

INSTRUCTIONS FOR REAL PROPERTY LEVY

CCP §262 & 687.010

Case Name _____ v. _____ Case No. _____
Plaintiff Defendant

Provide the original writ and 5 copies, 1 legible copy of the legal description of the property including the Assessor's parcel number, and a \$300 fee deposit payable to the Alameda County Sheriff. All references to judgment debtor also refer to defendant if levy is under a writ of attachment.

Writ of Execution (money judgment) Does the real property contain a dwelling? Yes No

Writ of Sale - Attach a certified copy of the judgment for sale as required by CCP § 716.010(c).

- Is the judgment pursuant to a judicial foreclosure? Yes No
- If the judgment is a foreclosure of a mortgage or deed of trust pursuant to CCP § 726 et seq., has a deficiency judgment been ordered, or may it be ordered? Yes No

If a deficiency judgment may be ordered, the property under foreclosure of a mortgage or deed of trust will be sold subject to the right of redemption. Please include a list of lien holders and a list of state tax lien amounts and dates. CCP sections 701.540(h) & 729.010(a)(b)(3).

Check here if there are no lien holders of record.

Check here if there are no state tax liens of record.

Writ of Attachment - Provide five copies of the Right to attach Order and one copy of the undertaking or bond. If this levy is pursuant to an ex-parte writ of attachment, and the defendant has not been previously served with a copy of the summons and complaint, you are required, pursuant to CCP §488.020(c), to instruct* the levying officer to serve a copy of the summons and complaint on the defendant at the time the writ is served. Please provide two copies of the summons and complaint for each defendant to be served. Was the defendant previously served with the summons and complaint? Yes No.*

* Instruct the Sheriff to serve a copy of the summons and complaint upon the defendant.

If the writ was issued upon noticed hearing, was the defendant present at the hearing for the issuance of the writ?

Yes No.

The defendant **does** **does not** have an attorney of record. If the defendant has an attorney of record, complete the following pursuant to CCP §482.070(e):

Name of Defendant's Attorney: _____

Address of Defendant's Attorney: _____

The Sheriff is directed to levy (and sell, if writ is post judgment), the interest of the following judgment debtor. The judgment debtor listed below IS IS NOT the record owner of the real property.

1. Name: _____

Mailing Address: _____

2. Name: _____

Mailing Address: _____

Additional judgment debtors are listed on attached sheet.

The real property in which the judgment debtor's interest is being levied upon is described as follows:
 Common Street Address and City (if applicable): _____
 If the real property is unimproved land, include a parcel map and instructions how to locate the property for posting purposes.

The legal description must be typed on plain white paper and be clear enough for recording purposes.

Please check the appropriate box in response to the following questions:

Is the real property a leasehold interest pursuant to CCP §695.035? Yes No
If yes, how many years are remaining on the lease? _____

Does the judgment debtor's interest in the real property stand upon the county records in the name of a third party?
Yes No If yes, list the name(s) and address(es) of the third person(s).
(Third party means the person to whom the judgment debtor transferred his/her interest in the real property to subsequent to the recordation of your abstract or *lis pendens*.) [*Lis pendens*; a pending lawsuit; filed with the County Recorder to place a lien on real property prior to an actual court ordered judgment.]

1. Name(s): _____
Mailing Address: _____

2. Name(s): _____
Mailing Address: _____

Additional names and addresses of third persons are listed on attached sheet.

NOTICE: All communications, refunds, and collections will be made to the name and address listed below:

X _____
 Signature of attorney (or creditor without an attorney) Date

 PRINT Name of attorney and law firm (or creditor without an attorney)

 Address City Zip Code

TEL () _____ Ext. _____ FAX () _____

E-mail: _____

Additional Instructions provided on attached sheet.