

Bank Levy

After you've won your lawsuit and received a judgment against the other party, your next step is to attempt to collect what you're owed. The court does not collect your judgment for you—as the judgment creditor, this is your job.

If the judgment debtor has a bank account, you may be able to take money from the account, using a process called a “bank levy.” An account held jointly by the judgment debtor and his or her spouse or another person, or held solely by the judgment debtor's spouse, may also be levied.

Templates and Forms

- [Writ of Execution \(EJ-130\)](http://www.courts.ca.gov/documents/ej130.pdf) (<http://www.courts.ca.gov/documents/ej130.pdf>)
- [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>)
- [Notice of Opposition to Claim of Exemption \(WG-009/EJ-170\)](http://www.courts.ca.gov/documents/ej170.pdf) (<http://www.courts.ca.gov/documents/ej170.pdf>)
- [Notice of Hearing on Claim of Exemption \(WG-010/EJ-175\)](http://www.courts.ca.gov/documents/ej175.pdf) (<http://www.courts.ca.gov/documents/ej175.pdf>)
- [Request for Sheriff to Serve Court Papers \(SER-001\)](http://www.courts.ca.gov/documents/ser001.pdf) ([https://www.courts.ca.gov/documents/ser001.pdf](http://www.courts.ca.gov/documents/ser001.pdf))
- [Special Instructions for Writs and Levies—Attachment \(SER-001A\)](http://www.courts.ca.gov/documents/ser001a.pdf) ([https://www.courts.ca.gov/documents/ser001a.pdf](http://www.courts.ca.gov/documents/ser001a.pdf))

For a complete list of our guides and videos on enforcement of judgments, visit our [Enforcing Judgments topic page](https://saclaw.org/legal_topic/enforcing-a-courts-judgment/). (https://saclaw.org/legal_topic/enforcing-a-courts-judgment/)

Step-by-Step Instructions

1

Locate the Judgment Debtor's Bank Account(s)

Locate the Judgment Debtor's Bank Account(s). You can guess which banks the debtor may have accounts with and attempt to levy them—some creditors will levy several major banks in hopes of finding an account. But you can also find out what bank the debtor uses by requesting the information at a [debtor's examination](https://www.saclaw.org/resource_library/ej-debtors-examination/) (https://www.saclaw.org/resource_library/ej-debtors-examination/) .

2

Obtain a Writ of Execution

To levy the debtor's bank account, you must ask the court to issue a writ of execution. This is a court order instructing the Sheriff to enforce your judgment in the county where the assets are located.

2.1 Complete the Writ of Execution (EJ-130) form

To levy a debtor's bank account, you must ask the court to issue a writ of execution. This is a court order instructing the Sheriff to enforce your judgment in the county where the assets are located. This may be a different county from the one that issued the judgment, or where the party lives. The Judicial Council form used to obtain a writ of execution is:

- [Writ of Execution \(EJ-130\)](http://www.courts.ca.gov/documents/ej130.pdf) (<http://www.courts.ca.gov/documents/ej130.pdf>)

Instructions for completing this form are available at the end of this Guide.

2.2 Adding Costs and Interest

If you wish to add additional costs incurred after entry of judgment, such as the costs associated with enforcing the judgment (e.g., the cost of issuing the writ of execution, levying officers' fees, fees for the debtor's examination, etc.) or accrued interest on your judgment amount, you must file a [Memorandum of Costs after Judgment \(MC-012\)](http://www.courts.ca.gov/documents/mc012.pdf) (<http://www.courts.ca.gov/documents/mc012.pdf>) with your *Writ of Execution (EJ-130)*. You must serve your *Memorandum of Costs after Judgment (MC-012)* on the judgment debtor prior to filing. The judgment debtor has 10 days after service of the *Memorandum of Costs after Judgment (MC-012)* to oppose it by filing a motion to tax costs ([Code of Civil Procedure \(CCP\) § 685.070\(c\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=685.070.&lawCode=CCP) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=685.070.&lawCode=CCP)). For more information on the procedure and forms, see the Step-by-Step guide on [Memorandum of Costs after Judgment](https://www.saclaw.org/resource_library/ej-memorandum-of-costs-after-judgment/) (https://www.saclaw.org/resource_library/ej-memorandum-of-costs-after-judgment/).

2.3 Obtain a File-Endorsed Copy of Your Judgment

You will need to provide the court with a file-endorsed (stamped) copy of your judgment. If you do not have one, you may download a copy from the [court's website](https://services.saccourt.ca.gov/PublicCaseAccess/) (<https://services.saccourt.ca.gov/PublicCaseAccess/>).

2.4 File Your Documents

File the following items with the court:

- *Writ of Execution (EJ-130)* (original + 2 photocopies)
- *Memorandum of Costs after Judgment (MC-012)*, if desired (original + 2 photocopies)
- File-endorsed (stamped) copy of the judgment
- Filing fee ([currently \\$40](http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf) (<http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf>))

File your documents in the drop box at the courthouse 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 your original documents. Following the instructions posted at the drop box, place your documents in the drop box, along with a check, money order, or cashiers' check for the filing fee. Provide the court with a self-addressed stamped envelope with sufficient postage to facilitate the return of your documents to you.

