

**COLLECTABILITY OF DAMAGES: POST-JUDGMENT  
CONCERNS THAT SHOULD BE PRE-SUIT CONSIDERATIONS**

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State Bar of Texas

**DAMAGES IN CIVIL LITIGATION**

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**I. INTRODUCTION.**

Evaluating the collectability of your client's claim is as important as evaluating whether your client's claim gives rise to a cause of action. This requires a determination of whether the potential judgment debtor has assets available to satisfy a judgment on the claim and how the judgment creditor can enforce its judgment against the judgment debtor should payment of the judgment not be made voluntarily. This paper discusses methods of discovering assets prior to judgment and how this impacts the evaluation of available remedies to enforce the eventual judgment in the case.

**A. Initial and Interim Asset Searches.** Asset searches should be done at the onset of the claim analysis to determine whether investing in a lawsuit makes economic sense. Additionally, searches often reveal information on potentially liable parties and provide a snapshot of the available assets for satisfaction of the judgment. A periodic update of the search may also provide a red flag if assets are moved during the course of the litigation. If pre-judgment remedies are warranted, the initial search and follow up searches may prove useful. An analysis of pre-judgment remedies is beyond the scope of this article, but remedies such as attachment require discovery of property subject to attachment. See Civ. Prac. & Rem. Code Chapter 61.

**B. Pre-Suit Discovery for Punitive Damages.** Net worth is discoverable by statute to prove up exemplary damages for cases governed by Chapter 41 of the Civil Practices and Remedies Code. Prior to recent amendments to §41.011 the ability to discover the potential debtor's assets and liabilities at the early stages of the case provided a great opportunity to determine collectability of the claim very early on. For cases filed on or after September 1, 2015, discovery of the defendant's net worth is only allowed on motion after notice and hearing by "written order that the claimant has demonstrated a substantial likelihood of success on the merits of a claim for exemplary damages." S.B.No. 735.

**C. Use of Investigator.** In addition to basic searches that can be performed online or at the local courthouse, one may want to consider obtaining an asset search by a qualified investigator if the amount of the claim justifies the expense. Many private investigators have access to numerous search services and databases beyond the basics. A really good investigator will ask you questions about your judgment debtor's background (as you should your client) as well as the nature of the case (for example, a suit for fraud in real estate may lead the investigator to delve into searches for real estate transactions, law suits, real estate license information and real estate related news). A good

investigator will assist in analyzing and summarizing the data found – instead of merely furnishing a raw printout from the investigator's database searches.

**II. TECHNOLOGY TOOLS.**

**A. Begin with your Client.** It takes more than a subscription to a computer search service to evaluate the collectability of a claim or judgment. This section incorporates tips for developing a methodology for asset searches. Obtaining information from the prospective client and their files is key to getting off on the right foot in the race for assets. The client knows the defendant, perhaps personally or through business dealings gone awry. The client may have a credit file with credit applications, historical financials, copies of checks, location information, sales tax numbers and perhaps a guaranty agreement that adds a potential defendant to the mix. The client will be able to tell you if the defendant has talked about where his family is from, hobbies like boating, RV'ing, hunting, or ownership of rental properties, vacation homes or family farms. Always ask: Tell me what you know about the defendant and his/its assets.

**B. Identify the Defendant.** This should be done before suit, with attention paid to the name in which the defendant holds property or does business. For example Terrance Debtor may be known as Terry Debtor, or may do business as Terry's Tires, either with a formal assumed name filing, or informally. Property may be held in one or more of the names. When the Constable goes out to levy it is an easier process if the defendant has been sued as: Terrance Debtor aka Terry Debtor dba Terry's Tires. The same is true for the entity debtor. TD, Inc. that does business as Terry's Tires should be sued as TD, Inc. dba Terry's Tires, especially if, perhaps, the business personal property of the entity is listed on the appraisal district as Terry's Tires. Identifying the individual defendant can be as easy as reviewing the client's credit application on file, but may take a bit more effort if you start just with the name Terry's Tires.

