



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER**

www.occourts.org

SMALL CLAIMS - HOW TO COLLECT A JUDGMENT

All documents must be typed or printed neatly.

Please use black ink.

Self-Help Center Locations:

Lamoreaux Justice Center

1st Floor

341 The City Drive

Orange, CA



Central Justice Center

Room G-100

700 Civic Center Drive

Santa Ana, CA



Superior Court

Service Center

27573 Puerta Real

Mission Viejo, CA

Harbor Justice Center

Room 150

4601 Jamboree Rd

Newport Beach, CA

North Justice Center

Room 360

1275 N. Berkeley Ave.

Fullerton, CA



COLLECTING THE JUDGMENT - PLAINTIFF

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Introduction

If you win at trial and the judgment says the other person owes you money or property, you are the "judgment creditor." The person who lost is called the "judgment debtor."

Enforcing Your Judgment

You have to take legal steps to collect the judgment. The court will not collect it for you. You may not take action for 30 days from the date that the clerk mailed the [Notice of Entry of Judgment \(SC-130\)](#) to the parties.

During the 30 day period, the judgment debtor may do one of the following:

- Pay in full or request to make payments to you or the court **form SC-145** (see below "What to do After the Judgment is Paid").
- [Appeal the decision](#) if they appeared at the trial.
- [File a Motion to Vacate the Judgment](#) if they did not appear at the trial.
- Complete and mail to you a [Judgment Debtor's Statement of Assets \(SC-133\)](#) .

If the judgment debtor takes no action, below are the legal steps that you may take to collect your judgment in the order in which you may want to proceed:

- Get in touch with the judgment debtor.
- **Levy (seize) assets** that you have personal knowledge of or listed on the Judgment Debtor's Statement of Assets form.
- **Examine** judgment debtor in court to locate unknown assets.
- **Suspend** the judgment debtor's **driver's license** the judgment is for auto accident.
- **Suspend** the judgment debtor's **professional license** (example: Contractor's License).
- Place a **lien** on land, buildings, or residence.

Contacting the Judgment Debtor

Start by getting in touch with the judgment debtor. Give them an address where they can mail the payment. You can offer to accept less than the whole judgment if they pay right away. Or, you can agree to take regular payments.

Write to the judgment debtor instead of calling. That way, you cannot argue. The person who owes you money can pay you or the court all at once, or ask to make payments. Both parties can also "stipulate" (agree) to a payment plan. Fill out the form [Stipulation for Time Payments \(L-1094\)](#) and file it with the court after it has been signed by both parties.

If you cannot agree on a payment plan, the judgment debtor can file a form called [Request to Make Payments \(SC-220\)](#). The court will mail you a copy. You can file a [Response to Request to Make Payments \(SC-221\)](#) that lets the court know what kind of payment plan you want. Read the [Payments In Small Claims \(SC-220-INFO\)](#) for more information.

Correcting the Judgment Debtor's Name

Depending on the correction that is needed, there are two ways to correct the judgment debtor's name after the judgment has been entered:

- Request for court order to correct the name of the judgment debtor.
- Request to correct the judgment due to clerical error made by the court.

REQUEST FOR COURT ORDER TO CORRECT NAME OF JUDGMENT DEBTOR:

Your small claims judgment must use the correct name of the person or business that owes you money. Otherwise, you may not be able to collect your judgment. The law provides that you may request the court to amend the judgment to include both the correct legal name and the name(s) actually used by the judgment debtor. If the judgment debtor's correct name is different from what is written on the judgment, you can ask the court to change the judgment to the correct name.

You may need to do this if:

- The name on the judgment is not spelled correctly.
- The name on the judgment is a maiden name, and the debtor has a new married name (or the judgment has a married name when the debtor has gone back to using a maiden name).
- There has been a legal change of name (other than through marriage).
- The debtor routinely uses a different name (an alias or pen name) and has assets in that name.
- Your judgment lists the business name, but not the debtor's personal name, and the business is owned by the debtor as a sole proprietor. You will not be able to have the judgment changed to name an officer or employee of the business.

Do this:

- Fill out the [Request for Court Order and Answer \(SC-105\)](#). Explain why you want to change the name on the judgment and that you have a good reason for the proposed change. If you have documents that support your request, say that "exhibits are attached" and attach those papers to your form.
- File the Request (and any attachments) with the clerk. There is no time limit in which this has to be done.

REQUEST TO CORRECT JUDGMENT DUE TO CLERICAL ERROR:

You can also request that the name on your judgment be corrected due to a clerical error made by the court.

Do this:

- Fill out a [Request to Correct or Cancel Judgment and Answer \(SC-108\)](#). Indicate that you are asking for an order to correct (NOT vacate) the judgment. Explain why you want to change the name on the judgment. If you have documents that support your request, say that "exhibits are attached" and attach those papers to your form.
- File the Request (and any attachments) with the clerk within 30 days after the clerk mails the Notice of Entry of Judgment.

RULING ON YOUR REQUEST:

After you file your Request, the clerk will mail a copy of it to the other side. The judgment debtor will then have 10 days to file and serve you with an opposition. If the judgment debtor files an opposition, it will say why the judge should deny your request. They can serve their opposition on you by mail.

If the judgment debtor files an opposition, the court may schedule a hearing so that the parties can testify. If a hearing is scheduled, the court will send both parties a notice of the hearing. If after 10 days (after you have been served with the judgment debtor's opposition) you still do not have a notice of hearing or ruling from the court, [contact the clerk](#) and ask what is happening with your case, giving the clerk your case name and number. You can also look up your case [online](#). If the judgment debtor does not file an opposition within 10 days, the judge may grant your request.

Requiring Production of the Statement of Assets

When the judgment debtor gets the [Notice of Entry of Judgment \(SC-130\)](#) they will also get a form called the [Judgment Debtor's Statement of Assets \(SC-133\)](#). They will have to pay the judgment or fill out the Statement of Assets and mail it to you. You can then use this information to levy (seize) the judgment debtor's assets as described below.

If the judgment debtor does not return a completed Statement of Assets form to you within 30 days after the Notice of Entry of Judgment was mailed to the parties, you can get the court to order them to go back to Small Claims court. File a form called [Order to Produce Statement of Assets and to Appear for Examination \(SC-134\)](#). You will have to pay a [filing fee](#). The clerk will give you a hearing date. Note: if you already know what assets the judgment debtor has, you can skip this step and go directly to levying (seizing) assets as described below.

The Order will not be valid unless it is personally served on the judgment debtor. It must be served by the:

- [Sheriff](#), or
- Licensed process server (check the internet or Yellow Pages).

Provide the [Sheriff](#) or process server with:

- A copy of the Order.
- Written instructions of the name and address of the person to serve, best time of day to attempt service, and description of the person.
- Pay a fee for service (refer to [Sheriff](#) website); process server fees will vary.

The judgment debtor must also live within 150 miles from the court. If they live more than 150 miles away you must conduct the hearing at the court in the county where the judgment debtor resides. For more information on this process, contact the [Small Claims Advisor](#), [Small Claims Clerk](#), or [staff at the court's Self-Help Center](#).