If you filed a *Memorandum of Costs after Judgment* (MC-012) along with your *Writ of Execution* (EJ-130), and your costs are more than \$100, the clerk will wait 10 days (15 days, if served by mail) to issue Writ of Execution, to allow the judgment debtor to oppose your costs by filing a Motion to Tax Costs ([CCP § 685.070](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=685.070) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=685.070)). If your costs are less than \$100, or if you did not file a Memorandum of Costs, your Writ can be issued immediately. The clerk will return the issued documents to you by mail. Your *Writ of Execution* (EJ-130) will be valid for 180 days after it is issued.

3 Obtain Supporting Documents, if Needed

In some special situations, the levying officer will ask for additional documentation in order to levy a bank account.

Spousal Affidavit

California law ([CCP § 700.160\(b\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=700.160) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=700.160)) allows a judgment creditor to collect money from the bank account in the name of the debtor's spouse even when the debtor's name is not on the account. To do this, the judgment creditor must provide a declaration under oath to the levying officer, stating that the person whose account is to be levied is married to the judgment debtor. You may use [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>) to write this statement. A sample affidavit is available at the end of this Guide.

Fictitious Business Name Statement

Accounts in the judgment debtor's Fictitious Business Name (e.g., Robert Jones DBA Jones Enterprises) may be levied if the business is registered solely in the names of the debtor and/or debtor's spouse. If a third party is also registered, the account cannot be levied. To levy this type of account, you will need to provide an unexpired, certified copy of a fictitious business name statement. To obtain certified copies of these statements for Sacramento County businesses, visit the Department of Finance's Business License Unit, located at 700 H Street, Room 1710.

4 Determine When to Have Your Levy Served

Unlike other paperwork in your case, bank levies can only be served by a Sheriff or registered process server. A bank levy is a one-time event, and only attaches the funds in the account at the time the bank is served. Therefore, timing service of your levy can be very important – you will want your papers served on a day when there is a lot of money in the account. For this reason, some judgment creditors prefer to have a registered process server (rather than the Sheriff) serve the bank, so they can specify the exact date for service. You can find registered process servers in the Yellow Pages or from the directory of the [National Association of Professional Process Servers](http://www.napps.org/default.aspx) (<http://www.napps.org/default.aspx>). If you hire a process server, they will be responsible for delivering documents to the bank, judgment debtor, other account holders, and the Sheriff. The Sheriff's Department will handle all other aspects of the bank levy, including receiving and releasing funds.

When considering when to have your levy served, keep in mind that your writ of execution must be valid at the time of service. Writs of execution are valid for only 180 days after issued by the court.

5 Determine Where to Have Your Levy Served

California law ([CCP § 684.115](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=684.115.)) requires all financial institutions with 10 or more branches to designate a central location for service of process. This is optional for institutions with fewer than 10 branches. A [list of these central locations for service on banks is available online](http://www dbo ca gov Laws _ & _ Regs legislation service_of_legal_process/) (http://www dbo ca gov Laws _ & _ Regs legislation service_of_legal_process/). The Sheriff in the county where the institution receives service will act as the levying officer. [Contact information for Sheriffs throughout California is available online](https://www.usacops.com/ca/shrlst.html) (<https://www.usacops.com/ca/shrlst.html>). If you plan to hire a process server to serve your levy, be sure to ask if they will perform service in the county where the financial institution accepts service.

6 Complete the Levy Instructions

The *Writ of Execution* (EJ-130) simply tells the Sheriff to enforce a judgment, but does not specify the method(s) to be used. You must provide details of how they are to enforce your judgment.

To enforce your judgment with a bank levy, you must provide the levying officer (Sheriff) with information about the debtor's account(s). There is a California state-wide form for these instructions, [Request for Sheriff to Serve Court Papers \(SER-001\)](https://www.courts.ca.gov/documents/ser001.pdf) (<https://www.courts.ca.gov/documents/ser001.pdf>) for use with [Special Instructions for Writs and Levies—Attachment \(SER-001A\)](https://www.courts.ca.gov/documents/ser001a.pdf) (<https://www.courts.ca.gov/documents/ser001a.pdf>).

The Sacramento County Sheriff's Department has posted [Documents and Mail Guidelines](https://www.sacsheriff.com/documents/civil/Document%20and%20Mail%20Guidelines%20Rev%20010125.pdf) (<https://www.sacsheriff.com/documents/civil/Document%20and%20Mail%20Guidelines%20Rev%20010125.pdf>) for turning the instructions and paperwork in. If service will be performed by a registered process server, or by the Sheriff in a different county, ask how they would like to receive their instructions.