Even with a credit application, I often verify information about the debtor by checking Publicdata.com for driver's license information and running an Accurant report based on the debtor's name and date of birth or social security number. An entity doing business as Terry's Tires, may have T.D. Inc. listed as the owner of the business personal property (BPP) using the assumed name Terry's Tires. An appraisal district search for Terry's Tires for BPP may lead you to the entity. Or, you may check the Comptroller's website for sales tax permit information on the location name Terry's Tires, which would lead to the taxable entity, T.D., Inc. An entity's website may include its formal name in the "About Us" tab, or at the bottom of the webpage where it may say: © T.D., Inc. 2016, for example. If a name search of appraisal district information does not provide a lead, searching the address of your defendant, if known, may provide identity information.

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Another method to identify the entity debtor may be a quick entity search on the Comptroller's website. For example, if Terry's Tires is short for Terry's Tires, Inc. or Terry's Tires, LLC, a search of Terry's Tires will get you quickly to the entity name. Additional entity information can then be found at Secretary of State Direct. Proper identification allows you to bring suit in the name necessary to levy on the debtor's assets in its legal name and its formal and informal assumed names. It also provides the springboard for additional searches. See discussion of Publicdata.com, Accurant, Appraisal District, Public Records searches, and SOS Direct below.

**C. Search Tools at your Fingertips.** In the process of identifying the defendants, location information is gained, or perhaps confirmed. At the beginning of the suit, it is important for service of process. At the beginning and end of the suit, the debtor's location, and perhaps former locations, can lead to discovery of assets. Search tools used most often by this author are discussed below, but this is by no means an exhaustive list. A "Quick Guide, Asset Searches via Technology" is attached at p. 7 of this paper.

1. Publicdata.com. Publicdata.com requires registration and is a fee-based service. This search service is helpful in locating the defendant through driver's license and property tax renditions. One can also discover motor vehicle information. The driver's license information may be current, or a little outdated. Even if outdated, it can provide where a defendant formerly lived – a residence that now is a rental property, or a lead on the defendant's family farm. While you think of a debtor as being primarily associated with a particular county, the tax rendition may clue you in to property in another county. Vehicles can be searched by the title holder's name. Or, if your client or process server has a license plate number for the defendant's vehicles – one vehicle identified can lead to others registered at the same address. Even outdated registrations can result in findings of fraudulent transfers when vehicles formerly registered to the debtor are now in the name of a family member or LLC – serving as a 'garage' for the classic car collection! Plus, the searches can provide leads to vehicle ownership that can be verified with a request sent to the DMV. Pubilcdata.com also has search capabilities to access criminal records, some county court records, a marriage license and divorce index, professional licenses, voter registration and the SSA Death Master file, among others.

2. Accurant. Accurant.com requires registration and is a fee-based service. Once the individual is identified, an Accurant report will provide multiple opportunities to investigate a defendant's assets. While some of the information may prove outdated, it can lead to a history of addresses that serve as a basis for examination in a post judgment deposition; land records associated with the debtor's address history (which should be verified on the more current appraisal district and public records searches described below), UCC information that lists assets, vehicle information (which

can be verified on Publicdata.com and more precisely confirmed by DMV searches described below), judgment and bankruptcy filing information, vehicle ownership history, boat ownership (verified by Texas Parks and Wildlife online at [tpwd.state.tx.us](http://tpwd.state.tx.us)) and even criminal histories. The Accurant report is cheap, about \$17, and provides lots of information that will lead you to other primary sources for verification and latest update. Accurant searches on entities are available as well.

3. Appraisal District Searches. These were mentioned with debtor identification. They are also very useful to verify property ownership, both real and business personal property. Don't limit the search to the current tax year. If possible search prior years for property ownership – this could lead to discovery of conveyances that might not be otherwise available in public record searches. Counties with online appraisal district records sometimes do not have their real property records online. And, if your search for the debtor's name comes up empty, be sure to search by known addresses, and any aliases or assumed names. These searches may alert you to fraudulent transfers, even perhaps the name of the defendant's new LLC that was set up to own the rental property! Property valuations can be useful in determining value – in Travis County home values are pretty accurate, but commercial property may be less than true market. And some counties value property significantly below market. The appraisal district records will also provide some evidence of which property the debtor claims as homestead.

