

INFORMATION GUIDES

[Return to Fee Schedule Summary](#)

Title	Description
Court Document required	Writ of Execution (Money Judgment) (form EJ-130) plus two copies. Application for Earnings Withholding Order (form 982.5(1)). Application for Issuance of Writ of Execution (support writ only)
Purpose of Process	The employer is required to remit up to 25% of the debtor's wages to the Sheriff for payment to the creditor. If the writ of execution is for child support, the amount withheld is 50%.
Sheriff's Instructions	None. The Application for Earnings Withholding Order is required instead.
Time for Service	The Earnings Withholding Order remains in effect for 10 years and must be served no later than 180 days after the issuance of the Writ of Execution. If for child support, the withholding order remains in effect until it is paid in full.
Manner of Service	The Sheriff will serve the Earnings Withholding Order by personal service.
Fee Deposit	\$0.00
Fee	\$35.00 if served, not found or canceled
Proof of Service	A proof of service is not issued. Instead, a return detailing the Sheriff's action is prepared that accompanies the writ when it is returned to the court. However, the Sheriff mails a copy of the Employer's Return to the creditor upon receipt.

Information Guide

Your writ will be rejected by the Sheriff if the interest on line 19(a) exceeds 10% (CCP §685.010). To properly calculate interest on your writ, take line 15 and multiply it by 0.10 then divide by 365. Do not set your calculator to round numbers up. Your writ of execution is a two sided form. If you have only one side to your writ it is invalid.

An Earnings Withholding Order (wage garnishment) requires an employer to withhold and remit up to 25% of the debtor's disposable earnings (net income) to the Sheriff for payment to the creditor. The withholding amount is 50% if the writ is for spousal or child support. The Earnings Withholding Order remains in effect for 10 years or indefinitely (if for support) until the judgment is paid, the debtor ceases to work for that employer, a higher priority Earnings Withholding Order takes effect (such as an Earnings Withholding Order for child support) or the Order is terminated by operation of law (court order or failure to file Opposition to Claim of Exemption.) If the earnings withholding order is not for spousal or child support, the debtor may file a claim of exemption with the Sheriff in an attempt to terminate the wage garnishment or to reduce the withholding amount. The Sheriff will mail a copy of any claim of exemption and instructions on how to oppose the claim to the creditor. The wages of a spouse not listed as a debtor on the writ of execution may only be garnished pursuant to a court order.

An Earnings Withholding Order should be used to levy on monies earned by the debtor for personal services rendered (whether called wages, salary, commissions, bonuses, or anything else.)

The Earnings Withholding Order includes a warning to the employer stating, "It is illegal not to pay amounts withheld for the Earnings Withholding Order to the levying officer. Your duty is to pay the money to the levying officer who will pay the money in accordance with the laws that apply to this case. If you violate any of these laws, you may be held liable to pay civil damages and you may be subject to criminal prosecution." The Sheriff's responsibilities are limited to serving the earnings withholding order and receiving and disbursing collected monies. The Sheriff cannot call or otherwise attempt to compel an employer to comply with the wage garnishment. CCP 708.21 et seq. provides for a creditor's lawsuit. CCP 708.120 provides for an order to examine the records of the employer.

Sheriff's Instructions-General Civil Process

Checklist

- \$35 fee deposit
- Original Writ of Execution (Money Judgment) (form EJ 130)
- Original Application for Earnings Withholding Order (982.5(1))and two copies.
- Copy of Application for Issuance of Writ of Execution (support writ only)

- Submit to the Sheriff no later than 160 days after issuance of the Writ of Execution

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