7 Have Your Writ Served

To have your documents served by the Sacramento County Sheriff, bring the items listed below to the Sheriff's Civil Division, 2969 Prospect Park Drive Suite 200, Rancho Cordova, CA 95670. You can also file over the internet at the [Sacramento County Sheriff's E-Services Portal](https://civil.sacsheriff.com/Portal/) (<https://civil.sacsheriff.com/Portal/>).

The Sacramento County Sheriff can only perform service within Sacramento County; if the institution is located in a different county, you will need to contact either the Sheriff of that county or a registered process server. Ask your server what he or she will need.

You will likely need the following documents:

- Original Writ of Execution (EJ-130)
- Request for Sheriff to Serve Court Papers (SER-001) with Special Instructions for Writs and Levies—Attachment (SER-001A) or Letter of Instruction for the process server
- Cash or check for the Sheriff's fee (currently \$50 for each person or organization served). This is the fee for having the Sheriff process the levy; it must be paid even if a registered process server will be serving the documents. [Check the Sheriff's fee schedule for up-to-date charges.](https://www.sacsheriff.com/documents/civil/FEE%20SCHEDULE%20-%202025.pdf)
(<https://www.sacsheriff.com/documents/civil/FEE%20SCHEDULE%20-%202025.pdf>)

As applicable, also include:

- Original + 2 photocopies of your Spousal Affidavit
- Certified copy+ 2 photocopies of Fictitious Business Name Statement

If you hire a process server, the process server will bring the required documents to the appropriate Sheriff's Department, open a file, and have a Levying Officer's file number assigned.

Based on the information on your Writ, the process server or Sheriff will complete a Notice of Levy (EJ-150) for the bank, the judgment debtor, and any other named account holders. Upon the Notice of Levy (EJ-150) will be a Levying Officer's file number. You can use this number to track the status of your file at on the [Sheriff's website](http://www.sacsheriff.com/civilcases/) (<http://www.sacsheriff.com/civilcases/>).

To initiate the bank levy, the Sheriff or process server will serve the bank with:

- Copy of the *Writ of Execution* (EJ-130)
- *Notice of Levy* (EJ-150)
- A blank *Memorandum of Garnishee* (EJ-152), for use by the bank

Once served with these documents, the bank must freeze non-exempt account(s). This means that no withdrawals may be made, and no checks written against the account will be honored.

At the time of the levy, or promptly thereafter, the Sheriff or process server will serve the judgment debtor with:

- Copy of the *Writ of Execution* (EJ-130)
- *Notice of Levy* (EJ-150) (addressed to bank)
- *Notice of Levy* (EJ-150) (addressed to debtor)
- *Exemptions from the Enforcement of Judgments* (EJ-155)

The Sheriff or process server will serve any other named account-holders with:

- Copy of the *Writ of Execution* (EJ-130)
- *Notice of Levy* (EJ-150)
- A blank *Memorandum of Garnishee* (MC-152), for use by the account holder

The process server will complete a Proof of Service for each person or organization served, and return those, along with the original *Writ of Execution* (EJ-130), to the Sheriff.

The bank has 10 days to turn over the funds to the Sheriff, or to complete the *Memorandum of Garnishee* (EJ-152) and return it to the Sheriff. On this form, they must explain why the judgment debtor's funds cannot be released. For example, funds cannot be released if another judgment creditor has already served a levy on the same funds, or if the account has a \$0 balance. A bank will commonly submit a *Memorandum of Garnishee* (EJ-152) when it is aware that the account receives direct deposits of Social Security or other public benefits. If the bank completes a *Memorandum of Garnishee* (EJ-152), the Sheriff will mail a copy to the judgment creditor.

8 Wait for Response from the Debtor, if Any

Under state and federal law, some types of income and property are exempt from collection. If the *Memorandum of Garnishee* (EJ-152) indicates that the account includes exempt funds, such as Social Security benefits, the *Memorandum of Garnishee* (EJ-152) serves as a claim of exemption. Additionally, if the judgment debtor or other account holder believes his or her funds are exempt, that person has 15 days (20 days if served by mail) after receiving the *Notice of Levy* (EJ-150) to file a *Claim of Exemption* (EJ-160) with the Sheriff's Department to prevent the levy. The Sheriff will mail the judgment creditor a copy of the *Claim of Exemption* (EJ-160) and *Financial Statement* (EJ-165).

9 Oppose the Claim of Exemption, if Appropriate

Be sure to review the *Claim of Exemption* (EJ-160) and *Financial Statement* (EJ-165) carefully, to determine if you agree that the funds are exempt from collection. You can read about most of these exemptions in *Exemptions from the Enforcement of Judgments* (EJ-155). [A guide to common exemptions, with links to the applicable code sections, is available on the Law Library's website.](https://saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/) (https://saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/)

If you agree that the funds are exempt, you do not need to do anything. After 10 days, the exemptions are automatically granted and the funds claimed exempt will be returned to the debtor. If you do not believe the funds are exempt from collection, and decide to oppose the claim of exemption, you must act quickly. There is an extremely tight turnaround on the deadlines for oppositions.