4. Real Property Records. If available online, these records can tell the debtor's story at your fingertips. Search the debtor's legal name, assumed name and any aliases, both as grantor and grantee. Nasty federal tax liens may show up, abstracts of judgment from other litigation (sometimes this gives you a much needed address on the front end for service of process), transfers of property to and from the defendant, lien information on the defendant's property, foreclosures, and even lis pendens regarding court suits affecting the title to defendant's property. A dozen unreleased abstracts says a lot – either that there are a lot of unsatisfied judgment creditors, or that the defendant likes to leave liens in place to discourage new judgment creditors! Actual copies of the real estate records can also assist in verifying signatures, learning where the debtor was located when a document was notarized, an address to which a document was returned upon filing, a favorite lender or banking institution of the defendant, 'gift' deeds that signal fraud, and entity grantees that should be investigated as insiders. Whether or not you'll need to pay for unofficial copies varies from county to county.

5. Texas Comptroller's Website. Searches on the Texas Comptroller's website ([comptroller.texas.gov](http://comptroller.texas.gov)) are free. I often do a quick verification of an entity name at the tab "Franchise Tax Account Status". Many entity names are easily found this way, as a precursor to searches on SOS Direct. Sole proprietor information may be found if the defendant is in a

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business that pays sales tax. The tab “Sales Taxpayer Search” will help verify location of the debtor by location name, for example Terry’s Tires, or by name of the individual by searching the debtor’s legal name.

6. Secretary of State Direct. For a nominal charge, one can access corporate filings with the Secretary of State of Texas through [www.sos.state.tx.us](http://www.sos.state.tx.us). While one can use this site to gather information on an entity debtor’s formation and filing history, it can also be used to determine whether the individual debtor is an officer or registered agent of any filing entity. This allows you to locate other entities that may be holding assets of the debtor or which might be recipients of fraudulent transfers and intercompany transfers. Additionally, if the debtor utilized a particular accountant, attorney or employee to serve as its registered agent or other officer, debtor entities may be found by searching that person’s identity under registered agent and officer searches. Some individuals may even have a naming scheme for their entities, for example Donna Brown may have DGB Law, Inc. for commercial investigative services and DGB Spouse, Inc. for her entity that does family law investigations. A search for entities beginning with “DGB” may reveal DGB Properties, Inc. and DGB Holdings, Co. Knowing about these entities before suit could multiply your defendants. Knowing about them post judgment could also help find potential assets held by entities owned by the judgment debtor.

The entity documents can tell you the history of the business, its ownership in some instances, updated as well as historical address information, and even a good phone number for the person filing the officer reports with the comptroller that are available among the records.

7. Google It! A simple search of the defendant’s name as well as the defendant’s alias, informal or assumed name can reveal property ownership, news articles, other litigation, family relationships (try searching for example, survived by Terry Debtor to discovery names of parents and in-laws), LinkedIn listings (showing previous as well as current business associations), websites, Facebook pages, engagement announcements – the list is endless. “Googling” the debtor’s address, both physical and P.O. Box, can lead to additional business endeavors using the same location or P.O. Box and real estate listings and valuations associated with the physical address. Searching a known business number can sometimes reveal new businesses of the debtor.

8. URL. Most businesses have some kind of web presence, even if only a simple Facebook page. More expansive websites can yield a wealth of information. It is advisable to print out the pages of informative website pages for future reference – since they can be so easily changed or even taken down. Key personnel reflected on websites can be a source for officer searches on SOS Direct and LinkedIn

searches for related and current business associations. Locations and associated entities are also often found on websites. Photos of equipment, descriptions of major projects and recent ‘deals’ are also disclosed. Sometimes an email sent by the defendant will reveal a business association by just the URL portion of the defendant’s email address. One can determine the entity behind the business, sometimes by the © notation at the bottom of each page. Other times you may search whois.net for the URL to learn the registrant’s name.

