

INFORMATION GUIDES

[Return to Fee Schedule Summary](#)

Title	Description
Court Document required	Original Writ of Execution (Money Judgment) (form EJ-130) plus three copies
Purpose of Process	The writ authorizes Sheriff to seize the debtor's property to satisfy a money judgment
Sheriff's Instructions	Specify the name and address of debtor's business. Must be signed and dated by the creditor's attorney, or the creditor if the creditor doesn't have an attorney.
Time for Service	The writ of execution expires 180 days after the issuance.
Manner of Service	The method of levy is seizure by placing a Sheriff's keeper in the debtor's business to prevent removal of property and to collect sales proceeds for payment to the creditor. The Sheriff collects sales revenue and prevents removal of property from the debtor's business for an 8-hour period
Fee Deposit	\$0.00
Fee	\$240.00.
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. The Sheriff telephonically notifies the creditor when the keeper is placed.

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.

Seizure is the method of levy for personal property in the possession of the debtor. If the debtor has a business, the placement of a keeper in the debtor's business for an 8-hour period is a relatively inexpensive form of seizure. An 8-hour keeper levy is particularly effective when used as a "fact-finding mission" to identify equipment and inventory at the debtor's business. A deputy sheriff performs the levy by placing a keeper (custodian) in the debtor's business for an 8-hour period. During that time, the keeper seizes incoming cash and checks from the sale of merchandise and prevents the removal of any stock-in-trade or equipment unless paid for. The keeper also prepares a written inventory of the property found at the business. If further action is required, the creditor may refer to the keeper's inventory to weigh the feasibility of having the Sheriff seize, move to storage and sell some or all of the property if the debtor does not satisfy the judgment.

The debtor may claim the levied property as exempt if the debtor is an individual (not a corporation, partnership, etc.) If an exemption is filed, the Sheriff will mail a copy of the claim and instructions for opposing the exemption to the creditor.

Property belonging to the debtor that is not in the possession of the debtor must be garnished and cannot be seized. A keeper levy cannot be made if the Sheriff determines that the business is not in the possession of the debtor. For example, a keeper may be installed at A1-Auto, a corporation, if the writ lists the debtor as A-1 Auto, a corporation. However, if the writ only lists John Smith, an individual (who is also President of the corporation) as the debtor, a keeper cannot be placed because the corporation is not a named debtor. The wages owed to John Smith by the corporation must be levied by garnishment (earnings withholding order.)

If the debtor is an artificial person (corporation, partnership, etc.), the writ must include the debtor's legal entity, e.g., A-1 Auto, a corporation or Acme Sales, a partnership. The Sheriff cannot enforce a writ that does not list the debtor's legal entity. A "dba" (doing business as) is not a legal entity. For example, A-1 Auto dba A-1 Auto Parts does not list the legal entity. But, A-1 Auto, a corporation, dba A-1 Auto Parts is acceptable.

Sheriff's Instructions-Levy upon the Debtors Going Business

Checklist

- \$240 fee deposit
- Original Writ of Execution (Money Judgment) (form EJ 130) plus three copies
- Sheriff's Instructions

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

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