

ENFORCEMENT OF JUDGMENT LEVY ON PERSONAL PROPERTY (BANK ACCOUNT)

SELF-HELP FORM PACKET



SHC-CPJ-01 (Rev. 07/28/2021)

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**](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), 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 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 an unpaid judgment amount at the legal rate of 10% per year (7% if the judgment debtor is a state or local government entity) generally from the date of entry of the judgment. 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. (Code Civ. Proc., § 685.070(d).) Also, upon renewal of a judgment, interest begins to accrue on the day the renewed judgment is entered. If the judgment is payable in installments, interest accrues from the date each installment is due.

Requesting Costs and Interest

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve a *Memorandum of Costs After Judgment* (form MC-012). On this 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

Following are various formulas and examples to assist with the calculation of interest on a judgment using a 10% interest rate:

- **Calculating Daily Interest on a Judgment Using 10% Interest Rate**

Following is the formula for figuring out the amount of interest earned per day on a judgment.

Formula: Total amount of judgment owed x 10% (or 0.10) = interest earned per year.

Divide that number by 365 = daily interest earned.

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

$$\$5,000 \times 0.10 = \$500$$

$$\$500/365 = \$1.37 \text{ daily interest}$$

The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

Calculating the Total Amount Due, Including Interest, on the date of payment

Step 1: Calculate the amount of interest owed on the date of payment. This amount will equal the daily interest rate calculated above, multiplied by the number of days since the court entered the final judgment.

1. Figure out the total number of days that have passed since the court entered the final judgment up to the day of payment.
2. Multiply the total days by the amount of daily interest. The result is the amount of interest owing on the day of payment.

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

The daily interest is \$1.37 (see above calculation).

$\$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 2: Add the amount of interest that has accrued to the amount of the 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 the 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: Judgment principal of \$5,000.

- **First Payment: After 200 days, the judgment debtor pays \$1,000**

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

Following the above example: $\$1.37 \text{ per day} \times 200 \text{ days}$. After 200 days, \$274 in interest will have accrued on the \$5,000 judgment ($200 \text{ days} \times \1.37 per day).

Step 2: Apply payment to interest

The debtor paid \$1,000, which must first be used to credit the \$274 of accrued interest.

That leaves a balance of \$726 to be credited toward the \$5,000 principal ($\$1,000 - \$274 = \726).

Step 3: Apply remainder to principal

The remaining credit of \$726 is applied to the \$5,000 judgment principal ($\$5,000 - \$726 = \$4,274$).

The judgment debtor now owes \$4,274 on the judgment principal.

Step 4: Calculate the new daily interest rate

Daily interest would then accrue at a rate of \$1.17/day.

$\$4,274 \times 10\% = \427.40 interest earned per year.

$\$427.40/365 = \1.17 interest earned per day.

- **Second Payment: After 100 days, a payment of \$500 is made (calculate using steps 1–4)**

1. The amount of interest that accrues in the next 100 days:

$100 \text{ days} \times \$1.17 = \$117$.

2. The payment of \$500 must first be credited towards the interest of \$117, leaving a balance of \$383 to be credited against the principal ($\$500 - \$117 = \$383$).

3. The credit of \$383 is then subtracted from the judgment principal of \$4,274, leaving an unpaid balance of \$3,891.

4. The new daily interest would then accrue on the principal going forward at a rate of \$1.07/day:

$\$3,891 \times 10\% = \$389.10/365$.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	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 (specify county): | _____ | \$ _____ |
| (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: _____ (Statute authorizing cost): | _____ | \$ _____ |
| (9) Total of claimed costs for current memorandum of costs (add items (1)–(8)) | _____ | \$ _____ |
| b. All previously allowed postjudgment costs | | \$ _____ |
| c. Total of all postjudgment costs (add items a and b) | | \$ _____ |

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) 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).)

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:
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <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)(I)) \$ _____
- 18. Total amount due (add 15, 16, and 17) \$ _____

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.

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.

