

ENFORCEMENT OF JUDGMENT LEVY ON PERSONAL PROPERTY (BANK ACCOUNT)

SELF-HELP FORM PACKET



SHC-CPJ-01 (Rev. 04/18/2025)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to **www.occourts.org/self-help** (click the button labeled *Contact Self-Help*), attach the PDF, and complete the online request form. Make sure to select CIVIL as the case type on the form.

INFORMATION SHEET FOR CALCULATING INTEREST AND AMOUNT OWED ON A JUDGMENT

What can the judgment creditor recover?

Under California law, the amount recoverable by a judgment creditor (the party to whom money is owed) includes:

- The total amount of the judgment entered by the court (principal), plus costs;
- Costs after judgment under Code of Civil Procedure section 685.070; and
- Accrued interest on the total amount.

Costs After Judgment

A judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. These costs must be reported to the court within two years of the date incurred. The judgment amount includes costs ordered by the court after the judgment. (For information on recovering costs and a detailed list of costs that can be recovered, see Code of Civil Procedure sections 685.040, 685.050 et seq., 685.070(b), and 685.090; see also “Requesting Costs and Interest” below).

Accrued Interest (*See Code Civ. Proc., §§ 685.010, 685.020(a), and Cal. Const., art. XV, § 1.*)

Interest accrues on the unpaid principal of a judgment at the following legal rates:

- The rate of interest is 10% per year unless one of the following lower interest rates applies.
- The rate of interest is 7% per year if the judgment debtor (the party who owes the money) is a state or local government entity.
- The rate of interest is 5% per year if the judgment debtor is a natural person and the judgment meets all of the following requirements:
 - The judgment was entered or renewed after January 1, 2023.
 - The judgment is on a claim related to either personal debt (and the unpaid principal amount is under \$50,000) or medical expenses (and the unpaid principal amount is under \$200,000).
 - The judgment is not based on tortious or fraudulent conduct or for unpaid wages, damages, or penalties owed to an employee.

For judgments renewed after January 1, 2023, the 5% interest rate applies only to unpaid principal remaining after renewal. Note, for judgments that otherwise meet the above requirements and are renewed after January 1, 2023, the interest rate will change from 10% to 5% for any remaining unpaid principal if the unpaid principal has fallen below the above amounts.

Interest generally accrues from the date the judgment is entered. Interest begins to accrue on the amount of costs added to a judgment from the date ordered by the court or from the date costs are allowed following expiration of the time to object. If the judgment is payable in installments, interest accrues from the date each installment is due. On renewal of a judgment, unpaid interest that has accrued is added to the principal of the judgment and interest begins to accrue on the total renewed amount on the day the renewed judgment is entered.

Requesting Costs and Interest

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve *Memorandum of Costs After Judgment* (form MC-012). On that form, the judgment creditor must include the exact amount of all costs and accrued interest. This means the judgment creditor is responsible for calculating the amount of interest that accrues on the judgment. It is useful to update this calculation after receiving payments.

Crediting Payments Received

Any payments received by the judgment creditor must be “credited” in a specific order. (Code Civ. Proc., § 695.220.) After specific costs go directly to the levying officer and to the court for fees, the judgment creditor is required to credit payments received first toward *accrued interest* and then toward the *judgment principal* (including costs approved by the court after entry of the judgment).

Calculation of Interest on Judgment and Amount Due

The following are various formulas and examples to assist with the calculation of interest on a judgment using both a 5% and a 10% interest rate.

- **Calculating the Total Amount Due, Including Interest, on the date of payment, if there have been no prior payments or credits**

Step 1: Calculate the daily interest on a judgment. This is the amount of interest earned per day on a judgment. To calculate the daily interest, use the following formula:

Formula: (Total amount of judgment owed) \times (applicable interest rate) = interest earned per year. That number divided by 365 = amount of daily interest.

Example: Judgment debtor owes the judgment creditor \$5,000 (the “judgment principal”).

5% Interest Rate	10% Interest Rate
$\$5,000 \times 0.05 = \250 $\$250/365 = \0.69 daily interest The amount of interest earned will be \$0.69 per day as long as the unpaid amount remains \$5,000.	$\$5,000 \times 0.10 = \500 $\$500/365 = \1.37 daily interest The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

Step 2: Count the total number of days that have passed since the court entered the final judgment up to the day of payment. Then calculate the amount of interest owed on the date of payment using the following formula.

Formula: (Total number of days since judgment was entered) \times (amount of interest per day, calculated in Step 1) = amount of interest owed on the date of payment.

Example: A \$5,000 judgment was entered on June 1 and the judgment debtor paid the judgment on September 8; 100 days from the entry of the judgment have passed.

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). $\$0.69 \text{ per day} \times 100 \text{ days} = \69 interest owed on the date of payment The judgment debtor owes \$69 in interest on the principal of \$5,000 on the date of payment.	The daily interest is \$1.37 (see above). $\$1.37 \text{ per day} \times 100 \text{ days} = \137 interest owed on the date of payment. The judgment debtor owes \$137 in interest on the principal of \$5,000 on the date of payment.

Step 3: Add the amount of interest that has accrued to the amount of the judgment.

5% Interest Rate	10% Interest Rate
$\$5,000 \text{ judgment} + \$69 \text{ interest} = \$5,069$ The judgment debtor owes a total of \$5,069 on the 100th day after the court entered judgment.	$\$5,000 \text{ judgment amount} + \$137 \text{ interest} = \$5,137$ The judgment debtor owes a total of \$5,137 on the 100th day after the court entered judgment.