The judgment debtor has to pay you or go to the hearing. If they have not paid before the hearing then you have to go to the hearing. The judge will make the person who lost fill out the Statement of Assets and answer your questions about the property they have, how much money they make, and how much money they have in the bank. For sample questions that you may ask, go to the [California Courts website](#).

If the judgment debtor does not appear for the hearing a bench warrant may be issued for their arrest. See below "How To Request a Bench Warrant."

Hearing to Disclose Assets

Even if the judgment debtor gives you a [Judgment Debtor's Statement of Assets \(SC-133\)](#) within 30 days you can still get the court to order them to go back to court to answer questions about the property they own and how much money they make. This is only necessary if you need more information about the judgment debtor's assets in order to levy (seize) them as described below. File a form called [Application and Order for Appearance and Examination \(EJ-125\)](#) . You will have to pay a **filing fee**. The clerk will give you a hearing date.

The Order will not be valid unless it is personally served on the judgment debtor. It must be served by the:

- [Sheriff](#), or
- Licensed process server (check the Yellow Pages).

Provide the Sheriff or process server with:

- A copy of the Order.
- Written instructions of the name and address of the person to serve, best time of day to attempt service, and description of the person.
- Pay a fee for service (refer to [Sheriff website](#)); process server fees will vary.

The judgment debtor must also live within 150 miles from the court. If they live more than 150 miles away you must conduct the hearing at the court in the county where the judgment debtor resides. For more information on this process, contact the [Small Claims Advisor](#), [Small Claims clerk](#), or [staff at the court's Self-Help Center](#).

The judgment debtor has to pay you or go to the hearing. If they have not paid before the hearing then you have to go to the hearing. The judge will make the person who lost answer your questions about the property they have, how much money they make, and how much money they have in the bank. For sample questions that you may ask, go to the [California Courts website](#). If the judgment debtor does not appear for the hearing a bench warrant may be issued for their arrest. See the next section "How To Request a Bench Warrant".

How to Request a Bench Warrant

If the judgment debtor has been served with either: 1) an Order to Produce Statement of Assets and to Appear for Examination (see above "Requiring Production of the Statement of Assets"), or 2) an Application and Order for Appearance and Examination (see above "Hearing to Disclose Assets"). Their appearance at the hearing is mandatory. If the judgment debtor does not appear, the Judge may order a bench warrant for their arrest.

It is your responsibility to have the bench warrant "issued" to the Sheriff for enforcement. To do this:

- Read the [Civil Bench Warrant Instructions \(L-1166\)](#) .
- Fill out the Sheriff Instructions Sheet on the [Civil Bench Warrant Instruction \(L-1166\)](#) .
- Fill out the [Bench Warrant \(L-0525\)](#) .
- Include a check payable to the Sheriff for their **fee for service of a "CCP 708.170 warrant"**.
- Submit the check, Sheriff Instructions, and Bench warrant to the clerk at the Justice Center where your case is filed.

Memorandum of Costs, Credit, and Interest

If you have to use legal proceedings to collect your money, you will have to pay court fees, service fees, and Sheriff fees (costs). You can add most of these extra costs to your original judgment as long as you do so within 2 years from when they were incurred. You can also claim interest at 10% annually from the date of the judge's decision. Lastly, you can acknowledge any payments that the judgment debtor has made on the judgment.

First fill out the first page of a [Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest \(MC-012\)](#) . For more information on how to compute interest, check the [California Courts website](#).

Next, have someone mail or hand deliver a copy of the Memorandum to the judgment debtor. Then have the person complete the proof of service document on the back of the form. You must then file the form with the court. The judgment debtor who lost will have 10 days to file a motion to dispute some or all of the costs. If no motion is filed, the clerk will add the costs to the judgment. If they file a motion, you will get a notice of hearing about the motion. The court will decide if you should get paid for the costs you claimed.

Levying (Seize) Assets Using a Writ of Execution

If the judgment debtor has not paid you and more than 30 days have elapsed since the clerk mailed the [Notice of Entry of Judgment](#) and no "[Motion to Vacate Judgment](#)" or "[Notice of Appeal](#)" has been filed, you may levy (seize) the assets of the judgment debtor. The two most common and inexpensive assets to levy on are wages and bank accounts. You must be able to tell the Sheriff the location of the employer and bank account. This information may be contained on the [Judgment Debtor's Statement of Assets \(SC-133\)](#) if the judgment debtor completed the form and mailed it to you within 30 days after judgment was entered. Or you may be able to find out on your own. Otherwise, you may first need to have a hearing to question the judgment debtor about the location of their assets (See above "[Requiring Production of the Statement of Assets or Hearing To Disclose Assets](#)").

A [Writ of Execution \(EJ-130\)](#) is a form you fill out and have issued by the clerk. It describes the details of the judgment. There is a **fee** to have the writ issued. You need to get a writ before you can use any of the 5 collection methods listed below. Before reading further, check the [California Courts website](#) on levying on assets of the judgment debtor.

The Writ of Execution will be issued for the amount of the judgment. However, the judgment debtor may owe less if they have made a payment or they may owe more due to the 1) accrual of interest or 2) court costs that you have spent after judgment has been entered in trying to collect your judgment. (see above "[Memorandum of Costs, Credit and Interest](#)")

NOTE: You do not have to file this form for the costs you will be spending for the court fees and Sheriff's fees for the current Writ of Execution you are requesting. Those costs will be automatically added. However, if you are claiming costs for a previous Writ or other costs spent to collect your judgment, you must wait 10 days after a copy of the Memorandum of Costs is mailed or given to the judgment debtor before those costs can be added to the current Writ of Execution you are requesting.

For more information on claiming a payment, interest, or costs see above "[Memorandum of Costs, Credit, and Interest](#)."

NOTE REGARDING SHERIFF DEPARTMENTS AND THEIR FEES:

All of the collection methods listed below may involve requesting the help of a Sheriff in the county where the asset or property is located. The Sheriff Instructions and Sheriff fees may vary from one county to another. If the Sheriff is successful in collecting your money, they will also collect their fee so that you are reimbursed. View more information about the Orange County Sheriff's [fees, locations, instruction forms and requirements](#).

SEIZE EARNINGS:

You can tell the Sheriff to take wages if you know where the judgment debtor works. An Earnings Withholding Order tells the judgment debtor's employer to give the Sheriff a portion of what they earn until the judgment is paid. The standard portion withheld is 25% of the net (after-tax) pay. The sheriff will give you the money.

You must:

- Complete a [Writ of Execution \(EJ-130\)](#) . Have it issued by the clerk and pay the **issuance fee** by submitting it to the court location where your case was filed or you may also submit the document by eFile.
- Complete an [Application for Earnings Withholding Order \(WG-001\)](#) .
- Complete a Sheriff Instruction form.
- Give these documents to the [Sheriff](#) along with their fee.

You will need to know the name and address of the employer of the judgment debtor so that the Sheriff can serve them with the forms. The employer must then respond to the Sheriff within 15 days confirming that the judgment debtor works there and how frequently they are paid.

