



# Real Property Levy

## Instructions to the Sheriff of San Joaquin County

NORMAL HOURS FOR SERVICE ARE MONDAY – FRIDAY, 8:00 A.M. TO 5:00 P.M.

Patrick Withrow, Sheriff-Coroner

7000 Michael Canlis Blvd., French Camp, CA 95231.

The Sheriff must have written, signed instructions by the Plaintiff representing him/herself or the Attorney of Record in accordance with California Civil Procedure Code 262.

Court Case # \_\_\_\_\_

Sheriff's File # \_\_\_\_\_

VS

Plaintiff/Petitioner

Defendant/Respondent

BY THE AUTHORITY OF THE ACCOMPANYING WRIT, YOU ARE HEREBY INSTRUCTED TO SERVE AND EXECUTE THE LEVY AS DESCRIBED BELOW:

INDICATE TYPE OF LEVY: (Check One)

**WRIT OF EXECUTION – MONEY JUDGMENT (EJ-130)** Reference CCP 700.015 and 701.510-701.830

\*Initial Deposit of: **\$2,000.00 per property**

**WRIT OF SALE (EJ-130)** Reference CCP 712.010-712.070, 716.010-716.030, CCP 700.015 and 701.510-701.830

\*Initial Deposit of: **\$2,000.00 per property**

Also include the  **CERTIFIED** copy of the judgment for Sale as required by CCP 716.010(c).

Is a "Right of Redemption" applicable to the sale of this property?  Yes  No

**\*\* WRIT OF "EXECUTION" OR "SALE" MUST COMPLETE BELOW \*\***

The judgment is for...

1.  Partition of real property, or
2.  Judicial foreclosure of a: (check one of the following)
  - a.  Special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity).
  - b.  Assessment lien by an association or common interest development.
  - c.  Mechanics lien (labor or improvements to real property).
  - d.  Other lien(s) on real property. Specify: \_\_\_\_\_
  - e.  Mortgage or deed of trust and the judgment indicates that a deficiency judgment : (Check One)
    - i.  May be ordered
    - ii.  Is waived or prohibited

\*Initial Deposit of: **\$2,000.00 per property**

**WRIT OF ATTACHMENT (AT-135)** Reference CCP 488.315 AND 700.015

A Registered Process Server is performing this levy. **The fee is \$200 per property.**

Also include the  **Right to Attach Order** and  **Undertaking, if one was ordered**

Real property is *not sold* under a writ of attachment. When Levy is pursuant to a writ of attachment and the defendant has not been previously served with a copy of the summons and complaint, you are required, pursuant to CCP 488.020(c), to instruct the levying officer to serve a copy of the summons and complaint when the writ is served upon the defendant.

The defendant **WAS** previously served with the summons and complaint. **Date Served:** \_\_\_\_\_

OR

The defendant **WAS NOT** previously served with the summons and complaint. Please serve a copy of the summons and complaint upon the defendant(s). I am providing two copies of the summons and complaint for each defendant to be served.

\*Initial Deposit of: **Request Quote** (if performed by RPS, see above for Sheriff's Fee)

\*Additional fees may be requested in order to complete a service.

**DEBTOR INFORMATION**

This levy seeks to levy upon and sell (or attach) the real property interest of the following Judgment Debtor(s). The names listed below must match the names as they appear on the writ exactly, or the Sheriff will not act upon your instructions.

Debtor Name: \_\_\_\_\_

Address for service: \_\_\_\_\_

Debtor Name: \_\_\_\_\_

Address for service: \_\_\_\_\_

Additional names and address of judgment debtor(s) are contained on a separate sheet.

Does the judgment debtor's interest in the real property consist of a **Leasehold Interest**, **Leasehold Estate** or an **Estate for Years?**

Yes  No **If yes**, provide the date the lease expires: \_\_\_\_\_

**PROPERTY INFORMATION**

The debtor's interest in the real property being levied upon and sold (or attached) is described as follows:

The **Assessor's Parcel Number** (APN) is: \_\_\_\_\_

The **Common Address** (Street Address) is: \_\_\_\_\_

Does the real property contain a **dwelling**?  Yes  No

Is this a **commercial property**?  Yes  No

Is this real property a **vacant lot**?  Yes  No.

How many **parcels** are subject to this levy? \_\_\_\_\_

Are the parcels **contiguous**?  Yes  No

A copy of **the legal description** of the property is required. If the property is vacant land, if the parcels are not contiguous, if **no street address exists**, or if the property is **difficult to locate** an **Assessor's parcel map** is required as well.

Check to indicate that a copy of the legal description of the property is attached. (**Mandatory**)

Check to indicate a copy of the assessor's parcel map is attached. (**Not Mandatory** unless conditions above exist)

**THIRD PARTY INFORMATION**

Does the real property also stand in the name of a **Third Party** (other than the judgment debtor) having a recorded interest in the real property as shown by the records of the county?  Yes  No

Third Party Name: \_\_\_\_\_

Address for service: \_\_\_\_\_

Third Party Name: \_\_\_\_\_

Address for service: \_\_\_\_\_

Additional names and address of third persons are contained on a separate sheet.

**NOTICE: ALL COMMUNICATION, REFUNDS AND COLLECTIONS WILL BE MADE TO THE NAME AND ADDRESS LISTED BELOW.**

**(NO REFUNDS AFTER PROCESSING)**

**NAME:** \_\_\_\_\_ **PHONE:** (\_\_\_\_) \_\_\_\_\_ **FAX:** (\_\_\_\_) \_\_\_\_\_  
Plaintiff representing him/herself or the Attorney of Record (CCP 262)

**MAILING ADDRESS:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Plaintiff representing him/herself or the Attorney of Record (CCP 262)

**NOTE: THE SHERIFF IS ENTITLED TO HIS FEE FOR SERVICE, WHETHER OR NOT THE SERVICE IS SUCCESSFUL. (GOVT CODE 26738) THE LAW ALLOWS THE SERVICE OF PROCESS BETWEEN THE HOURS OF 6:00 A.M. AND 10:00 P.M.**

*FOR OFFICE USE ONLY*

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Initials: \_\_\_\_\_  counter  mail  cash  check  waiver  other \_\_\_\_\_