- **Crediting partial payments and recalculating the amount due**

If the judgment debtor does not pay all that is owed at one time, the partial payments the debtor makes are credited to the interest *first* and then to the judgment amount (the principal) owed.

Example: The judgment principal is \$5,000. After 200 days, the judgment debtor pays \$1,000.

Step 1: Calculate the amount of interest owed on the date of payment

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). \$0.69 per day \times 200 days = \$138 interest owed on the date of payment	The daily interest is \$1.37 (see above). \$1.37 per day \times 200 days = \$274 interest owed on the date of payment.

Step 2: Apply payment to interest

5% Interest Rate	10% Interest Rate
The judgment debtor paid \$1,000, which first must be used to credit the \$138 of accrued interest. That leaves a balance of \$862 (\$1,000 - \$138 = \$862) to be credited toward the \$5,000 principal.	The judgment debtor paid \$1,000, which first must be used to credit the \$274 of accrued interest. That leaves a balance of \$726 (\$1,000 - \$274 = \$726) to be credited toward the \$5,000 principal.

Step 3: Apply remainder to principal

5% Interest Rate	10% Interest Rate
The remaining credit of \$862 is applied to the judgment principal. The judgment debtor now owes \$4,138 on the judgment principal (\$5,000 - \$862 = \$4,138).	The remaining credit of \$726 is applied to the judgment principal. The judgment debtor now owes \$4,274 on the judgment principal (\$5,000 - \$726 = \$4,274).

Step 4: Calculate the new daily interest rate

5% Interest Rate	10% Interest Rate
\$4,138 (new principal) \times 5% = \$206.90 interest per year \$206.90/365 days = \$0.57 interest earned per day	\$4,274 (new principal) \times 10% = \$427.40 interest per year \$427.40/365 days = \$1.17 interest earned per day

Example: After 100 days, the judgment debtor makes a second payment of \$500. (Recalculate using steps 1-4.)

5% Interest Rate	10% Interest Rate
Amount of accrued interest over 100 days: 100 days \times \$0.57 daily interest = \$57 total interest	Amount of accrued interest over 100 days: 100 days \times \$1.17 daily interest = \$117 total interest
\$500 payment credited to interest first: \$500 payment - \$57 interest = \$443 remaining	\$500 payment credited to interest first: \$500 payment - \$117 interest = \$383 remaining
Remainder credited to principal: \$4,138 principal - \$443 remainder = \$3,695 new principal	Remainder credited to principal: \$4,274 principal - \$383 remaining = \$3,891 new principal
Calculate new daily interest: \$3,695 \times 5% = \$184.75/365 = \$0.51 interest per day	Calculate new daily interest: \$3,891 \times 10% = \$389.10/365 = \$1.07 interest per day

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST	CASE NUMBER:

1. ☐ **Postjudgment costs**

- a. I claim the following costs after judgment incurred within the last two years (*indicate if there are multiple items in any category*):
- | | <u>Dates Incurred</u> | <u>Amount</u> |
|---|-----------------------|--|
| (1) Preparing and issuing abstract of judgment | | \$ |
| (2) Recording and indexing abstract of judgment | | \$ |
| (3) Filing notice of judgment lien on personal property | | \$ |
| (4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (<i>specify county</i>): | | \$ |
| (5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment | | \$ |
| (6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq. | | \$ |
| (7) Attorney fees, if allowed by Code Civ. Proc., § 685.040 | | \$ |
| (8) Other: _____ (<i>Statute authorizing cost</i>): | | \$ |
| (9) Total of claimed costs for current memorandum of costs (<i>add (1)–(8)</i>) | | \$ |
| b. All previously allowed postjudgment costs | | \$ |
| c. Total of all postjudgment costs (<i>add a and b</i>) | | \$ |

2. ☐ **Credits to interest and principal**

- a. I acknowledge total payments to date in the amount of: \$ _____ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$ _____; credit to judgment principal \$ _____.
- b. **Principal remaining due.** The amount of judgment principal remaining due is \$ _____. (*See Code Civ. Proc., § 680.300*)

3. ☐ **Accrued interest remaining due.** I declare interest accruing at the legal rate of _____ % on the unpaid principal amount of \$ _____ and _____ % on the unpaid principal amount of \$ _____ (*see Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO)) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal), remaining due in the amount of \$ _____.

4. I am the: ☐ judgment creditor ☐ agent for the judgment creditor ☐ attorney for the judgment creditor.
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NOTICE TO THE JUDGMENT DEBTOR

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, not exceeding \$100 in aggregate and not already allowed by the court, may be included in the writ of execution. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

Page 1 of 2

Short Title:

CASE NUMBER:

PROOF OF SERVICE
☐ **Mail** ☐ **Personal Service**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is:
3. ☐ I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (complete either a or b):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mail occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows.
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)

1. To the Sheriff or Marshal of the County of:

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the ☐ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

☐ Additional judgment debtors on next page

9. ☐ Writ of Possession/Writ of Sale information on next page.