9. Pacer and local court information. Sometimes a Google search of a defendant will reveal court cases reported in Justia. Other times, a search on PACER could reveal bankruptcy and Federal Court litigation involving the defendant. The information of the local courts may or may not be available online. Perhaps only the docket sheet is available and one must order pleadings from the court clerk. Other times, pleadings can be accessed online. Think in terms of who else is suing the defendant, is there a race to the courthouse, is a divorce decree with property division available, or even where can this guy be served! For suits filed after January 1, 2016, state court lawsuit data can be accessed on the re:SearchTX website (<https://research.txcourts.gov>). Data and documents that were e-filed are in re:SearchTX from 1/1/2016 going forward. However, users who are not an attorney, judge, or clerk will not be able to see data e-filed before 11/1/2018.

10. UCC Searches. For the most part UCC searches are done through Secretary of State Direct. An exception would be a fixturing filing that would be on file in the real property records of the county where the fixtures are located. The “debtor” search in a UCC search is one in the name of the individual or entity pledging his or its assets. While the borrower obligor is often a debtor as well, one should be aware of article 9’s terminology. That said, if your defendant is a ‘debtor’, and has pledged assets, the UCC will be on file in the Secretary of State’s office of the defendant debtor’s residence. For individuals, it is often clear. For filing entities one must search the Secretary of State’s records where the defendant is organized. Hence, a defendant organized in Delaware, though doing business in Texas, would have UCC’s filed against it in Delaware. This all said, creditors don’t know the UCC. They will file UCC’s where their borrower resides and where their borrower does business. So, a thorough UCC search should be done in the records of the county where the defendant resides and/or does business and in the Secretary of State’s office where the defendant and anyone pledging assets does business.

So what do you get with UCC searches? If the assets are pledged, they may not have any equity. They still can be subject to levy. (See discussion in Post Judgment Remedies paper at [dbrownlaw.com](http://dbrownlaw.com)). Knowing the debtor’s assets and liabilities is important. One may decide against a garnishment if the debtor has debt to his or its bank – to avoid an offset. At a minimum, knowledge of the debtor’s assets and entity

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relationships can provide a springboard for post judgment discovery in terms of documents requests and lines of questioning.

11. TLO and other sites. TLO requires registration. It is a very cheap source of location information ([tlo.com](http://tlo.com)), including utility hookups by name and address. One can also obtain social security number information from TLO. The collection attorney taking a fair amount of default judgments against individuals will find it useful to obtain a SSN for purposes of running a Department of Defense search to confirm the defendant's military status. Bank account location services should be utilized with extreme caution. If the information has been gained by false pretenses, you could open yourself up to criminal penalties pursuant to the Fraudulent Access to Financial Information portion of the Gramm-Leach-Bliley Act, 15 U.S.C 6821, et seq. There are many other paid services and miscellaneous government sites for agencies that license or regulate industries, but the ones discussed in this paper are the go-to favorites of the author.

12. Out-of-state searches. Many states have online database information similar to those in Texas, most notably the Secretary of State websites for entity and officer searches. Property records, appraisal district records, and court records vary widely from jurisdiction to jurisdiction (as they do within the Texas's 254 counties). Some require more "hoops" to jump through than others and various fee structures to navigate.

**D. Search Tools Beyond Your Keyboard.** Sometimes public records are not at your fingertips. Information is still available, but it might make you get out of your chair! Or at least use the phone, your email or snail mail.

1. A walk to the courthouse. Some older court records are not accessible on the internet. An old fashioned walk to the courthouse may be in order. If the searches take you to several counties, hiring a private investigator to do the legwork may make economic sense.

2. Owner & Lien searches. Title companies will often provide owner and lien searches from their database of public records to examine a property's ownership record and liens. This is especially useful when the records are not readily available online. At an average of \$125 per search, including plain copies of the records results, this can be cost efficient and useful in evaluating the property's history for possible equity and possible fraudulent transfers.

3. The drive-by. Yes, sometimes driving by the debtor's home or business address can be enlightening. A "going out of business" or "for rent" or "for sale" sign can mean the need for urgent action. A fancy vehicle with a license plate can also take you down the path to assets. Or, a new business name over the old sign could lead to a serial incorporator and

the need to add that entity to your suit or post judgment radar screen.

