



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 Sale Sheriff Instructions & Worksheet

Court Document(s) Required:	Real property levies involving a Writ of Sale are handled by the Sheriff. The requester must provide the following upon opening a Writ of Sale levy file with our office: <ul style="list-style-type: none">▪ Original Writ of Sale (form EJ 130) plus three copies▪ Certified copy of the Judgment for Sale per Code of Civil Procedure § 716.010(c)▪ Required Fees▪ 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).
Letter of Instruction	<p>The letter of instructions must specify the type of levy requested. The letter of instructions must include a legal description of the property to be levied upon as well as the street address. Specify whether the real property also stands in the name of third persons (recorded owners other than the judgment debtor) as indicated by county records. If yes, list the names and addresses of all third parties as well as all a.k.a.(s) of the debtor. Specify whether the real property is a leasehold estate. If yes, provide the date when the leasehold expires.</p> <p>In addition, If the judgment is pursuant to a judicial foreclosure AND a right of redemption is applicable, include and attach a list of lien holder names and addresses. If there are no lien holders, so state.</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	The method of levy is the creation of a lien against the property. This is accomplished by filing the Writ of Sale, Notice of Levy and other documents with the County Recorder of the county in which the real property is located. The lien includes a description of the property levied upon and states that the judgment debtor's interest in the described property has been levied upon. The recording of the levy creates a judicial lien, which initiates the process of selling the real property in a Sheriff's sale. The Sheriff will apply the proceeds of the sale of the property in conformity with court orders contained in the Writ of Sale. The Sheriff's sale will be conducted at the direction and in the manner prescribed by the issuing court.

Cost Deposit	\$2000 cost deposit for recording, publishing, posting, issuance of a deed or certificate of sale, and notary services.
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Sale when it is returned to the court.

Use SMSO SH CIV-200 Real Property levy instructions as a guide and submit with packet.

What is required Check List:

- \$2000 deposit
- Original Writ of Execution
- Certified copy of the Judgment for per Code of Civil Procedure § 716.010(c) plus three copies
- Required Fees
- 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).
- Legal description of the property (Must be on an 8 ½ X 11 sheet of paper alone)
- List of exemption—if the defendant is a natural person
- Notice of Levy packets for:
 - Recorder's Office
 - Debtor(s)
 - Posting of property
 - Third party—if applicable

↓*Real Property Levy worksheet continued on next page*↓

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:

1. partition of real property, or
2. judicial foreclosure of a: (check one of the following)
 - 2a. special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity).
 - 2b. assessment lien by an association or common interest development.
 - 2c. mechanics lien (labor or improvements to real property).
 - 2d. other lien (s) on real property. Specify:
 - 2e. 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: _____