Step 9.1 Determine when to schedule your hearing.

In Sacramento County, you are responsible for reserving a hearing date to oppose a claim of exemption. The timing for opposing a claim of exemption can be very tricky. There are three different time periods you have to consider, all of which may overlap.

- Your time to oppose the Claim of Exemption. If you oppose the Claim of Exemption, you must file with the court and serve on the judgment debtor and levying officer your Notice of Opposition to Claim of Exemption (WG-009/EJ170) and Notice of Hearing on Claim of Exemption (WG-010/EJ-175) no later than fifteen (15) days after the Claim of Exemption is served on you by the levying officer (CCP § 703.550). If the levying officer served it to you by mail, five additional days are added (CCP § 1013(a)), but service is still measured from the date of mailing, not the date of receipt.
- Minimum notice to judgment creditor, court, and levying officer of hearing date. If you oppose the Claim of Exemption, you must serve on the judgment debtor and levying officer, and file with court, your Notice of Opposition to Claim of Exemption (WG-009/EJ170) and Notice of Hearing on Claim of Exemption (WG-010/EJ-175) at least 10 days before the date for hearing that you have chosen (CCP § 703.570), however five extra days must be added if you serve it by mail. (CCP § 1013(a))
- Last date opposition can be heard. In addition to the minimum notice required, any hearing opposing a Claim of Exemption for a levy must be heard no later than 30 calendar days after filing of the Notice of Opposition to Claim of Exemption (CCP § 703.570).

Due to the way weekends and court holidays fall, sometimes there is a very narrow window of time in which a hearing may be held. Failure to properly set the hearing and file within the prescribed times is one of the most frequent reasons judgment creditors lose their opposition to a claim of exemption.

For example, let's say the Sheriff mails the Notice of Claim of Exemption to you on May 3. You have 15 days to serve your opposition to the sheriff and judgment debtor, and file it with the court. The last day to file your opposition is May 18th (shown in Green below). Your hearing must be held within 30 days of filing, so if you file on May 18th, the last day for your hearing is June 18th; the 30th day is June 17th, but since that is a Sunday, the final day is the next court day ([California Rules of Court \(CRC\) 1.10](http://www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_10) (http://www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_10)), Monday, June 18th (shown in Blue below).

MAY							JUNE						
Sun	Mon	Tues	Wed	Thu	Fri	Sat	Sun	Mon	Tues	Wed	Thu	Fri	Sat
		1	2	3 Sheriff Mails COE	4 Day 1	5 Day 2						1	2
6 Day 3	7 Day 4	8 Day 5	9 Day 6	10 Day 7	11 Day 8	12 Day 9						Day 3 Day 14	Day 2 Day 15
13 Day 10	14 Day 11	15 Day 12	16 Day 13	17 Day 14	18 Day 15 Last day to file & serve	19 Day 1						3 Day 1	4 Hearing Day Day 16
20 Day 5 Day 2	21 Day 4	22 Day 3	23 Day 2	24 Day 1	25 Day 10 Day 7	26 Day 9 Day 8						5 Day 18	6 Day 19
27 Day 8 Day 9	28 Holiday Day 7 Day 10	29 Day 6 Day 11	30 Day 5 Day 12	31 Day 4 Day 13								7 Day 20	8 Day 21
												9 Day 22	
												10 Day 23	11 Day 24
												12 Day 25	13 Day 26
												14 Day 27	15 Day 28
												16 Day 29	
												17 Day 30	18 Last hearing date
												19 21	22 23
												24 25	26 27
												28 29	29 30

Now comes the tricky part. As the party making this motion, you are responsible for reserving a hearing date. You may select any available date that is convenient for you, as long as it provides the minimum required notice to the judgment debtor.

CCP § 703.570 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=703.570) requires you to provide 10 calendar days' notice. If you serve your documents by mail within California, you must add 5 calendar days (CCP § 1013 (a) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1013)). These days are counted backwards from the hearing date (CCP § 12c http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=12c). When counting calendar days, include weekends and holidays. If the final day falls on a weekend or holiday, though, your deadline rolls back to the previous court day (CRC 1.10 (http://www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_10)).

In this example, we will use June 4th as our desired hearing date. To confirm that this hearing date will allow sufficient notice, count backward 10 calendar days (shown in Red above). Day one is the day before the hearing date (June 3rd), day 10 in this example is May 25th. This is the last day to serve your documents if personally served, if the date falls within the 10 day window after the Sheriff mailed you the Claim of Exemption (in this example, it does not).

If your documents are served by first-class mail, additional time is added to the calculation, depending on where the mail originates and where it is sent. For example, if the documents are mailed from California to an

address in California, five calendar days are added before the 10 calendar days' notice. Counting backward 5 calendar days makes the last date for service May 20th (shown in Purple above). However, since this day falls on a Saturday, the last date for service by mailing rolls back to the previous court day, Friday May 18th, which happens to be the last date of the window for service after the Sheriff mails the Notice of Claim of Exemption. So if you filed and served your *Notice of Hearing on Claim of Exemption* and *Notice of Opposition to Claim of Exemption* (WG-009/EJ-170) on May 18th, you will have provided sufficient notice for a hearing on June 4th.