The judgment debtor may challenge the seizure of their wages. For more information, see section "[Making Payment/Failure to Make Payment-Defendant.](#)"

SEIZE PERSONAL PROPERTY:

You can tell the Sheriff to take money from the bank account and give it to you. Or, you can get the Sheriff to take personal property, such as a vehicle, sell it, and give you the money. You must know the location of the property. The Sheriff's fees vary greatly depending on the property, ranging from approximately \$35.00 to levy (seize) a bank account to \$1,800.00 to seize and sell a vehicle. These costs will be added to the amount that the Sheriff collects, but there is no guarantee of collection. There may not be any money in the bank account, or the judgment debtor may owe more on the car than it is worth.

You must:

- Complete a [Writ of Execution \(EJ -130\)](#) . Have it issued by the clerk and pay the [issuance fee](#) by submitting it to the court location where your case was filed or you may also submit the document by eFile.
- Fill out Sheriff Instructions that describe the property and say where it is, and the name and address of the person or business that should get the Notice of Levy (example: name and address of bank).
- Give the Writ and Sheriff Instructions to the [Sheriff](#), along with their fee.

The judgment debtor may challenge the seizure of their bank account or personal property. For more information, see the section "[Making Payment/Failure To Make Payment - Defendant.](#)"

SEIZE MONEY OF A BUSINESS (TILL TAP):

If the judgment debtor is a business with a cash register, you can get the Sheriff to go to the business and take enough money out of the register to pay the judgment and the Sheriff's fee. This is a common collection method and not as expensive as putting a Sheriff's "keeper" in a business (see below).

You must:

- Complete a [Writ of Execution \(EJ-130\)](#) . Have it issued by the clerk and pay the [issuance fee](#) by submitting it to the court location where your case was filed or you may also submit the document by eFile.
- Fill out Sheriff Instructions, including the name and address of the business and the best time of day to do the "till tap."
- Give the Writ, Notice of Levy, and Sheriff Instructions to the [Sheriff](#) along with their fee. (If there is not enough money in the register to pay the judgment, you will have to pay another fee every time the sheriff goes back.)

The judgment debtor may challenge the seizure of their personal property. For more information, see section "[Making Payment/Failure to Make Payment-Defendant.](#)"

SEIZE THE MONEY AND PERSONAL PROPERTY IN THE DEBTOR'S BUSINESS ("KEEPER"):

If the judgment debtor is a business, you can get the sheriff to put someone (called a "keeper") in the business for a certain amount of time. They will collect money throughout the day until the time you have paid for is up or the judgment is paid. It is also possible to have the Sheriff sell the inventory of the business. The Sheriff's fees for a keeper can be expensive. The fees will be added to the amount that the Sheriff collects, but there is no guarantee of collection.

You must:

- Complete a [Writ of Execution \(EJ-130\)](#) . Have it issued by the clerk and pay the [issuance fee](#) by submitting it to the court location where your case was filed or you may also submit the document by eFile.
- Fill out Sheriff Instructions, including the name and address of the business and the date and hours you want the "keeper" to stay in the business.
- Give the Writ and Sheriff's Instructions to the [Sheriff](#) along with their fee.

The judgment debtor may challenge the seizure of their personal property. For more information, see section "[Making Payment/Failure to Make Payment-Defendant.](#)"

SELL LAND, BUILDINGS, OR RESIDENCE:

You may be able to seize and sell the judgment debtor's land, buildings, or residence. The process is complicated and costly. It is recommended that you consult an [attorney who specializes in the collection of civil judgments](#).

Recording a Lien on Land or Buildings

An Abstract of Judgment (EJ-001) puts a lien on any land, house or other building that the judgment debtor owns. If the person who lost sells the property with title insurance, you will be paid using the money from the sale. You have to pay to get an Abstract of Judgment from the court. You also have to pay to record it in every county where the person might own land. You do not have to provide the address of the property to lien, nor do you even need to know for certain that the judgment debtor owns property. The Abstract of Judgment will place a lien on any property that is in the name of the judgment debtor. A simple rule of thumb is to record a lien in the county where the judgment debtor resides or does business.

You must:

- Wait **30 days from the date of mailing of the Notice of Entry of Judgment**.
- Complete an [Abstract of Judgment \(EJ-001\)](#) . Have it **issued by the clerk and pay the issuance fee** by submitting it to the court location where your case was filed or you may also submit the document by eFile.
- **Give the original issued Abstract to the County Recorder and pay their recording fee.**
 - For more information, check the [Orange County Recorder](#) website.
 - If recording the Abstract of Judgment in a county other than Orange County, please check the appropriate County Recorder website for fees and procedures.

After the Abstract has been recorded, the County Recorder will return the document to you. Retain this document. You will need the recording information on it later in order to complete an acknowledgment of Satisfaction of Judgment after you have been paid in full. See below "What To Do After The Judgment is Paid" for more information.

Suspending a Driver's License

If your judgment is from a car accident on a California highway, and the judgment debtor caused the accident by driving, you can ask the have their driver's license suspended. If you are not sure if you can do this, look at item 10 on your Notice of Entry of Judgment.

If the judgment is over \$750:

- Wait 30 days from the date of mailing the Notice of Entry of Judgment.
- Fill out a [Certificate of Facts Re Unsatisfied Judgment \(DL 30\)](#) if the judgment is over \$750.
- File it with the clerk where your trial was held and pay the following fees: \$15.00 to issue the Certificate or Notice, plus \$25.50 to copy and certify the judgment which must be attached to the Certificate or Notice.
- The clerk will return the Certificate or Notice to you to file with the California Department of Motor Vehicles. For more information on DMV's address, fees, and procedures, click on the applicable form above.
- The driver's license will be suspended for 6 years.

If the judgment is \$750 or under:

- Wait 90 days from the date of mailing of the Notice of Entry of Judgment.
- Fill out a [Notice of Unsatisfied Judgment \(DL-17\)](#) if the judgment is \$750 or under.
- File it with the clerk where your trial was held and pay the following fees: \$15.00 to issue the Certificate or Notice, plus \$25.50 to copy and certify the judgment which must be attached to the Certificate or Notice.
- The clerk will return the Certificate or Notice to you to file with the California Department of Motor Vehicles. For more information on DMV's address, fees, and procedures, click on the applicable form above. The driver's license will be suspended 90 days.

Suspending A Professional License

If your judgment is against a person or business that must be licensed with the State of California Department of Consumer Affairs, such as a contractor or real estate agent, you may be able to suspend their professional license if your judgment is for damages resulting professional services.

For more information check the:

- [California State Contractors License Board](#)
- [California Department of Real Estate](#)
- [California Department of Consumer Affairs](#)

Do Not Use Illegal Ways to Collect Your Money

The person who owes you money is protected from abusive or unfair ways to collect the debt. Collection agencies and people who collect their own debts cannot:

- Lie or make misleading statements to collect a debt,
- Harass the person who owes them money,
- Ask for more than basic information about where the debtor is from another person,
- Tell the debtor's employer or other people that the debtor owes them money (except when you get an earnings withholding order), or
- Get in touch with the debtor before 8:00am or after 9:00pm or at any time or place that is not convenient.

