CIVIL ENFORCEMENT BUREAU

400 County Government Center, Redwood City, CA 94063

(650) 363-4497 • Fax (650) 363-4833

Personal Property Writ of Possession
Sheriff Instructions & Worksheet

Court Document(s) Required:	Original Writ of Possession (Personal Property) (form EJ-130) plus two copies
Letter of Instruction	Provide a specific description of the property (to include make/model/serial/license number if available) to be seized 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 the property cannot be specifically identified, provide a photograph and/or a contact person who will identify the property and sign to that effect. *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 Code of Civil Procedure § 699.030 unless the debtor voluntarily surrenders it.* The judgment creditor's attorney or the judgment creditor (if the judgment creditor does not have an attorney) must sign and date the instructions.
Time of Service	The Writ of Execution expires 180 days after issuance.
Method of Levy	The method of levy is seizure in which the Sheriff seizes the property and immediately turns it over to the judgment creditor or the judgment creditor's designated agent.
Cost Deposit	None. The property is turned over to the judgment creditor/agent.
Fees	$100.00 if served, $40.00 if unable to serve or cancelled. $135.00 for opening each safety deposit box.
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Possession when it is returned to the court.

Use SMSO SH CIV-201 Personal Property Levy instructions as a guide and submit with packet.

What is required Check List:

- $100.00 plus costs
- $135.00 for opening each safety deposit box
- Original Writ of Possession (Personal Property) plus two copies
- Original letter of instructions signed and dated by the judgment creditor's attorney or the judgment creditor (if the judgment creditor does not have an attorney).

- Can be submitted in person or via mail
- Submit to Sheriff no later than 150 days after issuance of Writ

San Mateo County Sheriff's Office Civil Bureau

400 County Center, Redwood City, CA 94063 650-363-4497

Personal Property Worksheet
This worksheet is to be used as a guide and is not a substitute for the letter of instruction

1. To the Sheriff of San Mateo County, pursuant to the attached Writ: **CHECK ONE**

☐ You are instructed to execute the levy as described below.

☐ A Registered Process Server (RPS) will serve the levy as described below. **NOTE:** RPS may not serve every type of levy.

Name and phone number of RPS: _____

2. WHAT TYPE OF WRIT DO YOU HAVE? CHECK ONE

☐ **Writ of Execution (Money Judgment) (EJ-130)**
Methods of Levy CCP 700.010-700.200

☐ **Writ of Attachment (AT-135)**
Methods of Levy CCP 488.300-488.485

☐ **Writ of Possession of Personal Property (EJ-130)**
Method of Levy CCP 714.010-714.020

☐ **Writ of Possession (Claim and Delivery) (CD-130)**
Method of Levy CCP 512.080, 514.010-514.050

3. Whose property you want us to levy? The name listed below must match the name exactly as it appears on the writ, or the Sheriff will not act upon your instructions.

Debtor Name:_____

Debtor address for service by mail:_____

4. Identify the Property. You are required to identify and describe the property to be levied upon. Additionally, unless you have a writ of execution - money judgment, the Sheriff will not levy on property that is not specifically ordered or described in the writ. The property must be described in such a way that no other property could reasonably be mistaken for the wanted property. Include physical description, quantity, VIN, weight, size, photos, serial numbers, etc.: _____

_____

☐ See attachment for a detailed property description.

5. Identify the specific Method of Levy (code section) that pertains to the specific property you are seeking to levy:

_____

6. Address where the property will be found: _____

7. Is the Property in the Possession of the Debtor? ☐ Yes   ☐ No: Do you have a Private Place Order? ☐ Yes ☐ No. If the property is held in a Private Place, the Sheriff will not enter to take the property unless you have a Private Place Order. If you do not have a Private Place Order, the Sheriff will only make a demand for the property and will not enter the property.

8. Is the Property in the Possession of a Third Party? ☐ Yes   ☐ No: The Sheriff does not seize property from a Third Party. The Sheriff will only make a demand. If the property is held in a Private Place, the Sheriff will not enter to demand the property. The garnishment procedure is limited in the type of property subject to levy. You should be familiar with those limitations and with the Third Party Claim process (CCP 720.110-720.880) before requesting this type of levy.

Please serve the following Third Party: _____

Service Address:_____

9. Your Information

Your Name: _____ Phone: _____

Your address:_____

Signature: _____ Date: _____

NOTE: Levies are executed in the order received. We do not promise to levy on specific dates or times.

<u>Returned paperwork:</u> Paperwork will be returned unprocessed if the writ is incomplete, if the writ is missing required information, if the writ is invalid on its face or if the letter of instruction is unclear or insufficient. Any changes or corrections made to a writ after it is issued by the court must be initialed by the court clerk. The Sheriff will not act upon the writ otherwise.

Civil Clerk: Papers reviewed and returned by:_____ Date:_____ Reason: _____

SH CIV-201 (06/12)