

Entering Judgment

Write it

- Dispose of all claims as to all parties, including identification of relief requested in complaint but not considered by the court.
 - Modify your judgment as necessary to make your decision clear.
 - Double-check sufficiency of description of rental property in complaint
 - Correctly complete “undisputed rent” and “rate of rent per” in every case.
 - Identify specifically nature of “other damages” awarded.
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Say it

- Read an edited version of what you’ve written in open court.
 - Suggestion: After announcing your decision, provide additional information of your choice, and make that standard practice as well.
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- Decide whether (and how) you will include the following information:

The reasons for your decision

- Opportunity to “teach school” for repeat plaintiffs
 - Write out standard language for common situations, making sure to avoid legal vocabulary and that your statements are accurate.
 - Pay special attention to explanation of impact of service by posting on money damages.
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A losing party has a right to appeal to district court for an entirely new trial.

- How to do it (time limits, procedure)
 - What it costs
 - Available stay of execution (indigency exception)
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The law requires a waiting period before any judgment in a civil lawsuit may be enforced. In small claims court, that period is 10 days.

- How to obtain writ of possession.
 - What it costs, and what will happen.
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Be extremely careful about suggesting subsequent interactions between the parties.

- A landlord who accepts money from a tenant post-judgment has entered into a new lease agreement.
 - Any money paid by a tenant on a money judgment should be paid directly to the CSC.
 - A landlord who attempts to gain possession of rental property without first obtaining a writ of possession may be civilly liable.
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Once you're done, you're done.

Your judgment becomes official when it is written and signed by you, and it is “served” on all parties when you announce and sign it in open court. GS 1A-1, Rule 58. After that, there are only 3 ways in which it may be changed:

1. You can correct clerical errors.
 2. Your judgment may be appealed. This is the procedure for addressing legal errors.
 3. Your judgment may be set aside pursuant to a Rule 60(b) motion.
 - A magistrate may file a Rule 60(b) motion under extraordinary circumstances (e.g., void judgment, or judgment obtained by fraud on the court).
 - A magistrate may hear a Rule 60(b)(1) motion (seeking relief based on mistake, inadvertence, surprise, or excusable neglect) if authorized to do so by the CDCJ.

Note: N/A to legal errors made by magistrate.
Requires notice of motion to other party, hearing, and if defendant is movant, meritorious defense.
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