



SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

CIVIL ENFORCEMENT BUREAU

400 County Government Center, Redwood City, CA 94063

(650) 363-4497 • Fax (650) 363-4833

3rd Party/Bank/Deposit Account Writ of Execution Sheriff Instructions & Worksheet

<p>Court Document(s) Required:</p>	<p><i>Our Office requires bank levies to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140. Prior to the levy, the RPS must open a file with our office and deposit with the Sheriff:</i></p> <ul style="list-style-type: none">▪ A copy of the Writ of Execution (form EJ 130)▪ A copy of the Notice of Levy (form EJ 150)▪ Required Fees▪ One copy of any “<i>If applicable</i>” document(s) listed below▪ Original letter of instructions signed and dated by judgment creditor’s attorney or the judgment creditor if the judgment creditor does not have an attorney. <p>When opening a file with our office, the RPS must have in his/her possession the levy packet which consists of the following:</p> <ul style="list-style-type: none">▪ Original Writ of Execution—Money Judgment (form EJ-130)▪ Notice of Levy▪ Memorandum of Garnishee▪ List of exemptions per Code of Civil Procedure §681.030(c) if the defendant is a natural person▪ Spousal Affidavit (Original and two copies)—<i>If applicable</i>▪ Court order authorizing a levy on a third person’s bank account (Original and two copies)—<i>If applicable</i>▪ Affidavit of identity filed with the court (three copies)—<i>If applicable</i>
<p>Letter of Instruction</p>	<p>Specify the name and address of the branch of the financial institution (bank, credit union, etc.) where the debtor’s account is located. Specify the name of the debtor whose account is to be levied and social security number, if available. Reference any additional documents: affidavit of identity, spousal affidavit, fictitious business name statements, court order to levy on a third party’s account affidavit of identity. Specify the name and address of the person or designee who is to receive correspondence and/or payments.</p> <p>The letter of instruction should also reference that a registered</p>

	<p>process server/company has been instructed to perform the levy of the writ of execution. Please include the name, address and telephone number of server.</p> <p>The judgment creditor's attorney or the judgment creditor (if the judgment creditor does not have an attorney) must sign and date the instructions.</p>
Time of Service	The Writ of Execution expires 180 days after issuance.
Method of Levy	<p>The method of levy is the service on the debtor's bank account directing the bank to remit any monies held to the Sheriff towards satisfying a money judgment. <i>Bank levies in San Mateo County must be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140.</i> Prior to the levy, the RPS must open a file with our office with required fees. After levy, the RPS must file with the Sheriff within five (5) days the following:</p> <ul style="list-style-type: none"> ▪ Original Writ of Execution ▪ Affidavit stating the manner of levy performed ▪ Proof of service and notice on other persons ▪ Original letter of instructions <p>If required fees have been received by the Sheriff, the Sheriff will perform all other duties under the Writ of Execution and return the writ to the court with an accounting of action taken. A copy of the bank's response to the levy (Memorandum of Garnishee) will be mailed to the judgment creditor's attorney or the judgment creditor, if the judgment creditor is not represented by an attorney.</p>
Fees	<p>\$40.00 per service.</p> <p>\$135.00 for opening each safety deposit box.</p>
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Bureau staff which accompanies the original Writ of Execution, when it is returned to the court.

Registered Process Server (RPS) Check List:

- \$40.00 fee for each bank levy.
- \$135.00 for opening each safety deposit box.
- Original letter of instructions signed and dated by the judgment creditor's attorney or the judgment creditor (if the judgment creditor does not have an attorney).
- Original Writ of Execution—Money Judgment (form EJ-130)
- Notice of Levy
- Memorandum of Garnishee

↓*Bank Levy worksheet continued on next page*↓
Use SMSO SH CIV-202 Bank Levy worksheet as a guide and submit with packet.

San Mateo County Sheriff's Office Civil Bureau

400 County Center, Redwood City, CA 94063 650-363-4497

RECEIVED – For Office Use Only

Date: _____ Time: _____ Initials _____
 window mail check waiver other _____

3rd Party / Bank Levy (Deposit Account) Worksheet

Writ of Execution: CCP 700.140, 700.150, 700.160 // Writ of Attachment: CCP 488.455, 488.460, 488.465

This worksheet is to be used as a guide and is not a substitute for the letter of instruction

1. To the Sheriff of San Mateo County, pursuant to the attached Writ: **CHECK ONE**

- You are instructed to serve the levy as described below.
 A Registered Process Server (RPS) will serve the levy as described below.
Name and phone number of RPS: _____

2. WHAT TYPE OF WRIT DO YOU HAVE? **CHECK ONE**

- Writ of Execution - Money Judgment (EJ-130).**
The information required on a Writ of Execution Money Judgment (EJ-130) is specified in CCP 699.520.
 Writ of Attachment (AT-135). Also include the Right to Attach Order and Undertaking, if one was ordered.
The information required on a Writ of Attachment (AT- 135) is specified in CCP 488.010.

3. Whose property you want us to levy?

The names listed below must match the names exactly as they appear on the writ, or the Sheriff will not act upon your instructions.

1st Judgment Debtor: _____

Address for mail service: _____

2nd Judgment Debtor: _____

Address for mail service: _____

- Check if additional judgment debtors. List them on the back of this page.

4. Financial Institution:

Name of financial institution: _____

Address of financial institution: _____

- Check if additional financial institutions. List them on the back of this page.

5. Property Description: **CHECK ONE** Property must be listed on the Writ of Attachment and Right to Attach Order.

- Levy upon any and all deposit accounts standing in the name (s) of the judgment debtor (s) listed above.

Other: _____

6. Enclosures: **CHECK ALL THAT APPLY**

- Affidavit of identity Spousal affidavit Unexpired certified copy of a fictitious business name statement Other:

7. Your Information

Your Name: _____ Phone: _____

Your address: _____

Signature: _____ Date: _____

NOTE: Levies are executed in the order received. We do not promise to levy on specific dates or times.

Returned paperwork: Paperwork will be returned unprocessed if the writ is incomplete, if the writ is missing required information, if the writ is invalid on its face or if the letter of instruction is unclear or insufficient. Any changes or corrections made to a writ after it is issued by the court must be initialed by the court clerk. The Sheriff will not act upon the writ otherwise.

Civil Clerk: Papers reviewed and returned by: _____ Date: _____ Reason: _____