Bank Garnishment Writ of Execution

Court Document(s) Required:

Our Office requires bank garnishments to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140. Prior to the levy, the RPS must open a file with our office and deposit with the Sheriff:

- A copy of the Writ of Execution (form EJ 130)
- A copy of the Notice of Levy (form EJ 150)
- Required Fees
- One copy of any "If applicable" document(s) listed below
- 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.

When opening a file with our office, the RPS must have in his/her possession the levy packet which consists of the following:

- Original Writ of Execution—Money Judgment (form EJ-130)
- Notice of Levy
- Memorandum of Garnishee
- List of exemptions per Code of Civil Procedure § 681.030(c) if the defendant is a natural person
- Spousal Affidavit (Original and two copies)—If applicable
- Fictitious Business Name Statement (Certified Copy plus two copies)—If applicable
- Court order authorizing a levy on a third person's bank account (Original and two copies)—If applicable

	Affidavit of identity filed with the court (three copies)— <i>If applicable</i>		
Letter of Instructions	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 the person or designee who is to receive correspondence and/or payments.		
	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 for Service	The Writ of Execution expires 180 days after issuance.		
Method of Levy	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. Bank garnishments in Contra Costa County must be served by a Registered Process Server (RPS) per Code of Civil Procedure § 699.080 and § 700.140. 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:		
	Original Writ of Execution		
	Affidavit stating the manner of levy performed		
	Proof of service and notice on other persons		
	Original letter of instructions		
	If required fees have been received by the Sheriff, the		

	Sheriff will perform all other duties under the Writ of Execution 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.
Fee	\$30.00 per service.(\$30.00 if the RPS unable to serve or cancelled). \$125.00 for opening each safety deposit box.
Writ Datum	A
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff which accompanies the original Writ of Execution, the RPS's affidavit of service, and the Memorandum of Garnishee (the bank's response) when it is returned to the court.

[Click Here for a Sample Letter of Instruction - Form B]

[Click Here for Access to Judicial Council Forms]

Registered Process Server (RPS) Check List:

- \$30.00 fee for each bank levy
- \$125.00 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 Execution—Money Judgment (form EJ-130)
- Notice of Levy
- Memorandum of Garnishee

INSTRUCTIONS TO CONTRA COSTA COUNTY SHERIFF

BANK LEVY

PLEASE P	RINT			
		Court		
	vs	Case No		
Levy on bank account (s) of Judgment Debtor (s):				
	NAME:			
	CITY & ZIP:			
Levy to be	e made at:			
	NAME OF BANK:			
	ADDRESS:			
	CITY & ZIP:			
	ACCOUNT NUMBER (S):			
Notifications and disbursements shall be directed to:				
	NAME:			
	ADDRESS:			
	CITY & ZIP:			
DATE:	SIGNIA	ATLIDE:		

NOTE: THE SHERIFF IS ENTITLED TO A FEE FOR CANCELLATION OF SERVICE OR EXECUTION OF ANY PROCESS PRIOR TO ITS COMPLETION. (GOVERNMENT CODE 26736)