



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

Real Property Levy Writ of Attachment Sheriff Instructions & Worksheet

<p>Court Document(s) Required:</p>	<p><i>Our Office requires real property attachment levies to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 488.080, § 488.315 and § 700.015. 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">• Original Letter of Instructions per Code of Civil Procedure § 488.030• A copy of the Writ of Attachment (form AT 135)• A copy of the Right to Attach Order/Order of Issuance (forms AT 120, AT 125 or AT 130)• Notice of Attachment (form AT 165)• Copy of Undertaking per Code of Civil Procedure § 489.210 and § 489.220• Copy of the Summons and Complaint (form 982a16) if not already served• Legal Description of each parcel as it appears on the deed. Must be on an 8 ½ X 11 sheet of paper alone. NO letterhead. Must be clear and legible, to include APN.• Required Fees <p>The RPS must have in his/her possession the levy packet upon opening a file with our office which consists of the following:</p> <ul style="list-style-type: none">• Original Writ of Attachment (form AT 135)• Right to Attach Order (form AT 120, AT 125 or AT 130)• Notice of Attachment (form AT 165)• Undertaking per Code of Civil Procedure § 489.210 or• Undertaking by Personal Sureties (form AT 160 or CD 140)• Summons and Complaint (form 982a16) if they have not already been served.• Legal Description of each parcel as it appears on the deed. Must be on an 8 ½ X 11 sheet of paper alone. NO letterhead. Must be clear and legible, to include APN.
<p>Letter of Instructions</p>	<p>The letter of instructions must specify the type of levy requested. It must include a legal description of the property (to include parcel number) to be levied upon, the street address and whether the property</p>

	<p>is a dwelling, vacant land, commercial property, etc. It should also include all information requested in the SMSO SH CIV-200 Real Property levy worksheet, found below.</p> <p>The letter of instruction should also reference that a registered process server/company has been instructed to perform the levy of the writ of attachment. 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 letter of instructions.</p> <p>If a copy of the Summons and Complaint is not provided with instructions for the RPS to serve them, the letter of instructions must state that the Summons and Complaint have already been served. Please specify if the defendant(s) interest in the real property consists of a leasehold interest. If so, provide the date when the lease expires. The plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney) must sign and date the instructions.</p>
Time of Service	The Writ of Attachment must be served and returned to the court within 60 days after receipt by the Sheriff.
Method of Levy	<p>The method of levy is the creation of a judicial lien on the property. This is accomplished by recording the Writ of Attachment, Notice of Levy and other documents with the County Recorder of the county in which the real property is located. The levy documents describe the property levied upon and state that the judgment debtor's interest in the described property has been levied upon. The levy remains in effect until the civil case is adjudicated. <i>Our Office requires real property attachment levies to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 488.080, § 488.315 and § 700.015.</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 per Code of Civil Procedure § 488.080 (d):</p> <ul style="list-style-type: none"> • The Original Writ of Attachment • An affidavit of the registered process server stating the manner of levy performed. • Proof of service of a copy of the writ and Notice of • Attachment on other persons as required by Article 2 (commencing with Code of Civil Procedure § 488.300). <p>If required fees have been received by the Sheriff, the Sheriff will perform all other duties under the Writ of Attachment and return the writ to the court with a statement of action taken.</p>
Cost Deposit	\$200.00
Fees	\$40.00 each property
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Possession when it is returned to the court.

What is required Check List:

- \$200.00 deposit
- Original Writ of Attachment (form AT 135) plus three copies
- Order for Issuance of the Writ of Attachment (form AT 120, AT 125 or AT 130) plus three copies
- Notice of Attachment (form AT 165) plus three copies
- Undertaking per Code of Civil Procedure § 489.210 plus three copies or
- Undertaking by Personal Sureties (form AT 160 or CD 140) plus three copies
- Three copies of the Summons and Complaint (form 982a16) if they have not already been served.
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).

↓*Real Property Levy worksheet continued on next page*↓
Use SMSO SH CIV-200 Real Property levy instructions 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

Real Property Levy Worksheet

Please complete a separate instruction sheet for each property.

This worksheet is to be used only as an attachment to an original letter of instruction, which shall be submitted on official business letterhead.