For more information on this subject, check the [California Courts website](#).

How Long a Judgment Is Valid

You have 10 years to enforce your judgment. But, if you cannot collect the whole judgment in that time, you can get 10 more years to collect the debt.

File a form called [Application For and Renewal of Judgment \(EJ -190\)](#) and [Notice of Renewal of Judgment \(EJ-195\)](#) . You will have to pay a **fee**. If you cannot afford the fee, you can apply to the court to have the **fees waived**. You have to file before the first 10 years are up. The clerk will keep the original Application, but give you back the original Notice which has been "issued" by the clerk.

You cannot enforce the renewed judgment until you have the judgment debtor served with a copy of both the Application and Notice. You cannot serve your claim. Service must be performed by:

- Someone of your choosing not listed on the case who is at least 18 years old, or
- [Sheriff](#), or
- Licensed process server (check the internet or Yellow Pages).

Further:

- If you are serving a person (or people) —not a business or public entity— serve each person named in the judgment.
- If you are serving a business or public entity, read [How to Serve a Business or Public Entity \(SC-104C\)](#) .
- Service may be performed by serving the documents:
 - By mail. The server should complete the [Proof of Service by First Class Mail \(POS-030\)](#) .
 - In person. The server should complete the [Proof of Personal Service \(POS-020\)](#) .
- File the Proof of Service form(s) along with the original issued Notice of Renewal of Judgment with the clerk.

They have 30 days from the day they are served to file a motion to request that the Application be vacated or modified. At the expiration of this time you may enforce your judgment.

For more information on this subject, check the [California Courts website](#).

What to Do After a Judgment Is Paid

After you have been paid in full, you **must** file an "Acknowledgment of Satisfaction of Judgment." If you did not 1) record an Abstract of Judgment to place a lien on land and buildings or 2) file a Certificate of Facts Re: Unsatisfied Judgment to suspend the judgment debtor's driver's license, just fill out and file the form on the back of your [Notice of Entry of Judgment \(SC-130\)](#) .

If you did record an Abstract of Judgment, you have to file the form called [Acknowledgment of Satisfaction of Judgment \(EJ-100\)](#) . You will have to name every county where you recorded the Abstract and sign the form in front of a notary public. You must have the Acknowledgment recorded in each county where the Abstract of Judgment was recorded. The recorder will charge a fee. For further information check the [Orange County Recorder's website](#). For all other County Recorders, check their website.

If you filed a [Certificate of Facts Re: Unsatisfied Judgment](#) or [Notice of Unsatisfied Judgment](#) with the Department of Motor Vehicles you will need to sign the form mailed to you by **DMV** after you filed the Certificate with their Sacramento office. You must then give this form to the judgment debtor so that they may apply to have their driver's license reinstated.

You must also file the Acknowledgment of Satisfaction of Judgment with the court as described above. If you do not file the Acknowledgment, and the judgment debtor tells the court, you may be fined at least \$50 plus any damages caused to the debtor. For more information on this subject, check the [California Courts website](#).

What to Do If a Judgment Debtor Files Bankruptcy

Each of the 94 federal judicial districts in the United States handles bankruptcy matters, and in almost all districts, bankruptcy cases are filed in the Bankruptcy Court. Unlike your Small Claims case, bankruptcy cases are heard in the Federal court. Bankruptcy laws help people who can no longer pay their creditors get a fresh start by liquidating their assets to pay their debts, or by creating a repayment plan.

Bankruptcy laws also protect troubled businesses and provide for orderly distributions to business creditors through reorganization or liquidation. These procedures are covered under Title 11 of the United States Code (the Bankruptcy Code). The vast majority of cases are filed under the three main chapters of the Bankruptcy Code, which are Chapter 7, Chapter 11, and Chapter 13.

If you have been named as a creditor in a bankruptcy case, both the [California Courts website](#) and the [U.S. Bankruptcy Court website](#) contain basic information. In most circumstances the filing of bankruptcy prohibits creditors from taking any action to collect a debt, including a small claims judgment. You should consult an attorney, Small Claims Advisor, or the [court's Self-Help staff for advice](#).

How to Get More Information

If the person who lost will not pay, it can be complicated, expensive and take a lot of time to collect your money. You might want to talk to a lawyer or read a legal guide about how to enforce judgments before you try anything else. If you do not, you could waste time and money or do something illegal. For more information to help you understand the collections process go to the:

- [California Courts website](#)
- [What to Do After the Court Decides Your Small Claims Case \(SC-200-INFO\)](#)
- [Small Claims Advisory Program](#)
- [California Department of Consumer Affairs](#)
- [Small Claims Advisor, Superior Court Self-Help Centers or Small Claims Division Staff](#)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500	
PLAINTIFF: DEFENDANT:	
STIPULATION FOR TIME PAYMENTS (AFTER JUDGMENT)	CASE NUMBER: _____

Judgment was entered on the above case in the amount of \$ _____ on _____.

Balance of judgment still owing is \$ _____, plus costs of \$ _____, and interest of \$ _____, for a **Total** amount of \$ _____.

It is stipulated between the parties, that the total judgment amount still owing (as stated above) shall be payable at the rate of: \$ _____ per month beginning on (*date*) _____ and on the _____ day of each month thereafter until paid in full. If any payment is missed, then the entire balance becomes due immediately.

Enforcement of Judgment is stayed, unless a Declaration of Default in Payments is filed.

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 PLAINTIFF)

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

Name and Address of Court:

SMALL CLAIMS CASE NO.:

PLAINTIFF/DE MANDANTE (Name, street address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, street address, and telephone number of each):

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION

- 1. TO JUDGMENT DEBTOR (name):
2. YOU ARE ORDERED
a. to pay the judgment and file proof of payment...
b. to (1) personally appear in this court on the date and time shown...

Table with 5 columns: HEARING DATE / FECHA DEL JUICIO, DATE, DAY, TIME, PLACE, COURT USE. Rows 1, 2, 3.

If you fail to appear and have not paid the judgment, including postjudgment costs and interest, a bench warrant may be issued for your arrest... Si usted no se presenta y no ha pagado el monto del fallo judicial, inclusive las costas e intereses posteriores al fallo, la corte puede expedir una orden de detencion contra usted, declararle en desacato y ordenar clue pague multas.

3. This order may be served by a sheriff, marshal, or registered process server.

Date: (Signature of Judge)

APPLICATION FOR THIS ORDER

- A. Judgment creditor (the person who won the case) applies for an order requiring judgment debtor (the person or business who lost the case and owes money) to (1) pay the judgment or (2) personally appear in this court...
B. Judgment creditor states the following:
(1) Judgment debtor has not paid the judgment.
(2) Judgment debtor either did not file an appeal or the appeal has been dismissed...
(3) Judgment debtor either did not file a motion to vacate or the motion to vacate has been denied.
(4) More than 30 days have passed since the Notice of Entry of Judgment form was mailed or delivered to judgment debtor.
(5) Judgment creditor has not received a completed Judgment Debtor's Statement of Assets form from judgment debtor.
(6) The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.

