

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Petition, Declaration, and Order for Return of Property 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 (L-1273) 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 is available on the court public website (www.occourts.org) or at the Clerk's Office counter.

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

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 Petitioner must also serve the custodial law enforcement agency that has possession of the property.

The court will:

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

Outcome of the Petition:

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

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 Petitioner 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, and the Law Enforcement Agency in possession of the property:
 - 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 documents 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 a 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/Commissioner'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.