4. DMV Searches. Vehicle ownership status and history can be verified with a request sent to TXDMV, form VTR-275. The form can be obtained online at [www.txdmv.gov/forms](http://www.txdmv.gov/forms).

### **III. POST-JUDGMENT REMEDIES AS PRE-SUIT CONSIDERATIONS.**

For a complete discussion of post-judgment remedies and exempt property, see "Post-Judgment Remedies: Judgment Liens, Garnishment, Executions, Turnover Proceedings, Receiverships under the DTPA, and "Other Stuff" at [dbrownlaw.com](http://dbrownlaw.com).

**A. Judgment Liens.** A judgment lien is created by the proper recording and indexing of an abstract of judgment in the county real property records. It attaches to any non-exempt real property in the county where filed. Tex. Prop. Code Ann. §52.001. Nothing in the statutes related to abstracts of judgment requires that the judgment be 30 days old. Tex. Prop. Code Ann. §52.002. If the judgment debtor has non-exempt real property, it is vitally important to file the abstract as soon as possible after the judgment is signed. It is not uncommon for a judgment debtor to attempt some post judgment asset protection planning when the reality of the judgment sets in.

#### **Practice Tips:**

- (1) If the Defendant owns property in a name that varies from his or her legal name, consider suing in the legal name and an aka. For example, "Miguel Garcia aka Mike Garcia."
- (2) If the Defendant holds property in an entity name, consider whether there is any basis for naming that entity as a defendant.
- (3) If the Defendant owns non-exempt real property, be prepared to file an abstract as soon as your judgment is signed.
- (4) Keep an eye on that property pending suit.

**B. Executions.** While all assets are not found through technology or pre-judgment discovery (where applicable), the Defendant's real property interests are readily found in the public records. Business personal property value is found in the tax rolls and sometimes in UCC records. Those same records will also reflect other judgments, tax liabilities, and debts against the property that can have a huge impact on the collectability of the judgment.



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Entities have no non-exempt property and therefore all of their assets are subject to levy. To evaluate collectability, one should attempt to determine the equity in the property. For a levy on property of individuals, one must know what items are exempt. See discussion of property exemptions in “Post-Judgment Remedies: Judgment Liens, Garnishment, Executions, Turnover Proceedings, Receiverships under the DTPA, and “Other Stuff” at [dbrownlaw.com](http://dbrownlaw.com).

### **Practice Tips:**

- (1) A multitude of unreleased abstracts of judgment can signal a “serial debtor” and a need to investigate the judgments in more detail to determine if your judgment will be another one in a long line of lawsuits.
- (2) Tax liens can signal a cash-strapped debtor or perhaps someone who has little regard for the law!

**C. Garnishments.** Plaintiffs are often excited about the prospect of garnishing a judgment debtor’s bank accounts if they know where the debtor banks as a result of their business dealings. However, the client should be cautioned about the strict grounds required for a post-judgment garnishment. Cash in a bank account may seem like an easy way to get the judgment paid, but one must swear that “within plaintiff’s knowledge, the defendant does not have property in Texas subject to execution sufficient to satisfy the judgment.” Civ. Prac. & Rem. Code §63.001(3). The creditor has a duty to make reasonable inquiry whether such property exists. *Massachusetts v. Davis*, 160 S.W. 2d 543, 554 (Tex. Civ. App. – Austin, 1942), *aff’d in part and rev’d in part on other grounds*, 140 Tex. 398, 168 S.W. 2d 216 (1942), *cert. denied*, 320 U.S. 210 (1943).

### **Practice Tips:**

- (1) Known bank information can be useful in a pre-trial evaluation for potential third-party discovery and tracing funds.
- (2) If the creditor is sufficiently satisfied that the judgment debtor does not have property in Texas subject to execution sufficient to satisfy the judgment, a post-judgment garnishment filed immediately after the judgment is signed can provide a surprise opportunity for collectability since a judgment is final and subsisting for the purpose of garnishment from and after the date it is signed. Tex. R.C.P. Rule 657.

