

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 699.080 & 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 or the judgment creditor if the judgment creditor does not have an attorney. • \$1500.00 deposit • A copy of the Writ of Sale (form EJ-130) • A copy of the Notice of Levy (form EJ-150) for all services to be performed, and one copy of each: e.g. Recorder’s Office, posting of the property, service to debtors, legal owners, third parties, etc. • Certified copy of the Judgment for Sale per CCP 716.010(c).
<p>Purpose of Process</p>	<p>The writ authorizes the Sheriff to levy on specific real property and to sell the property at auction. The proceeds would be credited toward the satisfaction of the writ of sale.</p>
<p>Sheriff’s Instructions</p>	<p>The letter of instruction must specify the type of levy requested, a legal description of the property and common street address, and whether the property stand 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. Specify whether the real property is a leasehold estate. If yes, provide the date the lease expires.</p> <p>In addition, if the judgment is pursuant to a judicial foreclosure and a right of redemption is applicable, include a list of lien holders’ names and addresses. If there are no lien holders, you must state this in the letter of instruction.</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 expires 180 days after issuance.</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 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 that initiates the process of selling the real property in a Sheriff’s sale. Proceeds from the Sheriff’s Sale are credited towards satisfying the money judgment against the judgment debtor. Real Property levies in Napa County must be served by a Registered Process Server (RPS) per Code of Civil Procedure 699.080 & 700.15. Prior to the levy, the RPS must open a file with our office with required fees, within 5 days after levy the RPS must file with our office the following:</p> <ul style="list-style-type: none"> • Original Writ of Sale • Proof of service for the Notice of Levy (form EJ-150) for all services performed: e.g. Recorder’s Office, posting of the property, service to debtors, legal owners, third parties, etc. • A certified copy of the recording (must indicate recording number) • A certified copy of the judgment for sale

	If the required fees have been received by the Sheriff, the Sheriff will perform all other duties under the Writ of Sale and return the Writ to the court with an accounting of action taken.
Fee Deposit	\$1500.00 (if fees exceed \$1500.00 an additional deposit is required before sale)
Fee	\$40.00 if served, \$40.00 for Not Found or Cancellation
Proof of Service	A return detailing the Sheriff's action is prepared that accompanies the writ when it is returned to the court.

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Your writ will be rejected by the Sheriff if the interest of line 19(a) exceeds 10%. 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 sale is a two sided form. If you have only one side to your writ it is invalid.

Initially the RPS records the levy, serves the debtor(s), serves the occupants of the real property or posts notice of the real property, and serves third parties and legal owners. This type of levy is governed by the judgment order.

For real property sales, bids over \$5000 may be treated as credit bids by depositing \$5000 or 10% of the amount bid, whichever is greater, with the Sheriff. Real property can be viewed at anytime from the street. Real property sales notices are also published in the legal section of the newspaper in the city where the property is located on three consecutive Wednesdays prior to the sale. If the Court determines that the real property contains a homestead, the minimum the Sheriff can sell the real property for is 90% of the fair market value.

Checklist

- Fee deposit \$1500.00
- Original Writ of Sale and Notice of Levy plus 5 copies
- Certified copy of the Judgment for Sale per CCP 716.010(c) plus 5 copies
- Sheriff's instructions -Levy upon the Debtors Real Property
- Legal description and common street address
- Service packets for:
 - Records Office
 - Debtor(s)
 - Posting of the property
 - Occupants of the property
 - Third parties