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) (See instructions on reverse) (Declarant)

The county provides small claims advisor services free of charge.

INSTRUCTIONS FOR JUDGMENT CREDITOR

1. To set a hearing on an *Application for Order to Produce Statement of Assets and to Appear for Examination*, you must complete this form, present it to the court clerk, and pay the fee for an initial hearing date or a reset hearing date.
2. After you file this form, the clerk will set a hearing date, note the hearing date on the form, and return two copies or an original and one copy of the form to you.
3. You must have a copy of this form and a blank copy of the *Judgment Debtor's Statement of Assets* (form SC-133) personally served on the judgment debtor by a sheriff, marshal, or registered process server at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court. The law provides for a new fee if you reset the hearing.
4. If the judgment is paid, including all postjudgment costs and interest, you must immediately complete the *Acknowledgment of Satisfaction of Judgment* form on the reverse of the *Notice of Entry of Judgment* (form SC-130) and file a copy with the court.
5. You must attend the hearing unless the judgment has been paid.
6. This form is intended to be an easy tool to enforce your right to receive a completed *Judgment Debtor's Statement of Assets* (form SC-133). This form is not intended to replace the *Application and Order for Appearance and Examination* (form EJ-125), often called an "Order for Examination." The *Application and Order for Appearance and Examination* may still be used to enforce a small claims judgment if you are not seeking at the same time to make the debtor complete a *Judgment Debtor's Statement of Assets*.

JUDGMENT CREDITOR (the person or business who won the case) (*name*):

JUDGMENT DEBTOR (the person or business who lost the case and owes money) (*name*):

SMALL CLAIMS CASE NO.:

<p>NOTICE TO JUDGMENT DEBTOR: You <i>must</i> (1) pay the judgment or (2) appeal or (3) file a motion to vacate. If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.</p>	<p>AVISO AL DEUDOR POR FALLO JUDICIAL: Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad. Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

INSTRUCTIONS

The small claims court has ruled that you owe money to the judgment creditor.

1. You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
 - a. If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130 or SC-200) was mailed or handed to you by the clerk.
 - b. If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. The judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
2. Unless you **pay the judgment or appeal the judgment or file a motion to vacate**, you must fill out this form and mail it to the person who won the case within **30 days** after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk. Mailing this completed form does not stay enforcement of the judgment.
3. If you lose your appeal or motion to vacate, you must pay the judgment, including postjudgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
4. Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

- a. (*Corporation or partnership*) Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.
- b. (*Governmental agency*) Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

JUDGMENT DEBTOR'S STATEMENT OF ASSETS

EMPLOYMENT

1. What are your sources of income and occupation? (*Provide job title and name of division or office in which you work.*)
2. a. Name and address of your business or employer (*include address of your payroll or human resources department, if different*):

b. If not employed, names and addresses of all sources of income (*specify*):
3. How often are you paid?
 daily every two weeks monthly
 weekly twice a month other (*explain*):
4. What is your gross pay each pay period? \$
5. What is your take-home pay each pay period? \$
6. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (*specify*):

CASH, BANK DEPOSITS

7. How much money do you have in cash? \$
8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

Name and address of financial institution	Account number	Individual or joint?	Balance
a.			\$
b.			\$
c.			\$

PROPERTY

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

Make and year	License and vehicle identification (VIN) numbers	Value	Legal owner if different from registered owner	Amount owed
a.		\$		\$
b.		\$		\$
c.		\$		\$
d.		\$		\$

10. List all real estate owned in your name or jointly:

Address of real estate	Fair market value	Amount owed
a.	\$	\$
b.	\$	\$

OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

Description	Value	Address where property is located
a.	\$	
b.	\$	
c.	\$	

12. Is anyone holding assets for you? Yes. No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days? Yes. No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ _____, beginning on (*date*): _____. If you are unable to agree, you may also ask the court for permission to make installment payments by filing a *Request to Make Payments* (form SC-220).

15. 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)

Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.

CASH, BANK DEPOSITS

7. How much money do you have in cash? \$
8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

Name and address of financial institution	Account number	Individual or joint?	Balance
a.			\$
b.			\$
c.			\$

PROPERTY

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

Make and year	License and vehicle identification (VIN) numbers	Value	Legal owner if different from registered owner	Amount owed
a.		\$		\$
b.		\$		\$
c.		\$		\$
d.		\$		\$

10. List all real estate owned in your name or jointly:

Address of real estate	Fair market value	Amount owed
a.	\$	\$
b.	\$	\$

OTHER PERSONAL PROPERTY (*Do not list household furniture and furnishings, appliances, or clothing.*)

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

Description	Value	Address where property is located
a.	\$	
b.	\$	
c.	\$	

12. Is anyone holding assets for you? Yes. No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days? Yes. No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ _____, beginning on (*date*): _____. If you are unable to agree, you may also ask the court for permission to make installment payments by filing a *Request to Make Payments* (form SC-220).

15. 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)

Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.



Name and Address of Court:

SMALL CLAIMS CASE NO.

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING AND DECLARATION

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this case at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 4b below or you make an agreement with the person named in item 2 below.

Form box for item 1: a. Date: Time: Dept.: Div.: Room: b. Address:

2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

- a. Name of subpoenaing party: b. Telephone number: 3. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

PRODUCTION OF DOCUMENTS AND THINGS

(Complete item 4 only if you want the witness to produce documents and things at the trial or hearing.)

- 4. YOU ARE (item a or b must be checked): a. Ordered to appear in person and to produce the records described in the declaration on page two. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena. b. Not required to appear in person if you produce (i) the records described in the declaration on page two and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.



Date issued:

Clerk, by David H. Yamasaki, Deputy Clerk of the Court

(See reverse for declaration in support of subpoena)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**PROOF OF SERVICE OF SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING
AND DECLARATION**

1. I served this *Small Claims Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:
 - a. Person served (*name*):
 - b. Address where served:
 - c. Date of delivery:
 - d. Time of delivery:
 - e. Witness fees (*check one*):
 - (1) were offered or demanded and paid. Amount: \$ _____
 - (2) were not demanded or paid.
 - f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:
 - a. Not a registered California process server.
 - b. California sheriff, marshal, or constable.
 - c. Registered California process server.
 - d. Employee or independent contractor of a registered California process server.
 - e. Exempt from registration under Business & Professions Code section 22350(b).
 - f. Registered professional photocopier.
 - g. Exempt from registration under Business & Professions Code section 22451.
 - h. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

Date:

▶ _____
(SIGNATURE)

▶ _____
(SIGNATURE)

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

— Items continued from page 1—

21. **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):
- _____
- _____
- _____
22. **Notice of sale** has been requested by (name and address):
- _____
- _____
- _____
23. **Joint debtor** was declared bound by the judgment (CCP 989–994)
- a. on (date): _____ a. on (date): _____
- b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____ b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____
- _____
- c. additional costs against certain joint debtors (itemize):
- _____
24. (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)):**
- (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.
- (a) \$ _____ was the daily rental value on the date the complaint was filed.
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): _____
- b. Possession of personal property.
- If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. Description of property: _____

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 make a demand upon you for 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.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
NAME OF COURT: 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. I claim the following costs after judgment incurred within the last two years (*indicate if there are multiple items in any category*):

	Dates Incurred	Amount
a Preparing and issuing abstract of judgment		\$
b Recording and indexing abstract of judgment		\$
c Filing notice of judgment lien on personal property		\$
d Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (<i>specify county</i>):		\$
e Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
f Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
g Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$
h Other: _____ (<i>Statute authorizing cost</i>):		\$
i Total of claimed costs for current memorandum of costs (<i>add items a-h</i>)		\$

2. All previously allowed postjudgment costs: \$

3. **Total** of all postjudgment costs (add items 1 and 2): **TOTAL** \$

4. **Acknowledgment of Credit.** I acknowledge total credit to date (including returns on levy process and direct payments) in the amount of: \$

5. **Declaration of Accrued Interest.** Interest on the judgment accruing at the legal rate from the date of entry on balances due after partial satisfactions and other credits in the amount of: \$

6. 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).)

