



THE PRACTICAL GUIDE TO HOMEOWNER ASSOCIATION MANAGEMENT

## You Sue an HOA Owner, Win, and Get a Money Judgment. Can You Foreclose?

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This article is part of an ongoing series in which we'll take your questions from the [HOAleader.com discussion forum](#) and get you the answers you need from experts who specialize in association management. If you have a question you need answered, [post it on the message board](#).

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In this week's tip, we offer insight on how to collect a money judgment against an owner. More specifically, if you, say, go to small claims court and get a money judgment against an owner, does that automatically turn into a lien against the owner's unit?

You guessed it: The answer differs based on state and local laws.

"In Florida, if you get a judgment for an owner's failure to comply with your governing documents or to make payments they owe, you can move forward and do what's called executing on the judgment," says Alessandra Stivelman, an associate attorney who specializes in community association law at Eisinger Brown Lewis Frankel & Chalet in Hollywood, Fla. "That's where you attempt to collect on the judgment. But it's not like a foreclosure process, where you file a lien and can foreclose. You can't foreclose on someone's house because you have a judgment against them for \$8,000."

That's not the case in Chicago. "In Illinois, getting a judgment and a lien are different things," says Barry Kreisler, founder of Kreisler PLLC, a Chicago law firm that represents 70-100 associations, most of which are condos. "But they're not very different. Assume this HOA is in Cook County, where Chicago is, and the reader does get a judgment against the homeowner. By recording a memorandum of judgment—which the judge will readily sign—that creates a lien against all real estate that individual owns in Cook County."

But in Texas, it's an entirely different ball game. Learn why, and get five tips to help you navigate the process of collecting a judgment against an owner, in our new article, [Foreclosing When Owners Don't Maintain: From Small Claims to a Lien](#).

Best regards,

Matt Humphrey

President