Some things to remember when selecting a hearing date:

- Filing and service need not occur on the same day. Both must occur within the 15 days after the Sheriff mails you the claim of exemption, and service must be performed on a date that provides sufficient notice (minimum 10 days if personally served, plus an additional 5 days if served by mail.)
- You may give more than the required 10 days' notice. As a practical matter, providing more than the minimum notice may be preferable, as it reduces the possibility of the court dropping the hearing due to insufficient notice (whether correct or not), or of the opposition making an equitable argument that the notice period was insufficient to prepare, which could lead to a continuance.

Step 9.2 Determining the Department to Hear and the Time of the Motion

In Sacramento, Oppositions to Claims of Exemption are heard in the "Civil Home Court" department assigned to the case, which will be either department 25, 28, 53, or 54. [Check your case file online](https://prod-portal-sacramento-ca.journaltech.com/public-portal/) (<https://prod-portal-sacramento-ca.journaltech.com/public-portal/>) to find which department your case is assigned to.

Note: Prior to November 10, 2025, each civil case was assigned to either Department 53 or 54 for most motions. If your case was filed before that date, **its assigned department may have changed**, so check before scheduling a hearing.

[More information about Civil Home Court department transition](https://saclaw.org/resource_library/new-civil-home-court-system-in-sacramento/) (https://saclaw.org/resource_library/new-civil-home-court-system-in-sacramento/)

Step 9.3 Reserve your Hearing Date

In the Civil Home Departments, you must reserve a court date through the court's online reservation system. For other departments, contact the department clerk to determine the procedure.

To use the online system, go to [the Sacramento Court Public Portal](https://prod-portal-sacramento-ca.journaltech.com/public-portal/) (<https://prod-portal-sacramento-ca.journaltech.com/public-portal/>) and choose "Reservation System (CRS)." You must have a free account on the system to use it.

Any motion submitted without a reserved hearing date will be subject to rejection.

Step 9.4 File and serve your documents

To oppose a claim of exemption, you must complete two forms:

- [Notice of Opposition to Claim of Exemption \(WG-009/EJ-170\)](http://www.courts.ca.gov/documents/ej170.pdf) (<http://www.courts.ca.gov/documents/ej170.pdf>)
- [Notice of Hearing on Claim of Exemption \(WG-010/EJ-175\)](http://www.courts.ca.gov/documents/ej175.pdf) (<http://www.courts.ca.gov/documents/ej175.pdf>)

Make 3 copies of each form. File the forms at the filing counter at the Hall of Justice Building, 813 Sixth Street, Room 212. The clerk will stamp your documents and return the photocopies to you. One photocopy is for your records. One photocopy of each document must be given to the Sheriff, so that the funds will be held until the court makes a decision. The third photocopy must be served on the judgment debtor (or the judgment debtor's attorney). The server must complete a proof of service form, typically either a [Proof of Personal Service \(POS-020\)](http://www.courts.ca.gov/documents/pos020.pdf) (<http://www.courts.ca.gov/documents/pos020.pdf>) or a [Proof of Service by First Class Mail \(POS-030\)](http://www.courts.ca.gov/documents/pos030.pdf) (<http://www.courts.ca.gov/documents/pos030.pdf>) .

For more information on these Proofs of Service, see the guides on [Personal Service](https://www.saclaw.org/resource_library/personal-service/) (https://www.saclaw.org/resource_library/personal-service/) and [Service by Mail](https://www.saclaw.org/resource_library/serving-documents-by-mail/) (https://www.saclaw.org/resource_library/serving-documents-by-mail/) on our website.

You must include notice of the tentative ruling system with your documents (see Step 10). You can create your own notice on pleading paper, using the language for this notice available from the [Sacramento County Superior Court's website](https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf) (<https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf>) . Or, you may place the tentative ruling language on an [Additional Page](https://www.saclaw.org/wp-content/uploads/2023/08/TentativeRulingNotice.pdf) (MC-020), and attach it to your Notice of Hearing. You can download a [pre-filled Additional Page](https://www.saclaw.org/wp-content/uploads/2023/08/TentativeRulingNotice.pdf) (<https://www.saclaw.org/wp-content/uploads/2023/08/TentativeRulingNotice.pdf>) from the Law Library's website.

10 Check Your Tentative Ruling

Sacramento Superior Court uses a Tentative Ruling System. Pursuant to [Local Rule 1.06](https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf) (<https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf>), the court will make a tentative ruling on the merits of your matter by 2:00 p.m. the court day before the hearing. You may read the tentative ruling online, or may (916) 874-7858 or (916) 874-7848 to hear it.

In the tentative ruling, the judge will determine what funds, if any, are exempt from collection. The ruling will typically order the release of non-exempt funds to the creditor.

