

# Claim Opposing Forfeiture

The procedure described in this guide is used to ask for the return of property that may be forfeited as proceeds of criminal activity. If your property is the subject of forfeiture proceedings, you will be notified. In Sacramento County, if the property is taken at the time of arrest, law enforcement will provide the arrestee with the notice, usually a pink or yellow carbon copy. Otherwise, notice may be mailed to you from the District Attorney's office.

## Templates and Forms

- [Claim Opposing Forfeiture \(MC-200\)](https://www.courts.ca.gov/documents/mc200.pdf) (<https://www.courts.ca.gov/documents/mc200.pdf>)
- [Civil Case Coversheet \(CM-010\)](https://www.courts.ca.gov/documents/cm010.pdf) (<https://www.courts.ca.gov/documents/cm010.pdf>)

### California Health and Safety Code §§ 11469-11495

([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=11469](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=11469)) allow local law enforcement agencies to seize property believed to be connected with controlled substances criminal activity. If the property is personal property worth \$25,000 or less and *no timely claims are filed*, a prosecuting agency may, after notifying all potentially interested parties and publishing notice in a newspaper of general circulation in the county where the property was seized, issue a declaration of forfeiture without having to go to court. This is called an administrative (nonjudicial) forfeiture action.

**IMPORTANT!** This procedure is not used to ask for the return of property that was taken as evidence during an arrest or as part of a criminal case. The return of property taken in this way requires the use of different procedures. Talk to a lawyer or visit your local law library for more information if you are in that situation.

If a *Claim Opposing Forfeiture* (MC-200) is timely filed and served, however, the prosecuting agency must file a petition for judicial forfeiture within 30 days after receipt of the claim. Otherwise, the prosecuting agency loses the right to maintain custody of the seized property.

You must file your *Claim Opposing Forfeiture* (MC-200) within 30 days after you receive personal or mailed notice that your property may be forfeited. If you do not receive personal or mailed notice, you must file your claim within 30 days after notice is first published in a newspaper.

Your *Claim Opposing Forfeiture* (MC-200) must be filed in the county where the property was seized. If you have received a notice, you can find the address of the court on that notice.

Within *30 days after filing your claim*, you must serve a copy on the District Attorney. The copy you serve must have the court's filing stamp on it.

## Step by Step Instructions

### 1. Complete the Necessary Forms

The Judicial Council forms commonly used in this procedure are:

- [Claim Opposing Forfeiture \(MC-200\)](http://www.courts.ca.gov/documents/mc200.pdf) (<http://www.courts.ca.gov/documents/mc200.pdf>)
- [Civil Case Cover Sheet \(CM-010\)](http://www.courts.ca.gov/documents/cm010.pdf) (<http://www.courts.ca.gov/documents/cm010.pdf>)

Sample filled-in forms with instructions are available at the end of this Guide.

### 2. Copying and Assembling

Make three copies of each:

- *Claim Opposing Forfeiture* (MC-200)
- *Civil Case Cover Sheet* (CM-010)

Staple each photocopy, but **leave the originals unstapled**.

For each document, place the original on top of its photocopies, and paperclip the stack together.

### 3. File Your Documents

File your documents at the Civil Filing Window in Room 100 of the Sacramento County Courthouse at 720 Ninth Street.

There is no filing fee if your claim is \$5,000 or less. Claims above \$5,000 require fees based on the amount of your claim. Current fees are available on the [Sacramento County Superior Court's website](http://saccourt.ca.gov/fees/docs/fee-schedule.pdf) (<http://saccourt.ca.gov/fees/docs/fee-schedule.pdf>).

No fees will be collected at the time of filing if you also file a Request to Waive Court Fees. For more information, see our guide on [Fee Waivers](https://saclaw.org/resource_library/fee-waiver/) ([https://saclaw.org/resource\\_library/fee-waiver/](https://saclaw.org/resource_library/fee-waiver/)).

**Provide the court with a self-addressed stamped envelope with sufficient postage to facilitate the return of your documents to you.**

The court retains the original papers for its file, and will return the photocopies, stamped “Endorsed/ Filed,” to you.

