

# INFORMATION GUIDES

[Return to Fee Schedule Summary](#)

Title	Description
<b>Court Document required</b>	Original Writ of Execution-Money Judgment (form EJ-130) plus three copies
<b>Purpose of Process</b>	The writ authorizes the Sheriff to seize and sell the debtor's vehicle to satisfy a money judgment
<b>Sheriff's Instructions</b>	Describe the vehicle and specify the address where the vehicle can be found. The creditor's attorney or the creditor (if the creditor doesn't have an attorney) must sign and date the instructions.
<b>Time for Service</b>	The writ of execution expires 180 days after the issuance.
<b>Manner of Service</b>	The method of levy is seizure in which the Sheriff seizes, stores and sells the debtor's vehicle at a public auction.
<b>Fee Deposit</b>	\$2000.00, or more depending on vehicle.
<b>Fee</b>	\$100.00
<b>Proof of Service</b>	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 vehicle is seized.

## 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.

The creditor may instruct the Sheriff to seize, store and sell a vehicle in the possession of the debtor. However, the Sheriff cannot enter a private place such as a garage to seize the vehicle without a private place order issued by the court pursuant to CCP 699.030. Property that is not in the possession of the debtor cannot be seized if the Sheriff determines that the property is the possession of a third party and not in the possession of the debtor.

The Sheriff must notify the vehicle's legal owner of the seizure. A legal owner (bank, credit union, etc.) may file a third party claim based on a security interest (loan) with an unpaid balance. The vehicle must be returned to the legal owner unless the creditor pays off the claim. The minimum sale price at the Sheriff's auction is \$2300 if the vehicle is the only vehicle registered to the debtor. Otherwise, the Sheriff will sell the vehicle to the highest bidder. The debtor may claim an exemption if the debtor is an individual (not a corporation or partnership). The Sheriff will mail to the creditor any claim of exemption and instructions on how to oppose the exemption. The creditor should weigh the feasibility of levying on a vehicle and take into consideration Sheriff's fees and costs (approximately \$1000, or more depending on the vehicle, specialty vehicles will require a minimum \$3000 deposit), any outstanding balance owed the legal owner and the amount of any exemption. The creditor may bid at the auction by applying any or all of the creditor's judgment. However, the creditor's judgment cannot be applied to the first \$2300 if a minimum bid is required. All bidders at the auction are advised that the Sheriff is only selling all right, title and interest of the debtor in the property.

## Checklist

- \$2100.00 fee deposit, or more depending on vehicle
- Original Writ of Execution (Money Judgment) plus three copies
- Sheriff's Instructions

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