



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

Wage Garnishment Writ of Execution Sheriff Instructions

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| Court Document(s) Required: | <p><i>Our Office requires wage garnishments to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 706.108.</i> 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">▪ The original application for Earnings Withholding▪ Order▪ A copy of the Writ of Execution▪ A copy of the Earnings Withholding Order▪ Required fees <p>The RPS must have in his/her possession the levy packet:</p> <ul style="list-style-type: none">▪ upon opening a file with our office which consists of the following:▪ Original Writ of Execution—Money Judgment (form EJ-130)▪ Original Earnings Withholding Order▪ Instructions to Employer form▪ Employer's Return form <p>Notice to the employee of the Earnings Withholding Order</p> |
| Letter of Instruction | None. The Application for Earnings Withholding Order is required instead. |
| Time of Service | The Writ of Execution expires 180 days after issuance. |
| Method of Levy | <p>The method of levy is the service of a wage garnishment on the debtor's employer. The employer is required to withhold and remit a percentage of the debtor's wages to the Sheriff as required by law (Code of Civil Procedure § 706.010 thru § 706.154) towards satisfying the money judgment. <i>Our Office requires bank garnishments to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 706.108.</i> Prior to the levy, 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 per Code of Civil Procedure § 706.108(d):</p> <ul style="list-style-type: none">▪ Original Writ of Execution▪ Proof of service on employer <p>If required fees have been received by the Sheriff, the Sheriff will</p> |

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| | perform all other duties under the Writ of Execution and return the writ to the court with an accounting of action taken. |
| Fees | \$35.00 per service. \$35.00 if the RPS is unable to serve or cancelled. |
| Writ Return | A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Execution when it is returned to the court. A copy of the Employer's Return is mailed to the judgment creditor upon being received by the Sheriff, which details the employer's action regarding the Earnings Withholding Order. |

Registered Process Server (RPS) Check List:

- \$35.00 fee for each service
- Original Writ of Execution—Money Judgment (form EJ-130)
- Original Application for Earnings Withholding Order (functions as letter of instructions to the Sheriff)
- Original Earnings Withholding Order
- Instructions to Employer form
- Employer's Return form
- Notice to the employee of the Earnings Withholding Order
- Submit to Sheriff no later than 150 days after issuance of Writ