If you are happy with the tentative ruling, you do not need to do anything. You won't have to go to court unless ordered to appear in the tentative ruling or unless the other side calls you and the court between 2:00 p.m. and 4:00 p.m. the court day before your hearing date to request an oral argument in front of the judge. If that happens, attend the court hearing and be prepared to argue your case.

If you are not happy with the tentative ruling, and wish to present arguments in front of the judge, you must call all opposing counsel and/or self-represented parties, and the court clerk (916) 874-2615 no later than 4:00 p.m. the court day before your hearing and state that you are requesting oral argument on the motion. If neither you nor the opposing counsel or self-represented party requests oral argument, the court will simply make the tentative ruling the order of the court, and no oral argument will be permitted.

11

Sheriff Will Release Funds to You

After determining what funds, if any, are exempt, the court will issue an order directing the Sheriff to release the appropriate amount to the judgment creditor.

For help

[SH@LL \(Self-Help at the Law Library\)](https://saclaw.org/services/civil-self-help/)

609 9th 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>

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

For more Information

[How to Collect a Judgment](https://selfhelp.courts.ca.gov/civil-lawsuit/judgment/how-collect) – California Courts Self-Help Website

California Forms of Pleading and Practice KFC 1010 .A65 C3 (Ready Reference) Chap. 254

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Practice Guide: Enforcing Judgments and Debts KFC 1065 .A9 S3 Chap. 6D

Debt Collection Practice in California KFC 256 .C83 Chap. 9

Electronic Access: On the Law Library's computers, using *OnLaw*.

Enforcing Civil Money Judgments KFC 1065 .C34

Electronic Access: On the Law Library's computers, using *OnLaw*.

How to Collect When You Win a Lawsuit In California KFC 1065 .Z9 H69 (Reference) Chap. 8

Matthew Bender Practice Guide: California Debt Collection and Enforcement of Judgments KFC 1065.E5 M38 Chap. 16

Electronic Access: On the Law Library's computers, using *Lexis Advance*.



Samples

Writ of Execution

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Calvin J. Creditor		STATE BAR NO.:	FOR COURT USE ONLY
FIRM NAME: STREET ADDRESS: 2036 Donner Drive CITY: Sacramento TELEPHONE NO.: 916-123-4567 E-MAIL ADDRESS: cjc creditor@gmail.com		Your name, address, email and phone number. In Pro Per means you're representing yourself. Check the box next to "Original Judgment Creditor."	
ATTORNEY FOR (name): In Pro Per <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR		<input type="checkbox"/> ASSIGNEE OF RECORD	
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		Court name, address, and branch.	
Plaintiff: Calvin J. Creditor Defendant: Doug J. Debtor		Plaintiff's and Defendant's names as they appeared on the Complaint.	
<input checked="" type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property		<input checked="" type="checkbox"/> Limited Civil Case (Including Small Claims) <input type="checkbox"/> Unlimited Civil Case (Including Family and Probate)	
Case Number: 14-0012345678			
Check the box that describes your case.			
Check the box for Execution (Money Judgment).			
1. To the Sheriff or Marshal of the County of: Sacramento 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): Calvin J. Creditor is the <input checked="" type="checkbox"/> original judgment creditor <input type="checkbox"/> 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):			
Doug J. Debtor 11 Main St. #22 Sacramento, CA 95814			
The County where the assets are located.			
Name & address of Judgment Debtor.			
Additional judgment debtors or			
5. Judgment entered on (date): May 8, 2015 6. <input type="checkbox"/> Judgment renewed on (dates):			
Enter date(s). If never renewed, leave blank.			
Check box a.			
7. Notice of sale under this writ a. <input checked="" type="checkbox"/> has not been requested. b. <input type="checkbox"/> has been requested (see next page).			
8. <input type="checkbox"/> Joint debtor information on next page.			
[SEAL]			
Issued on (date): _____ Clerk, by _____			
NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.			
WRIT OF EXECUTION		Code of Civil Procedure, §§ 691-699 Gov. Code	
Form Approved for Optional Use Judicial Council of California EJ-130 [Rev. January 1, 2018]			
Questions 8 and 10 apply only to rare situations. Question 9 does not apply to Writs of Execution used Bank Levies. Leave all three questions blank.			
11. Judgment amount. 12. Amount of costs listed on your MC-012. Otherwise, enter 0. 13. Add lines 11+12. 14. Amount of any payments or other credits. 15. Subtract line 13-14. 16. Amount of interest listed on your MC-012. Otherwise, enter 0. 17. If you paid a fee for issuing this writ, list it here. If you have a fee waiver, enter 0. 18. Add 15+16+17. 19. (a) Multiply the amount on line 15 by 0.0002739 (if 10% interest)* or 0.0001369 (if 5% interest)* to get the daily interest rate, and enter the amount here. (b) Write '0,' unless the court has ordered the judgment debtor to pay any costs directly to the court. Otherwise, enter the unpaid cost amount. 20. Leave blank, unless you have multiple debtors owing different amounts.			
* Judgments for medical expenses or personal debt entered or renewed after 1/1/2023 accrue 5% interest, all others accrue 10% interest.			

