Personal Property Levy
Writ of Possession
(Claim & Delivery)

Court Document(s) Required:	Original After Hearing Writ of Possession—Claim and Delivery (form CD 130) plus two copies, Order for Writ of Possession plus two copies (form CD 120) and Undertaking per Code of Civil Procedure § 515.010 plus two copies or Undertaking by Personal Sureties (form AT 160 or CD 140) plus two copies. Please note, pursuant to Code of Civil Procedure § 515.010 (b), an Undertaking is NOT required ONLY if the court finds that the defendant has no interest in the property. If such a finding is made, the court shall expressly waive the requirement of the plaintiff's undertaking and shall include in the order for issuance of the writ amount of the defendant's undertaking sufficient to satisfy the requirements of subdivision (b) of the Code of Civil Procedure § 515.020. **OR** Original Ex Parte Writ of Possession—Claim and Delivery (form CD 130) plus two copies, Order for Writ of Possession (form CD 120) plus two copies, Undertaking per Code of Civil Procedure § 515.010 plus two copies or Undertaking by Personal Sureties (form AT 160 or CD 140) plus two copies, Notice of Application for writ of Possession and Hearing (form CD 110), Application for Writ of Possession (form CD 100), three copies of any affidavits in support, two copies of the Summons and Complaint (if not already served). Please note, pursuant to Code of Civil Procedure § 515.010 (b), an Undertaking is NOT required ONLY if the court finds that the defendant has no interest in the property. If such a finding is made, the court shall expressly waive the requirement of the

	plaintiff's undertaking and shall include in the order for issuance of the writ the amount of the defendant's undertaking sufficient to satisfy the requirements of subdivision (b) of the Code of Civil Procedure § 515.020.
Letter of Instructions	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. If no Summons and Complaint is provided, the letter of instructions must specify that they have been served. Specify the name and address of defendant's attorney, if any. If there is no serial number, license number, or other specific identifier, provide a photograph of the property and/or a contact person who can positively identify it and provide written and signed verification 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 § 514.010 unless the debtor voluntarily surrenders it.*** The plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney) must sign and date the instructions.
Time for Service	The Writ must be served and returned to the court within 60 days of issuance (Code of Civil Procedure § 514.040). File promptly with our office.
Method of Levy	The method of levy is seizure in which the Sheriff refers to the writ to identify specifically described property and its physical location in order to seize it from the possession of the defendant and store it for 10 days. If the defendant does not post a redelivery bond, the property is released to the plaintiff.
Cost Deposit	Vehicle: $800.00 for towing and storage Large vehicle: (RV, Diesel Truck, Large Boat): $1,000.00 for towing and storage. Property: Costs to move and store—***If applicable***

Fee	$85.00 if served, $30.00 if unable to serve or cancelled. $125.00 for opening each safety deposit box.
Writ Return	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the Writ of Possession when it is returned to the court.

What is Required Check List:

- $85.00 fee plus moving and storage costs
- $125.00 for opening each safety deposit box
- Original Writ of Possession—Claim and Delivery plus three copies
- Order for Writ of Possession—Claim and Delivery plus three copies
- Undertaking plus three copies—Unless waived by court (see above)
- Three copies of any affidavits in support of documents provided
- Two copies of the Summons and Complaint (if not already served)
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Submit to Sheriff as soon as possible after issuance due to the 60 day time limit to serve and return to the court.

OR

- Original Order for Writ of Possession (Ex Parte Writ Only)
- Undertaking plus two copies (Ex Parte Writ Only)—Unless waived by court (see above)
- Notice of Application for Writ of Possession and Hearing (Ex Parte Writ Only)
- Application for Writ of Possession plus two copies (Ex Parte Writ Only)
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Submit to Sheriff as soon as possible after issuance due to the 60 day limit to serve and return to the court.