(Proof of service on reverse)

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 (*specify*):

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 mailing 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 (Name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

PLAINTIFF: _____

DEFENDANT: _____

CASE NUMBER: _____

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:
- a. Judgment debtor's
 - Name and last known address
 - _____
 - _____
 - b. Driver's license no. [last 4 digits] and state: Unknown
 - c. Social security no. [last 4 digits]: Unknown
 - d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):

- 2. Information on additional judgment debtors is shown on page 2.
- 3. Judgment creditor (name and address):
- 4. Information on additional judgment creditors is shown on page 2.
- 5. Original abstract recorded in this county:

- a. Date:
- b. Instrument No.:

Date: _____
(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

- 6. Total amount of judgment as entered or last renewed: \$ _____
- 7. All judgment creditors and debtors are listed on this abstract.
- 8. a. Judgment entered on (date): _____
b. Renewal entered on (date): _____
- 9. This judgment is an installment judgment.
- 10. An execution lien attachment lien is endorsed on the judgment as follows:
 - a. Amount: \$ _____
 - b. In favor of (name and address): _____
- 11. A stay of enforcement has
 - a. not been ordered by the court.
 - b. been ordered by the court effective until (date): _____
- 12. a. I certify that this is a true and correct abstract of the judgment entered in this action.
b. A certified copy of the judgment is attached.

[SEAL]

This abstract issued on (date): _____

Clerk, by _____, Deputy

PLAINTIFF: DEFENDANT:	COURT CASE NO.:
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NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

17. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

20. Continued on Attachment 20.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF : STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER:
APPLICATION FOR EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NUMBER:

TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF:
OR ANY REGISTERED PROCESS SERVER

1. The judgment creditor (*name*): _____ requests
issuance of an Earnings Withholding Order directing the employer to withhold the earnings of the judgment debtor (employee).
 Name and address of employer _____ Name and address of employee _____
2. The amounts withheld are to be paid to _____ Social Security no. on form WG-035 unknown
 a. The attorney (or party without an attorney) named at the top of this page. b. Other (*name, address, and telephone*): _____
3. a. Judgment was entered on (*date*): _____
 b. Collect the amount directed by the Writ of Execution unless a lesser amount is specified here: \$ _____
4. Check any that apply:
 a. The Writ of Execution was issued to collect delinquent amounts payable for the **support** of a child, former spouse, or spouse of the employee.
 b. The Writ of Execution was issued to collect a judgment based entirely on a claim for elder or dependent adult financial abuse.
 c. The Writ of Execution was issued to collect a judgment based in part on a claim for elder or dependent adult financial abuse. The amount that arises from the claim for elder or dependent adult financial abuse is (*state amount*): \$ _____
5. Special instructions (*specify*): _____
6. Check a or b:
 a. I have not previously obtained an order directing this employer to withhold the earnings of this employee.
 —OR—
 b. I have previously obtained such an order, but that order (*check one*):
 was terminated by a court order, but I am entitled to apply for another Earnings Withholding Order under the provisions of Code of Civil Procedure section 706.105(h).
 was ineffective.

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

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 (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	LEVYING OFFICER (<i>Name and address</i>):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NO.: _____ COURT CASE NO.: _____
EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.	

EMPLOYER: Enter the following date to assist your recordkeeping.
Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer

Name and address of employee

Social Security No. on form WG-035 unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on reverse of this form*). Pay the withheld sums to the **levying officer** (*name and address above*).

If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions (form WG-003)*** within 10 days after receiving this order.

Complete both copies of the form *Employer's Return (form WG-005)* and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the 10th day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 10th day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (*date*):

The judgment creditor (*if different from the plaintiff*) is (*name*):

4. The **INSTRUCTIONS TO EMPLOYER** on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE)
 LEVYING OFFICER REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

**INSTRUCTIONS TO EMPLOYER ON
EARNINGS WITHHOLDING ORDERS**

WG-002

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the state minimum wage is \$9.00 per hour, for different amounts of *disposable earnings* (as described in the Computation Instructions) and different pay periods. If the minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

MAXIMUM WITHHOLDING FROM DISPOSABLE EARNINGS BY PAY PERIOD

MINIMUM WAGE: \$9.00 per hour

(Beginning July 1, 2014)

Daily or Weekly	Every Two Weeks	Twice a Month	Monthly
\$360.00 or less in workweek: No withholding	\$720.00 or less: No withholding	\$780.00 or less: No withholding	\$1560.00 or less: No withholding
From \$360.01 to \$450.00: Amount above \$360.00	From \$720.01 to \$900.00: Amount above \$720.00	From \$780.01 to \$975.00: Amount above \$780.00	From \$1560.01 to \$1950.00: Amount above \$1560.00
\$450.01 or more: 25% of disposable earnings	\$900.01 or more: 25% of disposable earnings	\$975.01 or more: 25% of disposable earnings	\$1950.01 or more: 25% of disposable earnings

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$1000 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$250.

The chart below is based on the state minimum wage that is in effect on July 1, 2014. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

IMPORTANT WARNINGS

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.

IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

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WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

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The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the state minimum wage is \$8.00 per hour, for different amounts of *disposable earnings* (as described in the Computation Instructions) and different pay periods. If the minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

MAXIMUM WITHHOLDING FROM DISPOSABLE EARNINGS BY PAY PERIOD

MINIMUM WAGE: \$8.00 per hour

(Beginning July 1, 2013)

Daily or Weekly	Every Two Weeks	Twice a Month	Monthly
\$320.00 or less in workweek: No withholding	\$640.00 or less: No withholding	\$693.33 or less: No withholding	\$1386.67 or less: No withholding
From \$320.01 to \$426.66: Amount above \$320.00	From \$640.01 to \$853.32: Amount above \$640.00	From \$693.34 to \$924.39: Amount above \$693.33	From \$1386.68 to \$1852.36: Amount above \$1386.67
\$426.67 or more: 25% of disposable earnings	\$853.33 or more: 25% of disposable earnings	\$924.40 or more: 25% of disposable earnings	\$1852.37 or more: 25% of disposable earnings

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$1000 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$250.