Please include the following when you submit your signed instructions:

- Original writ and sufficient copies to record, serve and post.
- A deposit check payable to the SAN MATEO COUNTY SHERIFF: Writ of Execution and Writ of Sale \$1,500.00 // Writ of Attachment \$150.00

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

- You are instructed to serve and execute the levy as described below. (*Applicable to Writs of Sale only*)
- A Registered Process Server (RPS) will serve the levy as described below. (*All Writs of Attachment & Execution*)
Name and phone number of RPS: _____

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

WRIT OF EXECUTION - MONEY JUDGMENT (EJ-130) Reference CCP 700.015 and 701.510-701.830
Does the real property contain a dwelling? Yes No. Is the land a vacant lot? Yes No.

If the property contains a dwelling, the Sheriff will serve notice on the judgment creditor that the levy has been made and that the property will be released unless the judgment creditor complies with the requirements of CCP 704.750. Be prepared to file a copy of your Application for Order for Sale of the Dwelling with the Sheriff within 20 days of service of the notice, or the property will be released. CCP 704.750 (a).

WRIT OF ATTACHMENT (AT-135) Reference CCP 488.315 and 700.015
Also include the Right to Attach Order and Undertaking, if one was ordered
Real property is not sold under a writ of attachment.

Regarding the service of the Summons and Complaint, CCP 488.020 (c):

If the defendant has not been previously served with a copy of the Summons and Complaint, you are required to instruct the levying officer to serve a copy of the Summons and Complaint when the writ is served on the defendant.

- The defendant was previously served with the Summons and Complaint. Date: _____
- Please serve the enclosed copy of the Summons and Complaint upon the defendant(s).

WRIT OF SALE (EJ-130) Reference CCP 712.010-712.070, 716.010-716.030, CCP 700.015 and 701.510-701.830
Also include the Certified copy of the Judgment for Sale as required by CCP 716.010 (c).

Is a "Right to Redemption" applicable to the sale of this property? Yes No.

The judgment is for:

- partition of real property, or
- judicial foreclosure of a: (check one of the following)
 - special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity).
 - assessment lien by an association or common interest development.
 - mechanics lien (labor or improvements to real property).
 - other lien (s) on real property. Specify:
 - mortgage or deed of trust and the judgment indicates that a deficiency judgment

- 2e(a). may be ordered
2e(b). is waived or prohibited.

ALL OF THE FOLLOWING SECTIONS MUST BE COMPLETED

Debtor Information

3. This levy seeks to levy upon (or attach) the real property interest of the following **Judgment Debtor** (s). The names listed below must match the names as they appear on the writ exactly, or the Sheriff will not act upon your instructions.

Debtor name: _____

Address for service: _____

Debtor name: _____

Address for service: _____

Additional names and address of judgment debtor (s) are contained on a separate sheet.

4. Does the judgment debtor's interest in the real property consist of a **Leasehold Interest**, Leasehold Estate or an Estate for Years? Yes No. If yes, provide the date the lease expires: _____

Property Information

5. You must provide a copy of the **legal description** of the property. If the property is **vacant land**, if the parcels are **not contiguous**, if **no street address exists**, or if the property is **difficult to locate** you must also include an **assessor's parcel map**.

Copies must be clear, void of any hi-lightening and legible. Contact the Recorder at 650-363-4988 for their fee schedule.

Check to indicate that you have included a copy of the **assessor's parcel map**.

Check to indicate that you have included a copy of the **legal description** of the property.

6. What is the Assessor's Parcel Number (APN): _____

7. What is the real property **street address**: _____

8. Does this real property contain a **dwelling**? Yes No. Is this a **commercial property**? Yes No.

9. Is this land a **vacant lot**? Yes No. If yes, provide directions for locating the property.

10. How many **parcels** are subject to this levy? _____ Are the parcels **contiguous**? Yes No.

Third Party Information

11. Does the real property also stand in the name of a **Third Party** (other than the judgment debtor) having a recorded interest in the real property as shown by the records of the county? Yes No.

The Sheriff is required to serve by mail a copy of the writ and notice of levy on each such third person.

Third Party name: _____

Address for service: _____

Third Party name: _____

Address for service: _____

Additional names and address of third persons are contained on a separate sheet.

12. Additional Information is contained in a separate letter of instruction (enclosed).

Your Information

Your name: _____ Phone: _____

Your address: _____

Signature: _____ Date: _____

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: _____