## 4. Have Your Documents Served

You must serve a court-stamped, or endorsed, copy of your Claim Opposing Forfeiture packet on the District Attorney’s Office within 30 days of filing your Claim. **You cannot serve the Claim packet yourself**; you must have a person over the age of 18 who is not a party to your action do it for you.

Complete the [Proof of Service by Mail \(POS-030\)](https://www.courts.ca.gov/documents/pos030.pdf) (<https://www.courts.ca.gov/documents/pos030.pdf>), but do not sign it. Make a copy of the unsigned form before proceeding. The server must then mail a copy of the Claim packet, *along with a copy of the unsigned proof of service form*, in an envelope addressed to: District Attorney, Asset Forfeiture Division, 901 G Street, Sacramento, CA 95814. The server then signs the *Proof of Service by Mail* (POS-030) and gives the signed form to you. For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at [saclaw.org/mail-service](https://saclaw.org/mail-service) (<https://saclaw.org/mail-service>).

Alternatively, you may have someone over 18 who is not a party to the action personally serve the District Attorney’s office, by delivering the copies of the document to the acceptance window at 901 G Street, Sacramento, and completing a [Proof of Personal Service \(POS-020\)](http://www.courts.ca.gov/documents/pos020.pdf) (<http://www.courts.ca.gov/documents/pos020.pdf>). For more information, see our guide on [Personal Service](https://saclaw.org/resource_library/personal-service/). ([https://saclaw.org/resource\\_library/personal-service/](https://saclaw.org/resource_library/personal-service/))

## 5. Copy the Signed Proof of Service and File It

Make one copy of the signed proof of service, then file the original and photocopy in the drop box in Room 100 in the Sacramento Superior Court at 720 Ninth Street. Fill out and attach the [Civil Document Drop-Off Sheet](http://www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf) (<http://www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf>), and date stamp the back of the original proof of service. A supply of *Civil Document Drop-Off Sheets* and a date stamp are located near the drop box. There is no filing fee. Your stamped copy will be returned to you for your records.

## 6. What Happens Next? Discovery

After receiving your claim, the District Attorney files a Petition for Forfeiture to begin a judicial forfeiture action in court and starts pretrial discovery. **You must watch the mail closely for any mail from the District Attorney.** If you receive any paperwork, you must respond or you may risk losing your case. Your written responses must be in specific legal format, created using pleading paper, and all answers must be signed under penalty of perjury.

If you are served with discovery requests (such as “Request for Production of Documents” or “Requests for Admissions”), you only have 30 days to respond. If you fail to comply with discovery orders, the court may

impose sanctions, deny your claim and award a judgment in favor of the DA.

The majority of these cases end when the claimant does not properly respond to Requests for Admissions. Read our guide [Responding to Requests for Admissions](https://saclaw.org/resource_library/discovery-responding-to-requests-for-admissions/) ([https://saclaw.org/resource\\_library/discovery-responding-to-requests-for-admissions/](https://saclaw.org/resource_library/discovery-responding-to-requests-for-admissions/)), which includes instructions and a template for your responses.

### More Help with Discovery

- [Discovery Videos](https://www.saclaw.org/video-library/discovery-1-introduction-to-discovery/) (<https://www.saclaw.org/video-library/discovery-1-introduction-to-discovery/>)
- [Gather Information for Your Case](https://saclaw.org/resource_library/discovery-gather-information-for-your-case/) ([https://saclaw.org/resource\\_library/discovery-gather-information-for-your-case/](https://saclaw.org/resource_library/discovery-gather-information-for-your-case/))  
— Links to all our discovery instructions and templates

## For help

**SH@LL (Self-Help at the Law Library)** (<https://saclaw.org/services/civil-self-help/>)

609 9<sup>th</sup> Street, Sacramento CA 95814  
(916) 476-2731 (Appointment Request Line)

*Services Provided:* SH@LL provides general information and basic assistance to self-represented litigants on a variety of legal issues. All assistance is provided by telephone. Visit [“What we can help with](https://saclaw.org/services/civil-self-help/#canhelp) (<https://saclaw.org/services/civil-self-help/#canhelp>)” for a list of qualifying cases.