10. ☐ This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

- 11. Total judgment (as entered or renewed)** \$ _____
- 12. Costs after judgment (CCP 685.090)** \$ _____
- 13. Subtotal (add 11 and 12)** \$ _____
- 14. Credits to principal (after credit to interest)** \$ _____
- 15. Principal remaining due (subtract 14 from 13)** \$ _____
- 16. Accrued interest remaining due per** \$ _____
 CCP 685.050(b) (not on GC 6103.5 fees)
- 17. Fee for issuance of writ (per GC 70626(a)(l))** \$ _____
- 18. Total amount due (add 15, 16, and 17)** \$ _____

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

5. Judgment entered on (date):

(See type of judgment in item 22.)

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ:

- a. ☐ has not been requested.
- b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Plaintiff/Petitioner:

CASE NUMBER:

Defendant/Respondent:

21. ☐ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

22. The judgment is for (check one):

- a. ☐ wages owed.
 b. ☐ child support or spousal support.
 c. ☐ other.

23. ☐ Notice of sale has been requested by (name and address):

24. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|--|--|
| a. on (date): | a. on (date): |
| b. name, type of legal entity if not a natural person, and last known address of joint debtor: | b. name, type of legal entity if not a natural person, and last known address of joint debtor: |

- c. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):
 (Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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25. b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. ☐ Sale of personal property.
- d. ☐ Sale of real property.
- e. The property is described ☐ below ☐ on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO. (<i>optional</i>): _____ EMAIL ADDRESS (<i>optional</i>): _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"><input type="checkbox"/> ATTORNEY FOR</div> <div style="text-align: center;"><input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR</div> <div style="text-align: center;"><input type="checkbox"/> ASSIGNEE OF RECORD</div> </div>	<div style="text-align: center; height: 100px; font-size: 24px; color: gray;">FOR RECORDER'S USE ONLY</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	LEVYING OFFICER (<i>name and address</i>): _____ <div style="border: 1px solid black; height: 20px; margin-top: 10px;"></div> <div style="border: 1px solid black; height: 20px; margin-top: 10px;"></div>
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____ <div style="text-align: center; padding: 20px;"> NOTICE OF LEVY under Writ of <input type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale </div>	<div style="border: 1px solid black; height: 20px; margin-top: 10px;"></div> <div style="border: 1px solid black; height: 20px; margin-top: 10px;"></div>

TO THE PERSON NOTIFIED (*name*):

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:
 - a. Judgment debtor (*name*): _____
 - b. The property to be levied upon is described:

☐ in the accompanying writ of possession or writ of sale.
☐ as follows: _____
2. The judgment is for (*check one*):

☐ wages owed. ☐ child/spousal support. ☐ other.
3. The amount necessary to satisfy the judgment creditor's judgment writ is

a. Total amount due (less partial satisfactions) from line 18 of writ (form EJ-130)	\$
b. Levy fee	\$
c. Sheriff's disbursement fee	\$
d. Recoverable costs	\$
e. Total (<i>a through d</i>)	\$
f. Daily interest from line 19a of writ (form EJ-130)	\$
4. You are notified as:
 - a. ☐ a judgment debtor.
 - b. ☐ a person other than the judgment debtor (*state capacity in which person is notified*): _____

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

☐ mailed on (*date*): _____
☐ delivered on (*date*): _____

☐ posted on (*date*): _____
☐ filed on (*date*): _____
☐ recorded on (*date*): _____

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ Levying officer ☐ Registered process server

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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–INFORMATION FOR JUDGMENT DEBTOR–

1. The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
2. There are automatic exemptions that financial institutions should apply to a deposit account before providing funds to the levying officer. See below for more information.
3. You may claim any available exemption for your property. A list of exemptions can be found on form EJ-155. **If you wish to claim an exemption for personal property, you must do so within 15 days after this notice was delivered to you or 20 days after this notice was mailed to you** by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. The date of filing is calculated as the date the claim is received by the levying officer, or the date of the postmark if the claim is mailed and assigned a tracking number by the U.S. Postal Service or another common carrier. **If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.**
4. You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
5. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
6. If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
7. All sales at an execution sale are final; there is no right of redemption.

– INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR –

1. If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
2. If you are a financial institution, you are required to apply applicable exemptions to deposit accounts. See below.
3. You must complete the accompanying Memorandum of Garnishee within 10 days.
4. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property under sections 720.010–720.800 of the Code of Civil Procedure.
5. **Make checks payable to the levying officer shown on page 1.**

– INFORMATION ABOUT DEPOSIT ACCOUNTS –

1. If the levy is **not** to satisfy a judgment for wages owed, child or spousal support, or liability to the state government, financial institutions must automatically exempt money in a deposit account up to a certain dollar amount, under section 704.220 of the Code of Civil Procedure, with no claim of exemption required. See form EJ-156 for the exemption amount.
2. Other automatic exemptions may apply to deposit accounts, such as exemptions for directly deposited social security or public benefits under section 704.080. (See form EJ-156 for the exemption amounts.) Generally, the financial institution should apply the larger set of exemptions that apply to an account. See section 704.220(b).
3. If a judgment debtor has multiple accounts in one or more financial institutions, either the judgment creditor or judgment debtor may file an application in the superior court identified on the front of this form for an order as to which account the exemption should apply. (See section 704.220(e).) To get such an order, file an *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) as soon as possible. (See EJ-157-INFO for instructions.) If the judgment debtor has more than one account in a financial institution, that institution may decide how and to which account to apply the exemption, unless it is served with a court order directing how to apply the exemption.

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy in enforcing a judgment.

Exemptions are found in the United States Code (**USC**) and in the California codes, primarily in the Code of Civil Procedure (**CCP**).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file the claim of exemption form that you received with the *Notice of Levy* packet.