**D. Turnover Proceedings.** Turnover proceedings are a unique post-judgment remedy governed by Sections 31.002, 31.0025 and 31.010 of the Civil Practices and Remedies Code and interpretive case law. There are no rules of civil procedure associated with the proceeding. The statute states that the judgment creditor is “entitled to aid” from the court to reach

property owned by the judgment debtor that is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

The turnover order may require the debtor to turn over non-exempt property in the debtor’s control to a sheriff or constable for execution, otherwise apply the property to satisfy the judgment, or appoint a receiver to take possession of the non-exempt property to sell it and pay the proceeds to the judgment creditor. Tex. Civ. Prac. & Rem. Code §31.002(b). Appointment of receivers is more common in some jurisdictions than in others. The property should not be turned over directly to the judgment creditor. *Ex Parte Johnson*, 654 S.W. 2d 415 (Tex. 1983); *Lozano v. Lozano*, 975 S.W.2d 63 (Tex. App. – Houston [14th Dist.] 1998, no writ).

The turnover proceeding can be utilized as soon as the judgment is signed, much like the post-judgment garnishment remedy, thus making it a very powerful and immediate collection tool. *Childre v. Great Southwest Life Insurance Co.*, 700 S.W. 2d 284 (Tex. App.—Dallas 1985, no writ). Its availability continues, even during appeal, unless the judgment is superseded. *Anderson v. Lykes*, 761 S.W. 2d 831 (Tex. App. – Dallas 1988, orig. proceeding).

### **Practice Tips:**

- (1) In the pre-suit investigation, the practitioner may come across evidence of the Defendant’s ownership of difficult-to-reach assets such as causes of action, intellectual property rights, and notes receivable which have value and can be reached by a turnover proceeding.
- (2) The practitioner can also use the turnover proceeding to seize property that can be reached by ordinary legal process and is no longer limited to hard-to-reach assets.
- (3) If a debtor is having a cash-flow crisis and is attracting a multitude of lawsuits, one may be in a race to the courthouse to get a receiver appointed as soon as the judgment is signed to be first in line to be paid from the debtor’s non-exempt assets.

**E. Charging Orders.** Charging orders may be used to reach a judgment debtor’s interest in a general or limited partnership by ordering payment to the creditor of distributions that the debtor would be entitled to receive from their interest in the partnership. Similarly, a member’s interest in a limited liability company may be charged with payment of a judgment.

### **Practice Tips:**

- (1) In order to reach the assets of a general partnership, limited partnership, or LLC, the entity must be a party

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to the suit. So, one must always examine whether there is a legitimate basis for suing the entity directly.

- (2) Often Defendants transfer their non-exempt assets into a partnership or LLC as a desperate asset-protection measure. By investigating the Defendant's entities, one may elect to include a fraudulent transfer suit in the main case if it appears a transfer of assets has occurred.



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### QUICK GUIDE ASSET SEARCHES VIA TECHNOLOGY

TOOL	INDIVIDUAL	ENTITY
<b>Publicdata</b> (requires registration and is fee based) <a href="http://publicdata.com">publicdata.com</a>	Driver's License information -Name -Date of Birth -Address Multi-State Secretary of State Professional License Criminal history Voter Registration Vehicle Ownership Property Tax Renditions	Vehicle Ownership Property Tax Renditions
<b>Accurint</b> (requires registration and is fee based) <a href="http://accurint.com">accurint.com</a>	Address / Real Estate Driver's License / Date of Birth UCC's Officer / Entity Associations Judgments Phone Numbers Vehicles Criminal History Bankruptcy Filings	Has much of the same information as the report on individuals, plus TIN and associated businesses
<b>TLO</b> (requires registration and is fee based) <a href="http://tlo.com">tlo.com</a>	Limited initial report provides: Name Social Security Number Driver's License Current Utilities Address Phone Numbers  Comprehensive report has much of the same information as Accurint	Limited initial report provides: Entity name Address Phone Numbers Officers Employees  Comprehensive report has much of the same information as Accurint
<b>Texas Comptroller</b> (free) <a href="http://comptroller.texas.gov">comptroller.texas.gov</a>	Sales Taxpayer Tab -for individuals who have a business subject to sales tax	Franchise Tax Account Status Tab -for entity name, address, franchise tax status and officer information  Sales Taxpayer Tab also useful
<b>Secretary of State Direct</b> (requires registration and is fee based) <a href="http://sos.state.tx.us">sos.state.tx.us</a>	Officer Searches -To locate other entities UCC Searches -Locate liens and pledged assets	Complete entity filing documents, plus officer reports filed with Comptroller The officer reports also state whether the entity is wholly owned, or owns other entities May want to run officer searches to locate other entities that may be related  UCC Searches
<b>Appraisal Districts</b>	Search by debtor's name and known addresses Also search any assumed name May need to separately search business personal property May want to search by various years Look for homestead designation	The same searches for entities Business personal property is often most useful Obviously no homestead exemption If debtor's location is owned by another entity, investigate its ownership

