

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Petition, Declaration and Order for Return of Property (Form # L-1273)  
Information and Instructions

**The following information is not intended as full comprehensive instruction. For additional information we recommend you seek legal advice from a qualified attorney.**

A Petition, Declaration, and Order for Return of Property may be filed by any person whose property has been seized as a result of a search warrant or an arrest. The owner of the property may petition the court for return of their property whether or not a case has been filed with the court. The petition (Form No. 1273) is available on the court public website ([www.occourts.org](http://www.occourts.org)) or at the Clerk's Office counter.

Upon request, the Clerk's Office will provide the petitioner with form number L-1273, *Petition, Declaration, and Order for Return of Property*.

Upon completion of the form, the petitioner must serve the Prosecuting Attorney's office (the District Attorney or City Attorney). The District Attorney or City Attorney is allowed 10 days to respond to the petition.

The court will:

- Review the petition to verify all required information is provided including the proof of service
- Schedule a hearing on the petition at the request of Petitioner
- Hold the petition pending expiration of 10 days to receive response from prosecuting agency
- Notify the Petitioner and District Attorney or City Attorney's Office of outcome of the petition.

Outcome of the Petition:

The court may grant, deny or schedule a hearing prior to making a final determination.

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## Instructions:

1. Complete items 1 – 3 on page 1 of the Petition, Declaration and Order for Return of Property form. Sign and date as the Petitioner on page 1
2. Complete the Declaration on Page 2. Sign and date as the Declarant on page 2.
3. Incomplete forms will not be processed and will be returned for correction.
4. A copy of the petition must be mailed or delivered to the District Attorney or the City Attorney who has jurisdiction over the offense:
  - a. If mailed, the person mailing must complete the Proof of Service, see page 3 of the petition.
  - b. If delivered, the prosecutor may acknowledge its receipt by stamping the original petition to be delivered to the court.
5. Return the original petition and the completed Proof of Service to the Criminal Operations Division of the Justice Center that has jurisdiction over the case. The District Attorney or the City Attorney has 10 days to submit a response to the petition.
6. You may request to be scheduled for Hearing on your petition.
7. If you are not directed to appear for the hearing expect the petition to take 6-8 weeks for processing. You will be notified by mail of the Judge's ruling.
8. If your petition is granted, provide a certified copy of the order for return of property to the agency holding the property.

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## PETITION, DECLARATION AND ORDER FOR RETURN OF PROPERTY

Information and Instructions



Case Name:	Case Number:
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**DECLARATION IN SUPPORT OF PETITION FOR RETURN OF PROPERTY**

1. I am the:
- (a)  Owner of said property.
- (b)  Person entitled to possession of this property because (state reasons):

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2. Facts regarding the seizure of property and case status: *(check all that apply)*:
- Property was seized under warrant issued by this court.
- Property seized was not that described in the warrant.
- Property was seized without a warrant.
- Property is not considered contraband.
- Property has not been accepted by the court as evidence in any case.
- Prosecuting agency refuses to file criminal charges, and the arrestee is no longer under investigation.
- The above case has reached final disposition, the appeal period has expired, and the judgment has become final.
- Other *(specify)*: \_\_\_\_\_

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3. Additional information provided for the Court's consideration:

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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 DISTRICT ATTORNEY OR CITY ATTORNEY:**

**If you wish to respond to this petition, you must file a statement with the court no later than 10 days from the date of service of the petition.**

Case Name:	Case Number:
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**PROOF OF SERVICE**  
 **Personal Service**    **Service by Mail**

1. Person serving: I am over the age of 18 and not a party to this action.

Name:  
Address:

Telephone:

2. I served the a copy of the Petition, Declaration, and Order for Return of Property as follows (*check one*):

a.  Personal Service: I personally delivered the Petition, Declaration, and Order for Return of Property to the person at the address listed below:

(1) Name of person served:  
(2) Address where served:

(3) Date served:  
(4) Time served:

b.  Service by Mail: I deposited the Petition, Declaration, and Order for Return of Property in the United States mail, in a sealed envelope with first class postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served:  
(2) Address:

(3) Date of Mailing:  
(4) Place of Mailing (city and state):

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)

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**PETITION, DECLARATION AND ORDER FOR RETURN OF PROPERTY**