be issued, filed, and served electronically.