*Eligibility:* Must be a Sacramento County resident or have a [qualifying case](https://saclaw.org/services/civil-self-help/#who) (<https://saclaw.org/services/civil-self-help/#who>) in the Sacramento County Superior Court.

**You must have a notice of forfeiture for assistance with a claim opposing forfeiture.**

## For More Information

### At the Law Library:

**California Criminal Law Procedure and Practice**, KFC 1155 .C35  
Chap. 57, Asset Forfeiture

**California Criminal Law Forms Manual**, KFC 1155 .A68 C34  
Chap. 57, Asset Forfeiture



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## Samples

### Civil Case Cover Sheet (CM-010)

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Type or write your name, address, and telephone number.

Beside "ATTORNEY FOR (NAME)" type or write "Claimant In Pro Per."

Type or write court name, branch & address.

The case name is always State of California vs. whatever was seized.

Check "Limited" unless you are claiming seized property worth more than \$25,000.

The clerk will insert a case number.

Mark "Asset Forfeiture" under "Judicial Review."

Type or write name and date.

Claims opposing forfeiture are not complex, ask for non-monetary relief, have one (1) cause of action, and are not class action suits.

**CIVIL CASE COVER SHEET**

Form Adopted for Mandatory Use  
Judicial Council of California

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Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;  
Cal. Standards of Judicial Administration, std. 3.10  
www.courtinfo.ca.gov

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Civil Case Cover Sheet (CM-010)





## Claim Opposing Forfeiture

MC-200

ATTORNEY OR PARTY WITHOUT ATTORNEY  
NAME: Paul Sample  
FIRM NAME:  
STREET ADDRESS: 2036 Donner Dr.  
CITY: Sacramento  
TELEPHONE NO.: 916-123-4567  
FAX NO.:  
E-MAIL ADDRESS:  
ATTORNEY FOR (name): Claimant, In Pro Per

STATE OF CALIFORNIA  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento  
STREET ADDRESS: 720 Ninth Street  
MAILING ADDRESS: 720 Ninth Street  
CITY AND ZIP CODE: Sacramento, CA 95814  
BRANCH NAME: Civil

CLAIMED PROPERTY: \$1457.82 in U.S. Currency  
CLAIMANT (NAME): Paul Sample

**CLAIM OPPOSING FORFEITURE (Health & Saf. Code, § 11488.5)**  
☐ In response to a judicial petition for forfeiture (use existing case No.)  
☒ In response to notice of administrative proceedings

CASE NUMBER:

1. Claimant (name): Paul Sample  
is an ☒ individual ☐ corporation ☐ other (specify):  
2. Claimed property (describe):  
\$1457.82 in U.S. Currency  
3. Value of claim is ☒ \$5,000 or less ☐ \$5,001 or more (Health & Safety Code, § 11488.5)

**NOTICE**

1. You must file your claim within 30 days after you receive personal or mailed notice that your property may be forfeited. If you do not receive personal or mailed notice, you must file your claim within 30 days after the last time notice is published in a newspaper.

2. Your claim must be filed in the county where the property was seized. If the property was not seized, file your claim in the county where the property is located. If you have received a notice, you can find the address of the court on that notice.

3. Within 30 days after filing your claim, serve a copy on the District Attorney or Attorney General. The copy must have the court clerk's filing stamp on it.

**This notice is urgent. If you do not understand it, you must seek help.**

1. Print your name, and check the box for "individual" (a corporation would need to be represented by an attorney).

2. Write description of the seized property.

3. Check to indicate whether the amount seized is worth \$5,000 or less, or \$5,001 or more. There is no filing fee for cases of \$5,000 or less.

1. Usted debe presentar su reclamación dentro de los 30 días siguientes a la fecha en que recibe, personalmente o por correo, el aviso de que sus bienes pueden ser confiscados. Si no recibe dicho aviso, deberá presentar su reclamo dentro de los 30 días siguientes a la fecha en que el aviso se publica por última vez en un periódico.

