

# INFORMATION GUIDES

[Return to Fee Schedule Summary](#)

Title	Description
Court Document required	Original Writ of Possession (Personal Property) (form EJ-130), Notice of Levy plus three copies
Purpose of Process	The writ authorizes the Sheriff to seize specific personal property for immediate delivery to the creditor
Sheriff's Instructions	<p>Provide a specific description of the property, to include make/model/serial number/license number if available and the address where the property is located. provide the name and telephone number of the person who will take possession of the property. If there is no serial number, license number or other specific identifier, provide a photograph of the property and/or a contact person who can positively identify it a provide a written and signed verification to that effect.</p> <p><b>If the property to be seized is in a private place (such as inside a residence or garage), the Sheriff cannot seize it without a private place court order issued pursuant to CCP §699.030.</b></p> <p>The judgment creditor's attorney, or the judgment creditor (if the judgment creditor doesn't have an attorney) must sign and date the Sheriff's instructions.</p>
Time for Service	The writ expires 180 days after the issuance.
Manner of Service	The method of levy is seizure in which the Sheriff seizes the property and immediately gives it to the creditor.
Fee Deposit	
Fee	\$100.00 for the levy.
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.

## Information Guide

A Writ of Possession (Personal Property) authorizes the Sheriff to seize personal property listed on the writ and immediately deliver it to the creditor. The Sheriff cannot accept money from the debtor in lieu of the property because the judgment is for possession (ownership). However, the writ may be used to collect money if the writ specifies a value for the property and the Sheriff cannot find the property. Property that is not in the possession of the debtor cannot be seized.

The Sheriff will schedule a date and time for the levy. The creditor is responsible for arranging for a "spotter" and moving personnel to meet the Sheriff at the address as scheduled. The "spotter" is an agent of the creditor who can identify the property.

The Sheriff will serve a copy of the writ and notice of levy on the debtor (or the debtor's agent), explain the nature of the levy, demand delivery of the property and maintain the peace while the property is being removed. However, if the property is found to be in a private place the Sheriff cannot seize it without a private place order that was issued pursuant to CCP 699.030 unless the debtor voluntarily agrees to the seizure. The creditor should contact the Sheriff to ascertain the correct amount of the fee deposit that may vary depending on whether a Sheriff's keeper must be utilized.

Sheriff's Instructions-General Civil Process

## Checklist

- Fee deposit: \$100 plus keeper fees (if applicable)
- Original Writ of Possession (Personal Property) and Notice of Levy plus three copies
- Sheriff's instructions
- Submit to the Sheriff no later than 150 days after issuance of the writ

