



# SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

## CIVIL ENFORCEMENT BUREAU

400 County Government Center, Redwood City, CA 94063

(650) 363-4497 • Fax (650) 363-4833

### 3<sup>rd</sup> Party/Bank/Deposit Account Attachment Sheriff Instructions & Worksheet

<p><b>Court Document(s) Required:</b></p>	<p><i>Our Office requires bank garnishments to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140.</i></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"><li>▪ Original Writ of Attachment</li><li>▪ Copy of the Right to Attach Order and Order for Issuance</li><li>▪ Copy of Undertaking</li><li>▪ Copy of the Summons and Complaint if not yet served</li><li>▪ Required Fees</li><li>▪ One copy of any “<i>If applicable</i>” document(s) listed below</li><li>▪ Original letter of instructions signed and dated by judgment creditor’s attorney or the judgment creditor if the judgment creditor does not have an attorney.</li></ul> <p>When opening a file with our office, the RPS must have in his/her possession the levy packet which consists of the following for each financial institution or other entity holding 3<sup>rd</sup> party funds belonging to the judgment debtor:</p> <ul style="list-style-type: none"><li>▪ A copy of the Notice of Attachment (form AT-165), for each financial institution or entity</li><li>▪ Copy of the Writ of Attachment</li><li>▪ Copy of the Right to Attach Order and Order for Issuance</li><li>▪ Undertaking</li><li>▪ Memorandum of Garnishee for each financial institution or other entity</li></ul> <p>(A levy packet should be made out for each judgment debtor, 3<sup>rd</sup> party, financial institution, etc)</p>
<p><b>Letter of Instruction</b></p>	<p>Specify the name and address of the branch of the financial institution (bank, credit union, etc.) where the debtor’s account is located. Specify the name of the debtor whose account is to be garnished and social security number, if available. Reference any additional documents: affidavit of identity, spousal affidavit, fictitious business name statements, court order to levy on a third party’s account affidavit of identity. Specify the name and address of</p>

	<p>the person or designee who is to receive correspondence and/or payments.</p> <p>The letter of instruction should also reference that a registered process server/company has been instructed to perform the levy of the writ of attachment. Please include name, address &amp; telephone number.</p> <p>If writ is ex parte, instructions must include a statement that the Summons and Complaint was served on the defendant, or the Summons and Complaint must be included for service on the defendant.</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. Identify the registered process server who is to serve copies of notice of attachments and levy upon the funds and/or accounts held in the name of the judgment creditor.</p>
<b>Time of Service</b>	The Writ of Attachment must be served and returned to the court within 60 days after receipt by the Sheriff.
<b>Method of Levy</b>	<p>The method of levy is the service of a garnishment on the debtor's bank account directing the bank to remit any monies held to the Sheriff towards satisfying a money judgment. <b><i>Bank garnishments in San Mateo County must be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140.</i></b> Prior to the attachment, the RPS must open a file with our office with required fees. After levy, the RPS must file with the Sheriff within five (5) days the following:</p> <ul style="list-style-type: none"> <li>▪ Affidavit stating the manner of attachment performed</li> <li>▪ Proof of service and notice on other persons</li> </ul> <p>If required fees have been received by the Sheriff, the Sheriff will perform all other duties under the Writ of Attachment and return the writ to the court with an accounting of action taken. A copy of the bank's response to the levy (Memorandum of Garnishee) will be mailed to the judgment creditor's attorney or the judgment creditor, if the judgment creditor is not represented by an attorney.</p>
<b>Fees</b>	<p>\$40.00 per service.</p> <p>\$135.00 for opening each safety deposit box.</p>
<b>Writ Return</b>	A return detailing the Sheriff's actions is prepared by Civil Bureau staff which accompanies the original Writ of Attachment, the RPS' affidavit of service, and the Memorandum of Garnishee (the bank's response) when it is returned to the court.

**Use SMSO SH CIV-202 Bank Levy instructions as a guide and submit with packet.**

**Registered Process Server (RPS) Check List:**

- \$40.00 fee for each bank levy.

- \$135.00 for opening each safety deposit box.
- 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).
- Original Writ of Attachment
- Notice of Attachment
- Copy of the Right to Attach Order and Order for Issuance
- Undertaking
- Memorandum of Garnishee

↓ **\*Bank Levy worksheet continued on next page\*** ↓

# San Mateo County Sheriff's Office Civil Bureau

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

**RECEIVED** – For Office Use Only

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Initials \_\_\_\_\_  
 window  mail  check  waiver  other \_\_\_\_\_

## 3<sup>rd</sup> Party / Bank Levy (Deposit Account) Worksheet

Writ of Execution: CCP 700.140, 700.150, 700.160 // Writ of Attachment: CCP 488.455, 488.460, 488.465

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 serve the levy as described below.  
 A Registered Process Server (RPS) will serve the levy as described below.  
Name and phone number of RPS: \_\_\_\_\_

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

#### Writ of Execution - Money Judgment (EJ-130).

The information required on a Writ of Execution Money Judgment (EJ-130) is specified in CCP 699.520.

#### Writ of Attachment (AT-135). Also include the Right to Attach Order and Undertaking, if one was ordered.

The information required on a Writ of Attachment (AT- 135) is specified in CCP 488.010.

### 3. Whose property you want us to levy?

The names listed below must match the names exactly as they appear on the writ, or the Sheriff will not act upon your instructions.

1<sup>st</sup> Judgment Debtor: \_\_\_\_\_

Address for mail service: \_\_\_\_\_

2<sup>nd</sup> Judgment Debtor: \_\_\_\_\_

Address for mail service: \_\_\_\_\_

Check if additional judgment debtors. List them on the back of this page.

### 4. Financial Institution:

Name of financial institution: \_\_\_\_\_

Address of financial institution: \_\_\_\_\_

Check if additional financial institutions. List them on the back of this page.

### 5. Property Description: **CHECK ONE** Property must listed on the Writ of Attachment and Right to Attach Order.

- Levy upon any and all deposit accounts standing in the name (s) of the judgment debtor (s) listed above.  
 Other: \_\_\_\_\_

### 6. Enclosures: **CHECK ALL THAT APPLY**

Affidavit of identity  Spousal affidavit  Unexpired certified copy of a fictitious business name statement  Other:

### 7. 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.**

**Returned paperwork:** 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-202 ( 07/12)