2. Su demanda debe presentarse en el condado donde fueron confiscados los bienes. Si los bienes no han sido confiscados, presente su demanda en el condado donde están ubicados los bienes. Si ha recibido el aviso, busque la dirección de la corte en el aviso.

3. Dentro de los 30 días siguientes a la fecha en que presentó su demanda, envíe una copia de la notificación judicial a la oficina del Fiscal (District Attorney) o del Procurador General (Attorney General). La copia debe llevar el sello del actuario de la corte encargado de recibir las demandas.

**Esta notificación es urgente. Si usted no la entiende, debe pedir ayuda.**

Form Approved for Optional Use  
Judicial Council of California  
MC-200 (Rev. January 1, 2018)

**CLAIM OPPOSING FORFEITURE**

Health and Safety Code, § 11488.5

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Claim Opposing Forfeiture (MC-200) (page 1)



Your name and the property that was seized.		The clerk will issue a case number.	
CLAIMANT (Name): Paul Sample CLAIMED PROPERTY: \$1457.82 in U.S. Currency		CASE NUMBER: <span style="float: right;">MC-200</span>	
<p>4. Claimant has an interest in the claimed property. Claimant</p> <p>a. <input checked="" type="checkbox"/> is the owner. <i>For vehicles (cars, boats, planes, etc.) only:</i> <input type="checkbox"/> registered owner <input type="checkbox"/> legal owner</p> <p>b. <input type="checkbox"/> has a security interest or is a lien holder <input type="checkbox"/> has a right to possess.</p> <p>c. <input type="checkbox"/> is the personal representative of the estate of the owner, lessee, or secured party.</p> <p>d. <input type="checkbox"/> other (specify):</p> <div style="border: 1px solid red; padding: 5px; margin-top: 10px; width: fit-content;">Check the appropriate box(es). Usually, the claimant is the owner. If the claimed property is a car, boat, or other vehicle, indicate whether you are the registered owner or the legal owner (lienholder).</div>			
<p>5. Claimant's interest in the right to or value of the claimed property is</p> <p>a. <input checked="" type="checkbox"/> all <input type="checkbox"/> part (specify nature, amount, or percentage)</p> <p>b. <input type="checkbox"/> unknown.</p> <div style="border: 1px solid red; padding: 5px; margin-top: 10px; width: fit-content;">If you are the sole owner of the seized property, check "all." If you only own a portion, check "part," and describe your interest (e.g. "50% interest" or the specific items which are yours).</div>			
<p>6. Claimant requests</p> <p>a. <input checked="" type="checkbox"/> that the claimed property not be ordered forfeited.</p> <p>b. <input type="checkbox"/> that claimant's interest in the claimed property not be ordered forfeited.</p> <p>c. <input checked="" type="checkbox"/> costs of suit.</p> <p>d. <input type="checkbox"/> other (specify):</p> <div style="border: 1px solid red; padding: 5px; margin-top: 10px; width: fit-content;">Check the appropriate box(es) that describe your claim. If you are the sole owner, check (a). If you are a partial owner, and are asking for return of only your part, check (b). If you anticipate any filing fees or process server fees, check (c). Any other orders (if any) requested are identified in item (d).</div>			
<p>7. <input type="checkbox"/> Number of pages attached: _____</p> <div style="border: 1px solid red; padding: 5px; margin-top: 10px; width: fit-content;">If attaching any other pages, check the box, and write the number of pages attached.</div>			
Date: 09/29/2020 Paul Sample		Signature <small>(SIGNATURE OF CLAIMANT)</small>	
<b>VERIFICATION</b>			
I am the claimant in this proceeding and have read this claim. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Date: 09/29/2020		Signature <small>(SIGNATURE OF CLAIMANT)</small>	
<b>CLAIM OPPOSING FORFEITURE</b>			
<small>MC-200 [Rev. January 1, 2018]</small>		<small>Page 2 of 2</small>	



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Claim Opposing Forfeiture (MC-200) (page 2)