The chart below is based on the state minimum wage that is in effect on July 1, 2013. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

IMPORTANT WARNINGS

- IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
- IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.

IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

EMPLOYEE INSTRUCTIONS

-NOTICE-

**IMPORTANT LEGAL NOTICE TO EMPLOYEE
ABOUT EARNINGS WITHHOLDING ORDERS**
(Wage Garnishment)

The **Earnings Withholding Order** requires your employer to pay part of your earnings to the sheriff or other levying officer. The levying officer will pay the money to a creditor who has a court judgment against you. The information below may help you protect the money you earn.

-NOTICIA-

**NOTICIA LEGAL IMPORTANTE RESPECTO
A LAS ÓRDENES DE RETENCIÓN DE SUELDO**

La **Orden de Retención de Sueldo** requiere que su empleador pague una parte de su sueldo a un oficial de embargo. El oficial le pagará el dinero retenido a su acreedor que ha conseguido una decisión judicial en contra de usted. Pida usted que un amigo o su abogado le lea este papel oficial. Esta información le puede ayudar a proteger su sueldo.

CAN YOU BE FIRED BECAUSE OF THIS?

NO. You cannot be fired unless your earnings have been withheld before for a different court judgment. If this is the first judgment for which your wages will be withheld and your employer fires you because of this, the California Labor Commissioner, listed in the phone book of larger cities, can help you get your job back.

HOW MUCH OF YOUR PAY WILL BE WITHHELD?

The reverse of the Earnings Withholding Order (abbreviated in this notice as EWO) that applies to you contains Employer Instructions. These explain how much of your earnings can be withheld. Generally, the amount is about 25% of your take home pay until the amount due has been withheld. The levying officer will notify the employee of an additional assessment charged for paying out money collected under this order and that amount will also be withheld.

If you have trouble figuring this out, ask your employer for help.

IS THERE ANYTHING YOU CAN DO?

YES. There are several possibilities.

1. See an attorney. If you do not know an attorney, check with the lawyer referral service or the legal aid office in your county (both are listed in the yellow pages under "Attorneys").
An attorney may be able to help you make an agreement with your creditor, or may be able to help you stop your earnings from being withheld. You may wish to consider bankruptcy or asking the bankruptcy court to help you pay your creditors. These possibilities may stop your wages from being withheld.
An attorney can help you decide what is best for you. Take your **EWO** to the attorney to help you get the best advice and the fastest help.
2. Try to work out an agreement yourself with your creditor. Call the creditor or the creditor's attorney, listed on the **EWO**. If you make an agreement, the withholding of your wages will stop or be changed to a smaller amount you agree on. *(See item 4 on the reverse for another way to make an offer to your creditor.)*
3. You can ask for an EXEMPTION. An exemption will protect more, or maybe even all of your earnings. You can get an exemption if you need your earnings to support yourself or your family, **but you cannot get an exemption if:**
 - a. You use some of your earnings for luxuries and they aren't really necessary for support; **OR**
 - b. You owe money to an attorney because of a court order in a family law case; **OR**
 - c. You owe the debt for past due child support of spousal support (alimony); **OR**
 - d. You owe the debt to a former employee for wages.

HOW DO YOU ASK FOR AN EXEMPTION?

(See the other side of this form for instructions about claiming an exemption.)

HOW DO YOU ASK FOR AN EXEMPTION?

1. Call or write the levying officer for three (3) copies each of the forms called "Claim of Exemption" and "Financial Statement." These forms are free. The name and address of the levying officer are in the big box on the right at the top of the **EWO**.
2. Fill out both forms. On the forms are some sentences or words which have boxes in front of them. The box means the words which follow may not apply to your case. If the words do apply, put a check in the box.

Remember, it is **your** job to prove with the Financial Statement form that your earnings are needed for support. Write down the details about your needs.
3. For example, if your child has special medical expenses, tell which child, what illnesses, who the doctor is, how often the doctor must be visited, the cost per visit, and the costs of medicines. These details should be listed in item 6. If you need more space, put "See attachment 6" and attach a typed 8½ by 11 sheet of paper on which you have explained your expenses in detail.
4. You can use the Claim of Exemption form to make an offer to the judgment creditor to have a specified amount withheld each pay period. Complete item 3 on the form to indicate the amount you agree to have withheld **each pay day during the withholding period**. (Be sure it's less than the amount to be withheld otherwise.) If your creditor accepts your offer, he will not oppose your claim of exemption. (See (1) below.)
5. Sign the Claim of Exemption and Financial Statement forms. Be sure the Claim of Exemption form shows the address where you receive mail.
6. Mail or deliver two (2) copies of each of the two forms to the levying officer. Keep one copy for yourself in case a court hearing is necessary.

Do not use the Claim of Exemption and Financial Statement forms to seek a modification of child support or alimony payments. These payments can be modified only by the family law court that ordered them.

FILE YOUR CLAIM OF EXEMPTION AS SOON AS POSSIBLE FOR THE MOST PROTECTION.

ONE OF TWO THINGS WILL HAPPEN NEXT

- (1) The judgment creditor will not oppose (object to) your claim of exemption. If this happens, after 10 days the levying officer will tell your employer to stop withholding or withhold less from your earnings. The part (or all) of your earnings needed for support will be paid to you or paid as you direct. And you will get back earnings the levying officer or your employer were holding when you asked for the exemption.

—OR—

- (2) The creditor will oppose (object to) your claim of exemption. If this happens, you will receive a Notice of Opposition and Notice of Hearing on Claim of Exemption, in which the creditor states why your exemption should not be allowed. A box in the middle of the Notice of Hearing tells you the time and place of the court hearing which will be in about ten days. Be sure to go to the hearing if you can.

If the judgment creditor has checked the box in item 3 on the Notice of Hearing on Claim of Exemption, the creditor will not be in court. If you are willing to have the court make its decision based on your Financial Statement and the creditor's Notice of Opposition, you need not go to the hearing.

The Notice of Opposition to Claim of Exemption will tell you why the creditor thinks your claim should not be allowed. If you go to the hearing, take any bills, paycheck stubs, cancelled checks, or other evidence (including witnesses) that will help

you prove your Claim of Exemption and Financial Statement are correct and your earnings are needed to support yourself or your family.

Perhaps you can even prove the Notice of Opposition is wrong. For example, perhaps the Notice of Opposition states that the judgment was for wages for a past employee. You may be able to provide evidence that the person was not an employee or that the debt was not for wages.

If the judge at the hearing agrees with you, your employer will be ordered to stop withholding your earnings or withhold less money. The judge can even order that the **EWO** end before the hearing (so you would get some earnings back).

If the judge does not agree with you, the withholding will continue unless you **appeal to** a higher court. The rules for appeals are complex so you should see an attorney if you want to appeal.

If you have one court hearing, you should not file another Claim of Exemption about the same **EWO** unless your finances have gotten worse in an important way.

If your **EWO** is to be changed or ended, the levying officer must sign the notice to your employer of the change. He may give you permission to deliver it to the employer, or it can be mailed.