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<b>Public Records (County Clerk)</b> (some require registration; some are fee based)	Search by: -Grantor / Grantee -Foreclosure Postings -Assumed Names -Tax Liens -Marriage Licenses	The same searches for entities and their officers and owners
<b>Court Records Local</b> (some require registration; some are fee based)	Varies from county to county on availability and whether docket sheet or full access to pleadings is available -Possible location information for service of process -Property divisions in divorce filings useful -Use to locate other creditors for potential involuntary bankruptcy -other lawsuits signal collectability issues	Varies from county to county on availability and whether docket sheet or full access to pleadings is available  See uses for individual debtor as examples of uses of other litigation
<b>re:SearchTX</b> <a href="https://research.txcourts.gov/">https://research.txcourts.gov/</a> (case or record search is free; there is a fee to download documents)	Includes all 254 counties in Texas. Data and documents that were e-filed are in re:SearchTX from 1/1/2016 going forward. However, users who are not an attorney, judge, or clerk will not be able to see data e- filed before 11/1/2018.	Search by cases, filings, or text.
<b>PACER</b> (requires registration and is fee based) <a href="http://pacer.psc.uscourts.gov">pacer.psc.uscourts.gov</a>	Search by name for bankruptcy filing and party to suits in Federal Court	Search by name for bankruptcy filing and party to suits in Federal Court
<b>LinkedIn</b> <a href="http://linkedin.com">linkedin.com</a>	Search debtor's name for current and past employment, possible business ownership, and to locate witnesses	Search owner and officer names for related entities, new entities and to locate potential witnesses  Search business name to find potential current and former employees
<b>Google It!</b> <a href="http://google.com">google.com</a>	Search by name, known address and phone numbers to locate: -personal websites -Facebook page -Tweets -property information -relatives, engagement announcements, obituaries (search: survived by <u>debtor's name</u> ) -Numerous hits for miscellaneous fee based services -news reports -YouTube Videos	Search by name, known address and phone numbers to locate: -business websites -Facebook page -Tweets -property information -litigation -related businesses associated with officers -news reports -YouTube Videos -transactions with governmental entities -SEC filings

**Collectability of Damages: Post-Judgment Concerns That Should be Pre-Suit Considerations**

<b>URL</b>	Debtor's email address may lead to their place of employment or their own business website	Debtor's contacts' email address may lead to new entity URL  Debtor's website may provide: -contact information -associated entities -news and financial information, including current projects -photos of assets
<b>DMV</b> <a href="http://txdmv.gov/forms">txdmv.gov/forms</a>	Confirm vehicle ownership and history To obtain form VTR-275	Confirm vehicle ownership and history To obtain form VTR-275  License information on moving companies  Motor carrier lookup
<b>Texas Parks &amp; Wildlife</b> <a href="http://tpwd.state.tx.us">tpwd.state.tx.us</a>	Verify boat ownership online, but must have hull # etc., usually found in Accurant report	
<b>Texas Railroad Commission</b> <a href="http://rrc.state.tx.us">rrc.state.tx.us</a>	Oil and Gas well and lease information available at Online Research Queries tab (full discussion beyond scope of this paper)	
<b>Texas Department of Transportation</b> <a href="http://txdot.gov">txdot.gov</a>		Business Tab -determine if debtor is contracting with TXDOT -can obtain bonding information