[SEAL]

Date: _____ Clerk, by _____, Deputy

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

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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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)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): 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>): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR RECORDER'S USE ONLY</i>
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER (<i>name and address</i>):
NOTICE OF LEVY under Writ of <input type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale	LEVYING OFFICER FILE NO.: COURT CASE NO.:

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

- | | |
|--|---|
| <input type="checkbox"/> mailed on (<i>date</i>): | <input type="checkbox"/> posted on (<i>date</i>): |
| <input type="checkbox"/> delivered on (<i>date</i>): | <input type="checkbox"/> filed on (<i>date</i>): |
| | <input type="checkbox"/> recorded on (<i>date</i>): |

Date:

(TYPE OR PRINT NAME)	(SIGNATURE) <input type="checkbox"/> Levying officer <input type="checkbox"/> Registered process server
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SHORT TITLE:

LEVYING OFFICER FILE NO.:

COURT CASE NO.:

– 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 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 and 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
Pension Plans			Govt C § 31452
(and Death Benefits):		Damages (<i>See Personal Injury</i>	
Private	CCP § 704.115	and <i>Wrongful Death</i>)	
Public	CCP § 704.110	Deposit Accounts:	
Public Assistance	CCP § 704.170	Deposit Accounts (generally)	CCP § 704.220
	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>)		Military Personnel—Property	50 USC § 3934
Deposit Accounts (hardship)	CCP § 704.225	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	Segregated Benefit Funds	Ins C § 10498.6
Homestead	CCP § 704.720	Servicemembers Property	50 USC § 523(b)
	CCP § 704.730	Social Security	42 USC § 407
House trailer	CCP § 704.710	Social Security Direct Deposit	
Mobilehome	CCP § 704.710	Account	CCP § 704.080
Homestead	CCP § 704.720	Strike Benefits	CCP § 704.120
	CCP § 704.730	Supplemental Security Income	42 USC § 1383(d)
Household Furnishings	CCP § 704.020		42 USC § 407
Insurance:		Student Aid	CCP § 704.190
Disability Insurance	CCP § 704.130	Tools of Trade	CCP § 704.060
Fraternal Benefit Society	CCP § 704.110	Transit District Retirement	
Group Life	CCP § 704.100	Benefits (Alameda and Contra	
Health Insurance Benefits	CCP § 704.130	Costa Counties)	CCP § 704.110
Individual	CCP § 704.100		Pub Util C § 25337
Insurance Proceeds—		Travelers Check Sales Proceeds	Fin C § 1875
Motor Vehicle	CCP § 704.010	Unemployment Benefits and	
Irrigation System		Contributions	CCP § 704.120
Retirement Benefits	CCP § 704.110	Uniforms	CCP § 704.060
Jewelry	CCP § 704.040	Vacation Credits (Public	
Judges Survivors Benefits		Employees)	CCP § 704.113
(Federal)	28 USC § 376(n)	Veterans Benefits	38 USC § 5301
Legislators Retirement		Veterans Medal of Honor	
Benefits	CCP § 704.110	Benefits	38 USC § 1562
	Govt C § 9359.3	Wages	CCP § 704.070
Licenses	CCP § 695.060		CCP § 706.050
	CCP § 720(a)(1)	Welfare Payments	CCP § 706.051
Lighthouse Keepers Surviving			CCP § 704.170
Spouses Benefit	33 USC § 775	Workers Compensation	Welf & I C § 17409
Longshore and Harbor Workers		Claims or Awards	CCP § 704.160
Compensation or Benefits	33 USC § 916	Wrongful Death Actions or	
Military Benefits:		Damages	CCP § 704.150
Retirement	10 USC § 1440		
Survivors	10 USC § 1450		

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(name and address)</i> : After recording, return to: TEL NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD <input type="checkbox"/> JUDGMENT DEBTOR	
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> : _____
EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION <input type="checkbox"/> Without hearing <input type="checkbox"/> Hearing on shortened time	LEVYING OFFICER FILE NO.: _____ COURT CASE NO.: _____

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:

<u>Name of financial institution</u>	<u>Deposit account number</u> <i>(last four digits only)</i>	<u>Amount of exemption to be applied to account</u> <i>(Total cannot exceed total amount of exemption (See form EJ-156).)</i>
--------------------------------------	---	--

- 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

(Enforcement of Judgment)

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

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NUMBER: 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/PETITIONER: DEFENDANT/RESPONDENT:	
DECLARATION REGARDING NOTICE AND SERVICE FOR EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION	CASE NUMBER:

This form may be filed any time an Ex Parte Application for Order on Deposit Account Exemption Application (form EJ-157) is filed.