AMOUNT OF EXEMPTIONS: For the exemption amount, please refer to the code section listed below for each type of property. The current amounts of certain exemptions are listed in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). The amounts of some of the exemptions are amended every three years and become effective immediately on April 1 under the provisions of Code of Civil Procedure section 703.150.

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
ABLE Accounts	Welf & I C § 4880(c)	Benefit Payments (<i>cont.</i>)	
Accounts (<i>See Deposit Accounts</i>)		Relocation Benefits	CCP § 704.180
Appliances	CCP § 704.020	Retirement Benefits	
Art and Heirlooms	CCP § 704.040	and Contributions:	
Automobiles	CCP § 704.010	Private	CCP § 704.115
BART District Benefits	CCP § 704.110	Public	CCP § 704.110
	Pub Util C § 28896	Segregated Benefit Funds	Ins C § 10498.5
Benefit Payments:		Social Security Benefits	42 USC § 407
BART District Benefits	CCP § 704.110	Strike Benefits	CCP § 704.120
	Pub Util C § 28896	Supplemental Security Income	42 USC § 1383
Charity	CCP § 704.170		42 USC § 407(d)
Civil Service Retirement		Transit District Retirement	
Benefits (Federal)	5 USC § 8346	Benefits (Alameda and	
County Employees		Contra Costa Counties)	CCP § 704.110
Retirement Benefits	CCP § 704.110		Pub Util C § 25337
	Govt C § 31452	Unemployment Benefits	
Disability Insurance Benefits	CCP § 704.130	and Contributions	CCP § 704.120
Fire Service Retirement		Veterans Benefits	38 USC § 5301
Benefits	CCP § 704.110	Veterans Medal of Honor	
	Govt C § 32210	Benefits	38 USC § 1562
Fraternal Organization		Welfare Payments	CCP § 704.170
Funds Benefits	CCP § 704.130		Welf & I C § 17409
	CCP § 704.170	Workers Compensation	CCP § 704.160
Health Insurance Benefits	CCP § 704.130	Boats	CCP § 704.060
Irrigation System			CCP § 704.710
Retirement Benefits	CCP § 704.110	Books	CCP § 704.060
Judges Survivors Benefits		Building Materials (Residential)	CCP § 704.030
(Federal)	28 USC § 376(n)	Business:	
Legislators Retirement		Licenses	CCP § 695.060
Benefits	CCP § 704.110		CCP § 699.720(a)(1)
	Govt C § 9359.3	Tools of Trade	CCP § 704.060
Life Insurance Benefits:		Cars and Trucks (including	
Group	CCP § 704.100	proceeds)	CCP § 704.010
Individual	CCP § 704.100	Cash	CCP § 704.070
Lighthouse Keepers		Cemeteries:	
Surviving Spouses Benefits	33 USC § 775	Land Proceeds	Health & SC § 7925
Longshore & Harbor Workers		Plots	CCP § 704.200
Compensation or Benefits	33 USC § 916	Charity	CCP § 704.170
Military Benefits:		Claims, Actions & Awards:	
Retirement	10 USC § 1440	Personal Injury	CCP § 704.140
Survivors	10 USC § 1450	Worker's Compensation	CCP § 704.160
Municipal Utility District		Wrongful Death	CCP § 704.150
Retirement Benefits	CCP § 704.110	Clothing	CCP § 704.020
	Pub Util C § 12337	Condemnation Proceeds	CCP § 704.720(b)
Peace Officers Retirement		County Employees Retirement	
Benefits	CCP § 704.110	Benefits	CCP § 704.110
	Govt C § 31913		Govt C § 31452
Pension Plans		Damages (<i>See Personal Injury</i>	
(and Death Benefits):		<i>and Wrongful Death</i>)	
Private	CCP § 704.115	Deposit Accounts:	
Public	CCP § 704.110	Deposit Accounts (generally)	CCP § 704.220
Public Assistance	CCP § 704.170	Deposit Accounts (hardship)	CCP § 704.225
	Welf & I C § 17409		