Writ of Execution (EJ-130) (page 1)

Plaintiff's and Defendant's names as they appeared on the Complaint.	
Plaintiff: Calvin J. Creditor Defendant: Doug J. Debtor	CASE NUMBER: 14-0012345678
EJ-130	
Only answer this question if your case had multiple defendants.	
21. <input type="checkbox"/> Additional judgment debtor (name, type of legal entity if not a natural person, and last known address): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
22. <input type="checkbox"/> Notice of sale has been requested by (name and address): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
23. <input type="checkbox"/> Joint debtor was declared bound by the judgment (CCP 989–994) a. <input type="checkbox"/> on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
a. <input type="checkbox"/> on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
c. <input type="checkbox"/> Additional costs against certain joint debtors are itemized: <input type="checkbox"/> Below <input type="checkbox"/> On Attachment 23c	
24. <input type="checkbox"/> (Writ of Possession or Writ of Sale) Judgment was entered for the following: a. <input type="checkbox"/> Possession of real property: The complaint was filed on (date): (Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) is checked.) (1) <input type="checkbox"/> The Prejudgment Claim of Right to Possession was served in on all tenants, subtenants, named claimants, and other occupants. (2) <input type="checkbox"/> The Prejudgment Claim of Right to Possession was NOT served. (3) <input type="checkbox"/> The unlawful detainer resulted from a foreclosure sale of a rental 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 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(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): b. <input type="checkbox"/> Possession of personal property. <input type="checkbox"/> If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order. c. <input type="checkbox"/> Sale of personal property. d. <input type="checkbox"/> Sale of real property. e. The property is described: <input type="checkbox"/> Below <input type="checkbox"/> On Attachment 24e	
WRIT OF EXECUTION	
EJ-130 [Rev. January 1, 2018] Page 2 of 3	

Writ of Execution (EJ-130) (page 2)

Plaintiff's and Defendant's names as they appeared on the Complaint.		EJ-130
Plaintiff: Calvin J. Creditor Defendant: Doug J. Debtor	CASE NUMBER: 14-0012345678	Case number.
NOTICE TO PERSON SERVED WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying <i>Notice of Levy</i> (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 <i>Claim of Right to Possession and Notice of Hearing</i> (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 <i>Claim of Right to Possession and Notice of Hearing</i> (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.		

Writ of Execution (EJ 130) (page 3)

Spousal Affidavit (Optional)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street Address, City and Zip Code): Calvin J. Creditor 2036 Donner Drive Sacramento, CA 95826</p> <p>TELEPHONE NO.: 916-123-4567 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per</p> <p>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</p> <p>PLAINTIFF/PETITIONER: Calvin J. Creditor DEFENDANT/RESPONDENT: Doug J. Debtor</p> <p>DECLARATION</p>		<p>Your name, address, email and phone number. In Pro Per means you're representing yourself. Check the box next to "Original Judgment Creditor."</p> <p>Court name, address, and branch.</p> <p>Plaintiff's and Defendant's names as they appeared on the Complaint.</p> <p>CASE NUMBER: 34-2009-00012345 Case Number.</p>
<p>I, Calvin J. Creditor, judgment creditor, declare as follows:</p> <p>On January 20, 2010, a judgment was entered in my favor against the judgment debtor Doug J. Debtor in the Sacramento County Superior Court, case number 34-2009-00012345.</p> <p>I have full knowledge and believe to be true that judgment debtor Doug J. Debtor is married to Debra J. Debtor.</p> <p>As permitted by California Code of Civil Procedure 700.160(b)(2), I hereby request a levy be placed on the bank account of Debra J. Debtor who I believe to be married to and the spouse of Defendant Doug J. Debtor.</p> <p>You will need a Spousal Affidavit if you are trying to levy a bank account in held the name of the judgment debtor's spouse.</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Date:</p> <p>Doug J. Debtor _____</p> <p>(TYPE OR PRINT NAME) _____ (SIGNATURE OF DECLARANT) _____</p> <p><input type="checkbox"/> Attorney for <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Petitioner <input type="checkbox"/> Defendant <input type="checkbox"/> Respondent <input type="checkbox"/> Other (Specify):</p> <p>Form Approved for Optional Use Judicial Council of California MC-030 [Rev. January 1, 2006]</p> <p>Enter your name, date and sign, check box for "Plaintiff."</p> <p>Page 1 of 1</p>		

Spousal Affidavit (Declaration MC-030)

Next steps:

After you provide the Sheriff with the Writ of Execution, the Sheriff will provide a Notice of Levy (EJ-150) and other documents to the bank and to the debtor.

If the debtor makes a Claim of Exemption, the Sheriff will send you a copy of the Claim of Exemption (EJ-160) and Financial Statement (EJ-165). If after you review those documents you feel that the claim of exemption is unjustified, you can set a hearing on the Claim of Exemption. Use the Notice of Hearing on Claim of Exemption to notify the debtor.