1. I am (specify): attorney for original judgment creditor assignee of record judgment debtor

2. I did did not give notice that papers will be submitted to the court asking a judicial officer how and to which of judgment debtor's deposit accounts the exemption under Code of Civil Procedure section 704.220 should apply, and that the court will consider the request on the date, time, and location indicated below:
 - a. Date: _____ Time: _____ Dept.:
 - b. Address of court: same as noted above other (specify): _____

3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)
 - a. I gave notice as described in items (1) through (5):
 - (1) I gave notice to (select all that apply):

<input type="checkbox"/> judgment debtor.	<input type="checkbox"/> judgment debtor's attorney.
<input type="checkbox"/> judgment creditor (or assignee of record).	<input type="checkbox"/> judgment creditor's attorney (or assignee of record's attorney).
<input type="checkbox"/> Other (specify): _____	
 - (2) I gave notice on (date): _____ at: a.m. p.m., California.

<input type="checkbox"/> personally at (location): _____
<input type="checkbox"/> by telephone using telephone no.: _____
<input type="checkbox"/> by fax using fax no.: _____
<input type="checkbox"/> by voicemail using voicemail no.: _____
<input type="checkbox"/> by electronic means (if permitted) (specify electronic service address of person): _____
<input type="checkbox"/> by overnight mail or other overnight carrier (specify address of delivery): _____
 - (3) I gave notice (select one):

<input type="checkbox"/> by 10 a.m. the court day before this ex parte appearance.
<input type="checkbox"/> after 10 a.m. the court day before this ex parte appearance because of the following exceptional circumstances (specify): _____

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: _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> JUDGMENT DEBTOR <input type="checkbox"/> ASSIGNEE OF RECORD	
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:

<input type="checkbox"/> Judgment debtor	<input type="checkbox"/> Judgment debtor's attorney
<input type="checkbox"/> Judgment creditor (or assignee of record)	<input type="checkbox"/> Judgment creditor's attorney (or assignee of record's attorney)
<input type="checkbox"/> Other (specify): _____	

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
--------------	---------------------------	-----------------

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:

Name of financial institution

Deposit accounts
(*last four digits only*)

Amount of exemption to be applied

9. **Other Rulings.**

Date: _____

Judicial Officer



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

LEVY/GARNISHMENT INSTRUCTIONS

DO NOT USE FOR EVICTIONS

Form with two columns for inputting case details and writ instructions.

YOU ARE HEREBY INSTRUCTED TO: (Check Appropriate Box)

- List of checkboxes for levy types: bank account, place keeper, till tap, vehicle, personal property, garnishment, earnings, and other.

ENTER COMPLETE INSTRUCTIONS BELOW: (name and address of bank; Judgment Debtor's place of business; license number of vehicle and address where vehicle is located, description of property to be levied, if applicable)

Debtor(s) Name
Garnishee Name
Garnishee Address

BANK LEVIES ONLY - Account Number (if known):

LEVY AMOUNT - To instruct the Sheriff to levy on LESS THAN the amount shown on the Writ, plus interest and costs, indicate ONLY the amount to reduce the levy by:

SEE PAGE 2 OF THIS FORM FOR ADDITIONAL REQUIRED INFORMATION.



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

LEVY/GARNISHMENT INSTRUCTIONS

DO NOT USE FOR EVICTIONS

DISBURSEMENT INFORMATION

ALL COLLECTIONS WILL BE DIRECTED TO THE NAME AND ADDRESS LISTED BELOW: (Print Clearly)

Name: _____

Address _____

City _____ State _____ Zip Code _____

SPECIAL INSTRUCTIONS:

Five horizontal lines for special instructions.

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)

X Signature _____ Date _____

Name of Attorney (Or Party Without Attorney) Requesting Service _____

Address _____ Email Address _____

City _____ State _____ Zip Code _____ Phone Number _____