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Deposit Accounts (<i>cont.</i>)		Motor Vehicle (Including	
Escrow or Trust Funds	Fin C § 17410	Proceeds)	CCP § 704.010
Social Security Direct			CCP § 704.060
Deposits	CCP § 704.080	Municipal Utility District	
Direct Deposit Account:		Retirement Benefits	CCP § 704.110
Social Security	CCP § 704.080	Peace Officers Retirement	Pub Util C § 12337
Supplemental Security Income	CCP § 704.080	Benefits	CCP § 704.110
Public Benefits	CCP § 704.080	Pension Plans:	Govt C § 31913
Disability Insurance Benefits	CCP § 704.130	Private	CCP § 704.115
Dwelling House	CCP § 704.740	Public	CCP § 704.110
Earnings	CCP § 704.070	Personal Effects	CCP § 704.020
	CCP § 706.050	Personal Injury Actions	
	15 USC § 1673(a)	or Damages	CCP § 704.140
Educational Grant	Ed C § 21116	Prisoner's Funds	CCP § 704.090
Employment Bonds	Lab C § 404	Property Not Subject to	
Federal Emergency Management		Enforcement of Money	
Agency (FEMA) funds	CCP § 704.230	Judgments	CCP § 704.210
Financial Assistance:		Prosthetic and Orthopedic	
Charity	CCP § 704.170	Devices	CCP § 704.050
Public Assistance	CCP § 704.170	Provisions (for Residence)	CCP § 704.020
	Welf & I C § 17409	Public Assistance	CCP § 704.170
Student Aid	CCP § 704.190		Welf & I C § 17409
Welfare (<i>See Public Assistance</i>)		Public Employees:	
Fire Service Retirement	CCP § 704.110	Death Benefits	CCP § 704.110
	Govt C § 32210	Pension	CCP § 704.110
Fraternal Organizations		Retirement Benefits	CCP § 704.110
Funds and Benefits	CCP § 704.130	Vacation Credits	CCP § 704.113
	CCP § 704.170	Railroad Retirement Benefits	45 USC § 231m
Fuel for Residence	CCP § 704.020	Railroad Unemployment	
Furniture	CCP § 704.020	Insurance	45 USC § 352(e)
General Assignment for		Relocation Benefits	CCP § 704.180
Benefit of Creditors	CCP § 1801	Retirement Benefits and	
Health Aids	CCP § 704.050	Contributions:	
Health Insurance Benefits	CCP § 704.130	Private	CCP § 704.115
Home:		Public	CCP § 704.110
Building Materials	CCP § 704.030		Ins C § 10498.5
Dwelling House	CCP § 704.740	Scholarshare (Higher Education	
Homestead	CCP § 704.720	Savings)	CCP § 704.105
	CCP § 704.730	Segregated Benefit Funds	Ins C § 10498.6
Housetrailer	CCP § 704.710	Servicemembers Property	50 USC § 523(b)
Mobilehome	CCP § 704.710	Social Security	42 USC § 407
Homestead	CCP § 704.720	Social Security Direct Deposit	CCP § 704.080
	CCP § 704.730	Strike Benefits	CCP § 704.120
Household Furnishings	CCP § 704.020	Supplemental Security Income	42 USC § 1383(d)
Insurance:			42 USC § 407
Disability Insurance	CCP § 704.130	Student Aid	CCP § 704.190
Fraternal Benefit Society	CCP § 704.110	Tools of Trade	CCP § 704.060
Group Life	CCP § 704.100	Transit District Retirement	
Health Insurance Benefits	CCP § 704.130	Benefits (Alameda and Contra	
Individual	CCP § 704.100	Costa Counties)	CCP § 704.110
Insurance Proceeds—			Pub Util C § 25337
Motor Vehicle	CCP § 704.010	Travelers Check Sales Proceeds	Fin C § 1875
Irrigation System		Unemployment Benefits and	
Retirement Benefits	CCP § 704.110	Contributions	CCP § 704.120
Jewelry	CCP § 704.040	Uniforms	CCP § 704.060
Judges Survivors Benefits		Vacation Credits (Public	
(Federal)	28 USC § 376(n)	Employees)	CCP § 704.113
Legislators Retirement		Veterans Benefits	38 USC § 5301
Benefits	CCP § 704.110	Veterans Medal of Honor	
	Govt C § 9359.3	Benefits	38 USC § 1562
Licenses	CCP § 695.060	Wages	CCP § 704.070
	CCP § 720(a)(1)		CCP § 706.050
Lighthouse Keepers Surviving			CCP § 706.051
Spouses Benefit	33 USC § 775	Welfare Payments	CCP § 704.170
Longshore and Harbor Workers			Welf & I C § 17409
Compensation or Benefits	33 USC § 916	Workers Compensation	
Military Benefits:		Claims or Awards	CCP § 704.160
Retirement	10 USC § 1440	Wrongful Death Actions or	
Survivors	10 USC § 1450	Damages	CCP § 704.150
Military Personnel—Property	50 USC § 3934		

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div><input type="checkbox"/> ATTORNEY FOR</div> <div><input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR</div> <div><input type="checkbox"/> ASSIGNEE OF RECORD</div> <div><input type="checkbox"/> JUDGMENT DEBTOR</div> </div>	<div style="height: 100px; border: 1px solid black;"></div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	FOR COURT USE ONLY
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER (<i>name and address</i>): _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> Without hearing <input type="checkbox"/> Hearing on shortened time </div> <div style="width: 30%; border: 1px solid black; padding: 5px;"> LEVYING OFFICER FILE NO.: _____ </div> </div> <div style="border: 1px solid black; padding: 5px;"> COURT CASE NO.: _____ </div>	

Read *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form [EJ-157-INFO](#)) before filing this application. That form describes the requirements for giving notice of this application.

1. Applicant (*check one*):

- ☐ Judgment Debtor (*name*): _____
- ☐ Judgment Creditor (original or assignee of record) (*name*): _____

applies for a court order as to how and to which of the judgment debtor's multiple deposit accounts the exemption from enforcement of a civil money judgment under Code of Civil Procedure section 704.220 should be applied.

2. This application is being made because:

- a. ☐ judgment debtor has multiple deposit accounts in one financial institution.
- b. ☐ judgment debtor has deposit accounts in multiple financial institutions.

3. A *Writ of Execution (Money Judgment)* was issued in this case on (date issued) and states that the underlying judgment is not for unpaid wages, child support, or spousal support. *Date writ issued:* _____ . (*Attach a copy or provide an explanation why not attached.*)

4. A *Notice of Levy* (form EJ-150) has been issued based on the writ in item 3 to the following financial institutions (*identify and attach copy of each notice or provide an explanation why not attached*):

Financial Institution

Date of Issuance

☐ Check here if there is not enough space to list all current notices of levy, and continue the list on an attached sheet titled Attachment 4.