Notice of Hearing on Claim of Exemption

WG-010/EJ-175		
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CALVIN J. CREDITOR 2036 DONNER DRIVE ← Your name, address, email and phone number. In Pro Per means you're representing yourself. Check the box next to "Original Judgment Creditor." SACRAMENTO, CA 95826		
TELEPHONE NO.: 016-122-4567 FOR COURT USE ONLY		
ATTORNEY FOR (Name): IN PRO PER		
NAME OF COURT, JUDICIAL DISTRICT OR BRANCH COURT, IF ANY SUPERIOR COURT, COUNTY OF SACRAMENTO → Court name, address, and branch.		
PLAINTIFF: CALVIN J. CREDITOR DEFENDANT: DOUG J. DEBTOR → Plaintiff's and Defendant's names as they appeared on the Complaint.		
NOTICE OF HEARING ON CLAIM OF EXEMPTION (Wage Garnishment—Enforcement of Judgment)		LEVYING OFFICER FILE NO.: 13-0000356 COURT CASE NO.: 09-00012345
1. TO: Name and address of levying officer Sacramento County Sheriff's Department ← Sheriff's File Number. Civil Division 3341 Power Inn Rd #313 Sacramento, CA 95826 ← Case Number. Name and address of judgment debtor Doug J. Debtor 11 Main St. #22 ← Judgment Debtor's name and address. Sacramento, CA 95814		
<input type="checkbox"/> Claimant, if other than judgment debtor <i>(name and address):</i> <input type="checkbox"/> Judgment debtor's attorney <i>(name and address):</i>		
<input type="checkbox"/> Check judgment debtor.		
2. A hearing to determine the claim of exemption of <input checked="" type="checkbox"/> judgment debtor <input type="checkbox"/> other claimant will be held as follows:		
a. date: June 19, 2012 time: 2:00 PM dept.: 53 div.: rm.: Enter the date, time and department of your hearing. See Step 5 of this guide for information about selecting your hearing date.		
b. address of court: 813 Sixth St., 2nd Floor ← Address of the department holding your hearing. Sacramento, CA 95814		
3. <input type="checkbox"/> The judgment creditor will not appear at the hearing and submits the issue on the papers filed with the court.		
Date: Calvin J. Creditor → <small>(TYPE OR PRINT NAME)</small> (SIGNATURE OF JUDGMENT CREDITOR OR ATTORNEY) If you do not attend the hearing, the court may enter your name, date and sign.		
NOTICE OF HEARING ON CLAIM OF EXEMPTION (Wage Garnishment—Enforcement of Judgment)		Page 1 of 2 Form Approved by the Judicial Council of California WG-010/EJ-175 [Rev. January 1, 2007] Code of Civil Procedure, § 703.550, 706.107 www.courtinfo.ca.gov

Notice of Hearing on Claim of Exemption (WG-010/EJ-175) (page 1)

Plaintiff's and Defendant's names as they appeared on the Complaint.		
WG-010/EJ-175		
SHORT TITLE: CREDITOR vs. DEBTOR	LEVYING OFFICER FILE NO. 13-0000356	COURT CASE NO. 09-00012345
PROOF OF Sheriff's File Number. Case Number.		
<p>I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify):</p> <p>764 Oak Avenue Sacramento, CA 95834</p> <p>Address of person serving the documents.</p>		
<p>I served the attached Notice of Hearing on Claim of Exemption and the attached Notice of Opposition to Claim of Exemption by a sealed envelope addressed to each person whose name and address is given below and depositing the postage fully prepaid.</p> <p>(1) Date of deposit: May 21, 2012</p> <p>(2) Place of deposit (city and state): Sacramento, CA 95814</p> <p>Date and location of mailing.</p>		
NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED		
<p>Doug J. Debtor 11 Main St. #22 Sacramento, CA 95814</p> <p>Name and address of the person served.</p>		
<p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Date: May 21, 2012</p> <p>Name, date, and signature of person serving documents.</p>		
<p>Sally Server</p> <p>(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)</p>		
PROOF OF SERVICE—PERSONAL DELIVERY		
<p>I am over the age of 18 and not a party to this cause. My residence or bus.</p> <p>The <i>Notice of Hearing on Claim of Exemption</i> (WG-010/EJ-175) may be served by mail or in person. If served by mail, the server should complete only the top half of this form. If personally served, complete only the bottom half of this form.</p>		
<p>I served the attached Notice of Hearing on Claim of Exemption and the at copies to the person served as shown below.</p>		
PERSONS SERVED		
Name	Delivery At	Address:
Date:	Time:	
<p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Date:</p>		
<p>(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)</p>		
NOTICE OF HEARING ON CLAIM OF EXEMPTION (Wage Garnishment—Enforcement of Judgment)		Page 2 of 2

Notice of Hearing on Claim of Exemption (WG-010/EJ-175) (page 2)