WHAT HAPPENS TO YOUR EARNINGS IF YOU FILE A CLAIM OF EXEMPTION?

Your employer must continue to hold back part of your earnings for the **EWO** until he receives a notice signed by the levying officer to change the order or end it early.

The levying officer will keep your withheld earnings until your Claim of Exemption is denied or takes effect. At that time your earnings will be paid according to the law that applies to your case.

REGARDING CHILD SUPPORT

If you are obligated to make child support payments, the local child support agency may help you to have an Order Assigning Salary or Wages entered. This order has the top priority claim on your earnings. When it is in effect, little or no money may be

available to be withheld for an **EWO**. And, if the local child support agency is involved in collecting this support from you, it may agree to accept less money if this special order is entered.

WHAT IF YOU STILL HAVE QUESTIONS?

If you cannot see an attorney, or don't want to see an attorney, you might be able to answer some of your questions by reading the law in a law library. Ask the law librarian to help you find sections 706.050 and 706.105 of the California Code of Civil Procedure. Other sections of the code, beginning with section 706.010 may also answer some of your questions.

Also, the office of the Wage and Hour Division of the U.S. Department of Labor may be able to answer some of your questions. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	COURT CASE NUMBER.:
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER FILE NUMBER.:
EMPLOYER'S RETURN (Wage Garnishment)	

EMPLOYER: You must complete both copies of this form and mail them to the levying officer within 15 days.

Please correct any errors in the mailing information above and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

Name and address of employer Name and address of employee

Attn: (Insert name above) Social Security No. on form WG-035 unknown

1. I received the Earnings Withholding Order on (date):
2. The employee is
 - a. not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - b. now employed by this employer and in the last pay period had gross earnings of: \$
3. The employee's pay period is
 - a. daily b. weekly c. every two weeks
 - d. twice a month e. monthly f. other (specify):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

(Continued on reverse)

SHORT TITLE: _____	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

- Wage and Earnings Assignment Order (for Support) _____ First priority
- Earnings Withholding Order for Support _____ Second priority
- Earnings Withholding Order for Taxes _____ Third priority
- Earnings Withholding Order for Elder or Dependent Adult Financial Abuse _____ Fourth priority
- Earnings Withholding Order _____ Fifth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4. This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (*on reverse of Earnings Withholding Order*).
5. The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
- a. The other order was received first. The other order was received on (*date*):
 - b. This order does not have higher priority.
 - c. A copy of the other order is attached. (*Retain original for your records. If a copy is not attached, complete item d.*)
 - d. A copy of the other order is NOT attached. *Describe the other order by providing the following information:*
 - (1) Court name, address, and case number:

 - (2) Levying officer name and address and file number:

 - (3) Total amount to be withheld: \$
6. This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

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)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

PLAINTIFF: DEFENDANT:	LEVYING OFFICER (Name and Address):
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):

- 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:
 - Judgment debtor (name): _____
 - The property to be levied upon is described
 - in the accompanying writ of possession or writ of sale.
 - as follows: _____
- The amount necessary to satisfy the judgment creditor's judgment is:

a. Total amount due (less partial satisfactions)	\$ _____
b. Levy fee	\$ _____
c. Sheriff's disbursement fee	\$ _____
d. Recoverable costs	\$ _____
e. Total (a through d)	\$ _____
f. Daily interest	\$ _____
- You are notified as
 - a judgment debtor.
 - 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
- mailed on (date): _____
 - delivered on (date): _____
 - posted on (date): _____
 - filed on (date): _____
 - recorded on (date): _____

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

Levying officer Registered process server

–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. You may claim any available exemption for your property. A list of exemptions is attached. **If you wish to claim an exemption for personal property, you must do so within 10 days after this notice was delivered to you or 15 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. **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.**
3. 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.
4. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
5. 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.
6. 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. You must complete the accompanying Memorandum of Garnishee.
3. 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 pursuant to sections 720.010–720.800 of the Code of Civil Procedure.
4. **Make checks payable to the levying officer.**



**ORANGE COUNTY SHERIFF'S DEPARTMENT
LEVY/GARNISHMENT INSTRUCTIONS**

DO NOT USE FOR EVICTIONS

<p>COURT CASE NO.: _____</p> <p>SHERIFF FILE NO.: _____</p> <p>JUDGMENT CREDITOR(S): _____</p> <p>_____</p> <p>JUDGMENT DEBTOR(S)(If the judgment debtor is other than a natural person, the type of legal entity must be stated: _____</p> <p>_____</p> <p>Issue Date of Writ _____</p> <p>Total Amount of Judgment \$ _____</p> <p><input type="checkbox"/> Sheriff to Serve</p> <p><input type="checkbox"/> Registered Process Server to Serve</p>	<p>The Writ Accompanying These Instructions is:</p> <p><input type="checkbox"/> An Original Writ, or a Copy of the Original Writ Issued by the Court as an Electronic Writ, Not Already in Possession of the Levying Officer</p> <p><input type="checkbox"/> A Copy of the Original Writ Already in Possession of the Levying Officer</p> <p><input type="checkbox"/> An Original Writ (Non Electronic)</p> <p><input type="checkbox"/> (Registered Process Servers Only) A copy of the Original Writ for the sole purpose of opening a Levying Officer file prior to the levy.</p> <p>Property is a Dwelling YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><input type="checkbox"/> Property is Real Property (Ex. House or Apt)</p> <p><input type="checkbox"/> Property is Personal Property (Ex. Mobile Home or Boat)</p>
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YOU ARE HEREBY INSTRUCTED TO: (Check Appropriate Column)

- LEVY ON BANK ACCOUNT OF JUDGMENT DEBTOR
- PLACE KEEPER IN JUDGMENT DEBTOR'S BUSINESS 8 HOURS Open End
- TILL TAP
- VEHICLE LEVY
- PERSONAL PROPERTY LEVY
- GARNISHMENT
- EARNINGS (WAGE) LEVY (Application for Earnings Withholding Order must be Included)
- OTHER LEVY: _____

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—whichever applies per box(es) marked above.)

BANK LEVIES ONLY: Account Number (if known): _____

ACCEPTING AMOUNT: To instruct us to accept LESS THAN the amount shown on the writ, plus interest and costs, indicate the lesser amount here: \$ _____

SEE PAGE 2 OF THIS FORM FOR ADDITIONAL REQUIRED INFORMATION



**ORANGE COUNTY SHERIFF'S DEPARTMENT
LEVY/GARNISHMENT INSTRUCTIONS**

X _____
Type or print name of Attorney / Litigant

X _____
Signature of Attorney/Litigant

Daytime Telephone Number: () _____

Email : _____

ALL COMMUNICATION, REFUNDS DUE AND COLLECTIONS WILL BE DIRECTED TO THE NAME AND ADDRESS LISTED BELOW: (Print clearly and carefully)

***NOTE: PLEASE DO NOT TELEPHONE THE OFFICE FOR A STATUS ON YOUR CASE. WE WILL NOTIFY YOU BY MAIL ON THE OUTCOME OF THE SERVICE**