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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5. Applicant requests that the judgment debtor's deposit account exemption under Code of Civil Procedure section 704.220(a) be applied (*check one*):

- a. ☐ to deposit account number (*last four digits only*): _____ at (*financial institution*): _____
- b. ☐ spread across multiple deposit accounts as follows:

Name of financial institution

Deposit account number
(*last four digits only*)

Amount of exemption to be applied to account
(*Total cannot exceed total amount of exemption (See form EJ-156).)*)

6. a. ☐ This matter may be set for hearing.

b. ☐ Applicant is seeking this order without further hearing to help prevent immediate loss to a deposit account subject to exemption or enforcement. The facts supporting this need for immediate issuance of an order are (*explain circumstances*):

☐ Check here if there is not enough space, and continue the item on an attached sheet titled Attachment 6.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

Declaration by Applicant

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

☐ Original judgment creditor ☐ Judgment debtor
☐ Assignee of record

PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT:

CASE NUMBER:

3. a. (4) I notified the person in 3a(1) that an order is being requested designating that the exemption under section 704.220 should be applied to the following accounts (*specify*):

(5) The person in 3a(1) responded as follows:

(6) I ☐ do ☐ do not believe that the person in 3a(1) will oppose the ex parte application.

- b. ☐ **Request for waiver of notice.** I did not give notice about the ex parte application. I ask that the court waive notice to the other party for the following reasons (*identify the exceptional circumstances*):

☐ Attachment 3b.

- c. ☐ **Unable to provide notice.** I did not give notice about the ex parte application. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (*specify below*):

☐ Attachment 3c.

4. ☐ **SERVICE OF FORMS**

- a. An unfiled copy of *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) and related documents were served on:

☐ judgment debtor. ☐ judgment debtor's attorney.
☐ judgment creditor (or assignee of record). ☐ judgment creditor's attorney (or assignee of record's attorney).
☐ Other (*specify*):

- b. Documents were served on (*date*): _____ at: ☐ a.m. ☐ p.m.
☐ personally at (*location*): _____, California.
☐ by fax using fax no.: _____
☐ by electronic means (*if permitted*) (*specify electronic service address of person*): _____
☐ by overnight mail or other overnight carrier (*specify address of delivery*): _____

- c. ☐ **Documents were not served on the opposing party** because of the exceptional circumstances specified in:
☐ 3b, above ☐ 3c, above ☐ Attachment 4c.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

**DECLARATION REGARDING NOTICE AND SERVICE
FOR EX PARTE APPLICATION FOR ORDER
ON DEPOSIT ACCOUNT EXEMPTION**

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> JUDGMENT DEBTOR <input type="checkbox"/> ASSIGNEE OF RECORD </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	FOR COURT USE ONLY
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER (<i>name and address</i>): _____
ORDER ON APPLICATION FOR DESIGNATION OF DEPOSIT ACCOUNT EXEMPTION	LEVYING OFFICER FILE NO.: _____
	COURT CASE NO.: _____

1. Applicant (*check one*):

- ☐ Judgment Debtor (*name*): _____
- ☐ Judgment Creditor (original or assignee of record) (*name*): _____

applied ex parte for an order as to how and to which of the judgment debtor's multiple deposit accounts the exemption from enforcement of a civil money judgment under Code of Civil Procedure section 704.220 should be applied.

2. The court, having reviewed the application, makes the following ruling.

3. ☐ **Application Denied.** The court denies the application.

- a. ☐ The application is incomplete.
- b. ☐ The application did not meet the requirements for providing notice or service of the application.
- c. ☐ There is no showing that judgment debtor has multiple deposit accounts subject to the deposit account exemption in section 704.220.
- d. ☐ Other (specify): _____

4. ☐ **Order Shortening Time.** A hearing will be held on the application, as follows.

- a. The hearing will be on the date, time, and location indicated below:

Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Room: _____
Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (<i>specify</i>): _____			

- b. Applicant must serve this order and the
- Ex Parte Application*
- (form EJ-157) on all other parties by (
- date*
-): _____

- c. Any papers in opposition must be served on all other parties and filed by (
- date*
-): _____

5. ☐ **Ex Parte Order.** The court finds that delay in ruling would result in loss or damage to deposit accounts subject to enforcement of judgment in this matter, and therefore rules ex parte to designate the account subject to exemption, as stated below.6. ☐ **Order After Hearing.** This ruling is made after the application was heard on shortened time at

- a. Date: _____ Time: _____
- ☐
- Dept.: _____
- ☐
- Room: _____

- b. The following were present at the hearing:

- ☐ Judgment debtor
☐ Judgment debtor's attorney
- ☐ Judgment creditor (or assignee of record)
☐ Judgment creditor's attorney (or assignee of record's attorney)
- ☐ Other (specify): _____

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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7. ☐ **Findings.** The court makes the following findings:
- a. ☐ The underlying judgment in this case is not based on unpaid wages or child or spousal support.
 - b. ☐ A *Notice of Levy* has been issued in this case to the following financial institutions (*identify*):

Financial Institution	Date of Issuance
------------------------------	-------------------------

- c. Applicant has requested that the court designate to which among multiple deposit accounts the exemption under Code of Civil Procedure section 704.220(a) be applied, and has specified that account or accounts in the application.
- d. ☐ An alternative designation was requested by ☐ judgment debtor ☐ judgment creditor (or assignee of record)
- e. ☐ Other findings:

8. **Designation of Deposit Account.** The exemption under Code of Civil Procedure section 704.220(a) from enforcement of civil money judgment is to be applied (*check one*):

- a. ☐ to deposit account number (*last four digits only*): _____ at (*financial institution*): _____.
- b. ☐ spread across multiple deposit accounts, because the exemption amount is greater than the amount in a single deposit account, as follows:

<u>Name of financial institution</u>	<u>Deposit accounts</u> (<i>last four digits only</i>)	<u>Amount of exemption to be applied</u>
---	--	---

9. **Other Rulings.**

Date: _____

Judicial Officer

Instructions: Each county in California has a sheriff (and sometimes a marshal's office) that can serve different types of court papers, including restraining orders. Note that the sheriff cannot guarantee that they will be successful in finding the person you need served, but they will try to serve based on the information you put on this form.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal's office in that county.
- You may have to pay for service of some court papers. For more information, see page 5 of this form, or go to <https://selfhelp.courts.ca.gov/sheriff-serves>.
- Do not use this form if you are asking the sheriff to enforce a wage garnishment order on an employer. Instead, use forms WG-001, *Application for Earnings Withholding Order*, and WG-035, *Confidential Statement of Judgment Debtor's Social Security Number*.
- If you want the sheriff to enforce a writ or levy, complete this form and form SER-001A, *Special Instructions for Writs and Levies—Attachment*.

CONFIDENTIAL**To Court Clerk: Do not file this form.****Sheriff File Number** (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

All information is required unless it is listed as optional or does not apply to your case.

1 To the Sheriff or Marshal of (name of county): _____

2 Your Information

a. Your name (*party requesting service*): _____

b. Your lawyer's information (*if you have one*)

Name: _____

Firm name: _____

c. Court case name: _____

(*example: Garcia v. Smith*)

d. Contact information for the sheriff or marshal to reach you

(*Give an address where you can receive mail regularly, like a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer's information.*)

Address to receive mail: _____

City: _____ State: _____ Zip: _____

Telephone number (*optional*): _____ Email address (*optional*): _____

CONFIDENTIAL**This is not a court form. Do not file with the court.**

3 Information About Person or Entity You Want Served*(Check a or b)*

- a.
- ☐
- I ask the sheriff to serve a person
- (complete section below)*

(1) Name of person: _____
Nicknames or aliases *(optional)*: _____(2) Telephone number *(optional)*: _____

(3) Can you describe the person?

☐ No, I do *not* have any information about the person's description.☐ Yes *(complete the section below with any information you have)*:Gender: ☐ Male ☐ Female ☐ Nonbinary

Height: _____ Weight: _____ Hair color: _____ Eye color: _____

Date of birth or age *(give estimate, if unknown)*: _____

Race/Ethnicity: _____

Special marks or features *(tattoos, scars, etc.)*: _____Vehicle *(type, model, year, color, plate number)*: _____☐ Check here if you are including a picture of the person.

(4) Do you know of any safety or accessibility issues?

☐ No☐ Yes *(complete the section below with any information you have)*:The person *(check all that apply)*:☐ Has a gun or other weapon.☐ Is on probation or parole.☐ Has a history of violence or abuse.☐ Has an aggressive animal.☐ Has special training *(examples: military, first responder)*.☐ Has mental health issues.☐ Is deaf or hard of hearing.☐ Does not speak English *(list language)*: _____☐ Add any other information about safety or accessibility that you know about: _____

- b.
- ☐
- I ask the sheriff to serve an entity
- (examples: business or government agency)*

(1) Name and type of entity: _____
Telephone number *(optional)*: _____

(2) If there is a specific person who should be served, give name: _____

(3) If there is an agent for service of process, give name: _____

(4) List any safety or accessibility issues *(examples: weapons, aggressive animals, language barrier)*: _____

_____**CONFIDENTIAL****This is not a court form. Do not file with the court.**

4 Address Where Person or Entity Should Be Served

(The sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)

Address: _____ ☐ Home ☐ Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

☐ Check here if the person is in jail or prison *(give name of facility)*: _____

Alternate address (optional)

(If the person cannot be found at the address listed above, some sheriffs may try a second address if it's in the same county. If you have a second address for the person you want served, complete the section below.)

Address: _____ ☐ Home ☐ Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

5 Information About Your Request

- a. What type of court papers are you giving the sheriff to serve *(examples: summons, restraining order, eviction, small claims, bank levy, or writ of attachment)*?

- b. List all forms or court papers you want served on the person in **③** a. *(optional)*.

(Note: You can list each form by its form number (example: FL-100, SC-100). If there is no form number, give the title of the document. The court may have ordered you to serve certain papers. Look at the court's order and list all forms required. If you do not know which papers you need to serve, ask a lawyer, or contact your local self-help center for free information.)

- c. Is there a court hearing (court date)?

☐ I don't know

☐ No

☐ Yes *(if yes, give date of hearing)*: _____

CONFIDENTIAL

This is not a court form. Do not file with the court.



5

d. Is there a deadline for service?

☐ I don't know☐ No☐ Yes (if yes, give deadline): _____

e. Has the court allowed you to serve your court papers in another way besides personal service (example: substituted service)?

☐ I don't know☐ No☐ Yes (if yes, include a copy of the order allowing another type of service)

f. Is there any other information you want or need to give to the sheriff to serve your court papers?

