

VERMONT SUPERIOR COURT
Washington Unit
65 State Street
Montpelier VT 05602
802-828-2091
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 23-CV-05299

Harley Breer, Jr. v Amanda Kitchen et al

ENTRY REGARDING MOTION

Title: Motion to Enforce (Motion: 16)
Filer: Harley L. Breer, Jr.
Filed Date: February 05, 2026

The motion is GRANTED IN PART.

Plaintiff Breer has filed a “Motion to Enforce” his judgment. He seeks an enumerated list of remedies in this motion including:

- 1) Enforcement of Judgment
- 2) Writ of Execution
- 3) Financial Disclosure
- 4) Garnishment of Wages
- 5) Attachment of Real Estate, Properties, Assets
- 6) An Order barring transfer or liquidation of any/an assets, moneys, properties, real estate, etc.

As a threshold matter, there is no generic right to “enforcement” that may be had by motion. Plaintiff does not cite any civil rule or statute permitting such a motion or remedy. Instead, Plaintiff stands on the threshold of the post-judgment enforcement and collection process that is governed by a variety of processes, which require varying degrees of pleading and proof. Plaintiff is now a judgment creditor based upon the judgment entered in his favor against Defendant Kitchen, who is now the Judgment Debtor.

Under Vermont law, there are generally three avenues for enforcement of a judgment. The first route is to pursue execution proceedings under 12 V.S.A. § 2681 and Rule 69. *Koerber v. Middlesex College*, 136 Vt. 4, 7 (1978). The second is to pursue an action for enforcement under 12 V.S.A. § 506; *Koerber*, 136 Vt. at 7. The third method is to file a judicial lien under 12 V.S.A. § 2901. A judgment creditor can maintain any of these proceedings simultaneously. *Koerber*, 136 Vt. at 7; see also *Marine Midland Bank v. Bicknell*, 2004 VT 25, ¶¶ 7, 8.

As indicated, each of these proceedings involves different statutes, standards, and processes. There is no one or uniform process to collect a judgment. In fact, an enforce action is a separate action governed by 12 V.S.A. § 506 and requires a new filing. *Marine Midland Bank*, 2004 VT 25, at ¶ 8 (“Under Vermont law, a judgment creditor generally has a right to bring an action upon a judgment at *any time after its rendition*, until it is barred by the statute of

limitation.”) (quoting *Koerber*, 136 Vt. at 7) (internal quotations omitted) (emphasis in the original).

Based on this framework, Judgment Creditor Breer’s request for enforcement of the judgment is **Denied** as it does not meet the requirements of 12 V.S.A. § 506.

Mr. Breer’s motion for a writ of execution, however, is **Granted**, and the Court Clerk shall issue a writ of execution concurrent to this order that must be served, along with a list of exemptions, on the Judgment Debtor and filed with a return of service in 60 days. V.R.C.P. 69.

Mr. Breer’s request for a financial disclosure hearing is **Denied** as such hearings are primarily small claims court process, but any action to enforce or seek payment through an order of this Court will incorporate the elements of the financial disclosure process.

Mr. Breer’s motion for wage garnishment is **Denied** as it does not comply with V.R.C.P. 4.2(1).

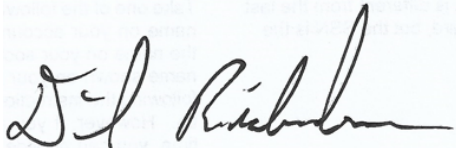
Mr. Breer’s motion for attachment of real estate and properties is also **Denied** as it does not comply with the requirements of V.R.C.P. 4.1 or the judicial lien process under 12 V.S.A. §§ 2901, et sec.

Finally, Mr. Breer’s request for an Order barring transfer or liquidation of assets is **Denied** for vagueness and for lack of authority in this Court to issue such a blanket ruling without evidence or basis.

Based on the foregoing, Mr. Breer’s motion for a Writ of Execution is **Granted**. All other requests are **Denied** as a matter of law.

So Ordered.

Electronically signed on 2/11/2026 1:56 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is written over a light blue rectangular background.

Daniel Richardson
Superior Court Judge