

INFORMATION GUIDES

[Return to Fee Schedule Summary](#)

Title	Description
<p>Court Document required</p>	<p>Our office requires that real property levies be served by a Registered Process Server (RPS) per Code of Civil Procedure §488.080 & 700.015.</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"> • Original letter of instruction signed and dated by the judgment creditor's attorney of the judgment creditor if the judgment creditor does not have an attorney (CCP § 488.030). • \$450.00 Fee deposit • A copy of the Writ of Attachment (form AT-135) • A copy of the Notice of Attachment (form AT-165) for all services to be performed: e.g. Records Office, posting of the property, service to debtors, legal owners, third parties, etc. • A copy of the Right to Attach Order (forms AT-120, AT-125, or AT-130) • A copy of the Undertaking per Code of Civil Procedure §489.210 & 489.220 • A copy of the Summons and Complaint (form 982a16) if not already served <p>The RPS must have in his/her possession the levy packet upon opening a file with our office that consists of the following:</p> <ul style="list-style-type: none"> • Original Writ of Attachment (form AT-135) • Notice of Attachment (form AT-165) for all services to be performed: e.g. Records Office, posting of the property, service to debtors, legal owners, third parties, etc. • Legal description and common street address of the property. • 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
<p>Purpose of Process</p>	<p>The writ authorizes the Sheriff to levy on specific real property. The Sheriff cannot sell the property under a Writ of Attachment.</p>
<p>Sheriff's Instructions</p>	<p>The letter of instructions must specify the type of levy requested, a legal description and common street address of the property, and whether the property stands in the name of third persons (recorded owners other than the judgment debtor) as indicated by the county records. If yes, list the names and addresses of all third parties as well as all AKA's of the debtor. If a copy of the Summons and Complaint is not provided with instructions for the RPS to serve them, the letter of instruction must state that the Summons and complaint have already been served. Specify if the defendant's interest in the real property consists of a leasehold interest. If so, provide the date the lease expires.</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>
<p>Time for Service</p>	<p>The Writ of Attachment must be served and returned to the court within 60 days after receipt by the Sheriff.</p>
<p>Manner of Service</p>	<p>The method of levy is the creation of a lien against the property. This is accomplished by filing the Writ of Attachment, Notice of Attachment, and other documents with the County Recorder of the county in which the real property is located. The levy documents describe the real property and state that the defendant's interest in the real property has been levied upon. the levy remains in effect for three years. Real Property levies in Napa County must be served by a Registered Process Server (RPS) per Code of Civil Procedure §488.080, 488.315 & 700.015. Prior to the levy, the RPS must open a file with our office with required fees. Within 5 days after the levy the RPS must file with our office the following (CCP §488.080(d)):</p> <ul style="list-style-type: none"> • Original Writ of Attachment (form AT-135)

	<ul style="list-style-type: none"> • Proof of service for the Notice of Attachment (form AT-165)(CCP §488.300) for all services performed: e.g. Recorders Office, posting of the property, service to debtors, legal owners, third parties, etc. • A certified copy of the recording • An affidavit of the RPS stating the manner of levy performed. <p>If the 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 an accounting of action taken.</p>
Fee Deposit	\$150.00
Fee	\$40.00 if served, \$40.00 for Not Found or Cancellation
Proof of Service	A return detailing the Sheriff's action accompanies the writ when it is returned to the court.

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Initially the RPS, opens a file with the Sheriff, records the levy, serves the debtor(s), serves the occupant of the real property or posts notice on the real property, and serves third parties and legal owners.

Levy under a Writ of Attachment on real property creates a 3 year lien on the real property. This type of levy is governed by CCP §488.315, and the property is not sold. If the writ is issued ex-parte, instruction must inform the Sheriff that the Summons and complaint has been served or will be served by an RPS (CCP §488.020(c)).

Checklist

- Fee deposit: \$150.00
- Original Writ of Attachment and Notice of Attachment plus 5 copies
- Sheriff's instructions-[Levy Upon The Debtors Real Property](#)
- Legal description and common street address
- Undertaking per CCP §489.210 plus 3 copies or Undertaking by Personal Sureties (form At-160, or CD-140) plus 3 copies
- 3 copies of the Summons and Complaint form (982a16) if they have not already been served
- Service packets for :
 - Recorders Office
 - Defendant(s)
 - Posting of the property
 - Occupants of the property
 - Third parties