



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

Business Levy (8 Hour - Keeper) Writ of Execution Sheriff Instructions & Worksheet

Court Document(s) Required:	<p><i>Our Office requires bank garnishments to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140.</i></p> <p>Prior to the levy, the RPS must open a file with our office and deposit with the Sheriff:</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>▪ Fictitious Business Name Statement (Certified Copy plus 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>
Letter of Instruction	Specify the name and address of the debtor’s business and the nature and length of the levy. If seizure and sale is requested, specify exactly what is to be seized and sold (inventory, equipment, etc.) Please identify the nature of the business and any hazards, if known. The judgment creditor’s attorney or the judgment creditor (if the judgment creditor does not have an attorney) must sign and date the instructions.
Time of Service	The Writ of Execution expires 180 days after issuance.

Method of Levy	The method of levy is seizure of assets by placing a Sheriff's Keeper in the business to prevent removal of property and to collect sales proceeds for payment to the judgment creditor. The Sheriff collects sales revenue and prevents removal of property or assets from the debtor's business for an 8-hour period. The maximum period of time a Keeper levy can be maintained is ten (10) days. The judgment creditor has the option of requesting the seizure, removal to storage and sale of tangible personal property of the business upon providing written and signed direction and deposit of Sheriff's costs. After levy, the Sheriff will submit a report to the judgment creditor/attorney detailing actions taken and any monies collected.
Fees	8 Hours - \$240 48 hours - \$1,200 - *Deposit only additional fees may be required
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Execution when it is returned to the court.

Use SMSO SH CIV-203 Keeper Levy instructions as a guide and submit with letter of instruction.

What is Required Check List:

- 8-hour Keeper: \$240.00 fee per day **OR**
- Seize and sell (48 hour Keeper):
- \$1,200 initial fee and deposit plus costs to inventory, move, store and sell property.
- Original Writ of Execution plus two copies
- 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).
- Can be submitted in person or via mail
- Submit to Sheriff no later than 150 days after issuance of Writ

↓*Keeper Levy worksheet continued on next page*↓

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 _____

Keeper Levy Worksheet

Writ of Execution: CCP 700.070

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

To the Sheriff of San Mateo County, pursuant to the attached Writ, you are instructed to Levy upon any and all property of the named debtor as described herein, which is in the possession or control of the debtor at the address listed in **item 5** below.

Court Number: _____

Your File Number: _____

INDICATE TYPE OF KEEPER: CHECK ONE

1. **CASH AND CHECK PROCEEDS ONLY**, CCP 700.070 (c). Place a Keeper in charge of the debtor's business for 8 12 or 24 hours each day (excluding weekends) for _____ days. At the end of each keeper period, you are instructed to take exclusive custody of the cash and checks, release the keeper and leave the business.

2. **CASH AND CHECK PROCEEDS AND TANGIBLE PERSONAL PROPERTY**, CCP 700.070 (b). Place a Keeper in charge of the debtor's business for 8 12 or 24 hours each day (excluding weekends) for _____ days. The Keeper shall take the tangible personal property into exclusive custody at the earliest of the following times:

- At any time the debtor objects to placement of a Keeper in charge of the business. (CCP 700.070 (b) (1))
- At any time when requested by the creditor. (CCP 700.070 (b) (2))
- At the end of 10 days from the time the Keeper is placed in charge of the business. (CCP 700.070 (b) (3))

If the judgment debtor objects to the placement of the keeper, you are instructed to:

- 2a. Seize all cash and checks, release all other tangible personal property, release the levy, keeper and leave.
- 2b. Seize all cash, checks and tangible personal property and move, store and sell (writ of execution only) the tangible personal property of the judgment debtor's business

Unless otherwise instructed, at the end of the keeper period, you are instructed to seize all cash, checks and tangible personal property and move, store and sell (writ of execution only) the tangible personal property of the judgment debtor's business. **NOTE: A minimum deposit of \$2,000.00** is required to take exclusive custody of tangible personal property, pending further quotation. The levying officer will not take exclusive custody of property unless the judgment creditor provides this deposit along with an estimate of moving and storage costs (CCP 685.100).

Deposit enclosed. Cost estimate enclosed.

3. **"TILL TAP" ONLY**, CCP 700.070 (c). Place a Keeper in the debtor's business to take immediate custody all cash and checks on hand, then release the Keeper and leave the business. A Keeper will not be placed in charge of the business.

4. **Name(s) of the Judgment Debtor(s)** whose property is subject to this levy. The names listed below must match the names exactly as they appear on **lines 4 and 21 of the writ**, or the Sheriff will not act upon your instructions.

5. **Business Address:** _____

6. **Business License Name(s) (REQUIRED)** _____

7. **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: _____
SH CIV-203 (0712)