☐ No☐ Yes (if yes, give information below):

6**Enforcement of Writ or Levy**

If you want the sheriff to enforce a writ or levy, you must complete form SER-001A, *Special Instructions for Writs and Levies—Attachment*, and turn it in with this form.

(Only complete this section if you want the sheriff to enforce a writ or levy.)

Do you want the sheriff to both serve your court papers and act as levying officer?

☐ Yes☐ No. I only want the sheriff to act as levying officer. A registered process server has or will serve my papers.**Your Signature** (party asking for service, or their lawyer)

Date: _____

Type or print your name_____
Sign your name (may be electronic)**CONFIDENTIAL****This is not a court form. Do not file with the court.**

Your Next Steps

- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Here are some situations where you **do not** need to pay for service:
 - If you have a fee waiver in your case (fee waiver granted by a judge on form FW-003 or FW-005).
 - If you are serving a domestic violence, elder abuse, or gun violence restraining order.
 - If you have a civil harassment, workplace violence, or school violence restraining order based on a credible threat of violence or stalking.
- Give this form and a copy of all the court papers you need served to the sheriff or marshal, including a copy of a fee waiver (if you have one). If you do not have to pay a fee to the sheriff, you can send your papers electronically. If you have to pay a fee, contact the sheriff to find out your options for turning in your request. Note that you can always turn in your request in person.
- You should get a form back from the sheriff.
 - If the sheriff was able to serve your court papers, you should receive a form (called a proof of service). **Make sure you get a copy from the sheriff and file it with the court.** Note that if there is a court stamp at the top right corner of the first page, it has already been filed and you do not need to file it with the court.
 - If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person. If the sheriff was unable to serve your papers, you can ask a lawyer or court's self-help center about your next steps.
- To find your local court self-help center, go to <https://selfhelp.courts.ca.gov/>. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case. Services are free.

To Sheriff or Marshal

- This form is confidential and must not be made public.
- Any papers submitted with this form should be served and listed on the applicable proof of service form.
- Note that (5) b is optional and may help to identify documents that should have been submitted but were not received by your office.
- Under Government Code section 26666.2, once you've received a completed copy of this form and forms for service, you must attempt service unless:
 - Any order submitted does not have a judge's signature or other representation of a judge's signature; clerk's endorsement; or court stamp, seal, or other court endorsement; or
 - A court case number is not listed on the order, summons, or other notice.

CONFIDENTIAL

This is not a court form. Do not file with the court.

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

Instructions

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

All information is required unless it is listed as optional or does not apply to your case.

For more information about what may be required in your case, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.

1 Additional Information About You (Person Requesting Service)

Are you a judgment creditor (person awarded money or property by the court)?

☐ Yes

☐ No (complete the section below):

(a) What is your role in the case?: _____

(b) Is there a judgment creditor in your case?

☐ No

☐ Yes (list the names of all judgment creditors):

2 Additional Information About Person or Entity You Want Served

The person or entity you want served (listed in item ③ of form SER-001):
(check one)

☐ Owes you money in this case (judgment debtor).

☐ Is not a party in this case but has the property.

☐ Is a person who lives on the property.

☐ Other (explain):

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3 Information About the Writ and Judgment

- a. Date writ was issued: _____
- b. The writ included with this request is (*check one*):
- ☐ An original writ.
 - ☐ A copy of the original writ issued by the court as an electronic record and has not already been given to the levying officer (sheriff or marshal).
 - ☐ A copy of the original writ that has already been given to the levying officer (sheriff or marshal).
- c. Has a judgment been issued by the court?
- ☐ No
 - ☐ Yes (*complete section below*):
- (1) Date judgment was issued: _____
- (2) If it is a money judgment, give amount: _____
- (3) List all judgment debtors (*people who owe money*) if there are any in this case:
If the judgment debtor is not a person, also include the type of organization (*example: corporation*).
- _____
- _____
- _____
- _____
- _____

4 Information About the Property to Levy

- a. Describe the property in as much detail as possible. For example:
- For bank accounts, give account number (if known).
 - For personal property, describe property and give the address where property is located.
 - For vehicles, give license plate number and address where vehicle is located.
 - For evictions, give address, and any information needed to access the property.
 - For real property (other than evictions), give legal description, address, and assessor's parcel number.
 - If requester is not the person receiving the property, give clear instructions on who will receive the property and how.
- _____
- _____
- _____
- _____
- _____
- ☐ Check here if you are including a map or other document to describe property.

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- 4 b. Is the property in the judgment debtor’s name?
- ☐ Yes
- ☐ No *(list the names of owners and explain their interest in the property, including any leasehold interest):*

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center provides help for free and may be able to help you. To find your local self-help center, go to www.selfhelp.courts.ca.gov/find.)

- c. Are you asking the sheriff to levy on property that is a dwelling *(a place someone can live in)*?
- ☐ No
- ☐ Yes *(complete the section below):*
- The dwelling is *(check one)*:
- ☐ Real property *(examples: house, condo, other building attached to land)*
- ☐ Personal property *(examples: house boat, RV)*

5 Special Instructions for Sheriff

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080).
- Instructions to seize personal property from a private place (see Code of Civil Procedure section 699.030).

- ☐ Check here if you need more space to list instructions. Use a separate piece of paper and write “SER-001A, Special Instructions for Sheriff” at the top. Turn it in with this form.

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