

(Levy Upon The Debtor's Real Property)
INSTRUCTIONS TO THE SHERIFF OF NAPA COUNTY

The Sheriff must have original written, signed, instructions by the attorney for the creditor, or the creditor if he/she has no attorney in accordance with CCP 262; 687.010.

1535 Airport Blvd
Napa, CA 94558
(707) 253-4325 • FAX (707) 259-8177

After providing the required deposit and opening a file with the Sheriff, the Attorney of Record must:

- **Provide the original and 5 copies of the writ, Notice of Levy, and any attachments to the writ.**
- **Provide the required advance deposit for fees and costs. Writ of Attachment-\$150, Writ of Execution-\$1500, Writ of Sale-\$1500 per property levied upon.**
- **Below, select the type of writ and provide all the requested information:**

Writ of Attachment (CCP 482.070, 488.010, 488.020, 488.030, 488.060, 488.315, 488.375, 488.385, 489.210, 700.015, 699.080)

The defendant's interest is not sold under a writ of attachment. When levy is pursuant to a writ of attachment and the defendant has not been previously served with a copy of the summons and complaint, you are required, pursuant to CCP 488.020(c), to serve a copy of the summons and complaint when the writ is served upon the defendant.

The defendant was previously served with the summons and complaint.

The following documents and 5 copies **must** be attached: Notice of Attachment, original Writ of Attachment, right to attach order, and undertakings.

Writ of Execution (CCP 1206, 687.010, 700.010, 700.015, 701.510, 701.540, 701.545, 701.580, 701.620, 704.740, 704.750, 704.780, 704.760, 704.770, 704.790, 704.800, 699.080, GC 7162)

Does the real property contain a dwelling? Yes No

The following documents and 5 copies **must** be attached: Notice of Levy, original Writ of Execution, legal description, and common street address.

Writ of Sale (CCP 701.540, 712.010, 712.020, 716.010, 716.020, 729.010, 729.090)

The judgment is for the ...

1 partition of real property.

2 judicial foreclosure of a...

2a mortgage or deed of trust.

The judgment indicates that a deficiency judgment...

may be ordered.

is waived or prohibited.

2b special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity or district).

2c assessment lien by an association or common interest development.

2d mechanics lien (labor or improvements to real property).

2e other lien(s) on real property.

Is a "right of redemption" applicable to the sale of this property? Yes No

The following documents and 5 copies **must** be attached: Notice of Levy, original Writ of Sale, legal description, and common street address, a certified copy of the Judgment for Sale as required by CCP 716.010(c).

CONTINUED ON REVERSE SIDE

This levy seeks to levy upon (or attach) real property interest of the following judgment debtor(s) / defendant(s):

NAME: _____

ADDRESS: (include mailing address) _____

NAME: _____

ADDRESS: (include mailing address) _____

- Does the judgment debtor's/defendant's interest in the real property consist of a leasehold interest (may also be referred to as a "leasehold estate" or an "estate for years")? Yes No. If yes, provide the date the lease expires: _____.
- Provide the common street address for the real property (if any). The common street address must be included on the subsequent notice of sale. If this is vacant land, please indicate:
- Attach to this sheet the legal description of the property. Include the assessor's parcel number. Ensure that the legal description is typed and clear enough for recording purposes. (Provide assessor's map if either vacant land or no common street address exists):
- Does the real property also stand in the name of a person (other than the judgment debtor/defendant) having a recorded interest in the real property as shown by the records of the county? Yes No.

If yes, provide the names and addresses of all such third persons. The Sheriff is required to serve (by mail) a copy of the writ and notice of levy on each such third person. Section 700.015 of the Code of Civil Procedure requires that if "...service on the third person is by mail, it shall be sent to the person at the address for such person, if any, shown by the records of the office of the tax assessor of the county where the real property is located or, if no address is so shown, to the person at the address used by the county recorder for the return of the instrument creating the interest of the third person in the property."

- List the names and address of the third person(s). Attach a separate sheet if necessary.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

Additional names and addresses of third persons are contained on a separate sheet.

Signature of attorney

Date

Name of Attorney

Address

City, State, Zip

TEL () _____ Ext. _____ FAX () _____

E-mail _____