

# Real Property Levy Writ of Sale

<b>Court Document(s) Required:</b>	<p>Real property levies involving a Writ of Sale are handled by the Sheriff. The requester must provide the following upon opening a Writ of Sale levy file with our office:</p> <ul style="list-style-type: none"><li>• Original Writ of Sale (form EJ 130) plus three copies</li><li>• Certified copy of the Judgment for Sale per Code of Civil Procedure § 716.010(c)</li><li>• Required Fees</li><li>• 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).</li></ul>
<b>Letter of Instructions</b>	<p>The letter of instructions must specify the type of levy requested. The letter of instructions must include a legal description of the property to be levied upon as well as the street address. Specify whether the real property also stands in the name of third persons (recorded owners other than the judgment debtor) as indicated by county records. If yes, list the names and addresses of all third parties as well as all a.k. a.(s) of the debtor. Specify whether the real property is a leasehold estate. If yes, provide the date when the leasehold expires.</p> <p>In addition, If the judgment is pursuant to a judicial foreclosure AND a right of redemption is applicable, include and attach a list of lien holder names and addresses. If there are no lien holders, so state.</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.</p>

<b>Time for Service</b>	The Writ of Sale expires 180 days after issuance.
<b>Method of Levy</b>	The method of levy is the creation of a lien against the property. This is accomplished by filing the Writ of Sale, Notice of Levy and other documents with the County Recorder of the county in which the real property is located. The lien includes a description of the property levied upon and states that the judgment debtor's interest in the described property has been levied upon. The recording of the levy creates a judicial lien, which initiates the process of selling the real property in a Sheriff's sale. The Sheriff will apply the proceeds of the sale of the property in conformity with court orders contained in the Writ of Sale. The Sheriff's sale will be conducted at the direction and in the manner prescribed by the issuing court.
<b>Cost Deposit</b>	\$570.00 cost deposit for recording, publishing, posting, issuance of a deed and certificate of sale and notary services.
<b>Fee</b>	\$30.00 if served, \$30.00 if unable to serve or cancelled
<b>Writ Return</b>	A return detailing the Sheriff's actions is prepared by Civil Unit staff, which accompanies the original Writ of Sale when it is returned to the court.

[ [Click Here for a Sample Letter of Instructions—Form E 1of 2](#) ]

[ [Click Here for a Sample Letter of Instructions—Form E 2of 2](#) ]

**What is Required Check List:**

- \$600.00
- Original Writ of Sale (form EJ 130) plus three copies
- Certified copy of the Judgment for per Code of Civil Procedure § 716.010(c) plus three copies
- Required Fees
- 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).

INSTRUCTIONS TO THE SHERIFF OF \_\_\_\_\_ COUNTY

TO LEVY UPON REAL PROPERTY

The Sheriff must have written, signed, instructions by the attorney for the creditor, or the creditor if he / she has no attorney in accordance with CCP 262; 687.010.

\_\_\_\_\_  
Plaintiff VS. \_\_\_\_\_  
Defendant  
\_\_\_\_\_  
Court Case Number Levy Officer's File Number - if known

- Check here if this is supplemental information or addendum to previously submitted instructions.
- Provide the original and 5 copies of the writ (and any attachments to the writ).
- Provide the required advance deposit for fees and costs.
- Below, select the type of writ and provide all the requested information:

Writ of Attachment - A levy will be conducted in conformance with CCP 488.315 and 700.015. The defendant's interest is not sold under a writ of attachment. When levy is pursuant to a writ of attachment AND the defendant has not been previously served with a copy of the summons and complaint, you are required, pursuant to CCP 488.020(c), to instruct the levying officer to serve a copy of the summons and complaint when the writ is served upon the defendant.
- Please serve a copy of the summons and complaint upon the defendant (s). I am providing two copies of the summons and complaint for each defendant to be served.
- The defendant was previously served with the summons and complaint

Writ of Execution (money judgment)
Does the real property contain a dwelling? Yes No

Writ of Sale - Provide a certified copy of the Judgment for Sale as required by CCP 716.010(c). The judgment is for the...
1 partition of real property.
2 judicial foreclosure of a...
2a mortgage or deed of trust.
The judgment indicates that a deficiency judgment...
- may be ordered.
- is waived or prohibited.
2b special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity or district).
2c assessment lien by an association or common interest development.
2d mechanics lien (labor or improvements to real property).
2e other lien(s) on real property.
Is a "right of redemption" applicable to the sale of this property? Yes No

- This levy seeks to levy upon (or attach) real property interest of the following judgment debtor (s) / defendant (s):

NAME: \_\_\_\_\_

ADDRESS: (include mailing address) \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: (include mailing address) \_\_\_\_\_

- Does the judgment debtor's / defendant's interest in the real property consist of a leasehold interest (may also be referred to as a "leasehold estate" or an "estate for years")?  Yes  No. If yes, provide the date the lease expires: \_\_\_\_\_.
- Provide the common street address for the real property (if any). The common street address must be included on the subsequent notice of sale. If this is vacant land, please indicate:  
\_\_\_\_\_

- Attach to this sheet the legal description of the property. Include the assessor's parcel number. Ensure that the legal description is typed and clear enough for recording purposes. (provide assessor's map if either vacant land or no common street address exists):

- Does the real property also stand in the name of a person (other than the judgment debtor/defendant) having a recorded interest in the real property as shown by the records of the county?  Yes  No.

If yes, provide the names and addresses of all such third persons. The Sheriff is required to serve (by mail) a copy of the writ and notice of levy on each such third person. Section 700.015 of the Code of Civil Procedure requires that if "...service on the third person is by mail, it shall be sent to the person at the address for such person, if any, shown by the records of the office of the tax assessor of the county where the real property is located or, if no address is so shown, to the person at the address used by the county recorder for the return of the instrument creating the interest of the third person in the property."

- List the names and address of the third person (s). Attach a separate sheet if necessary.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Additional names and addresses of third persons are contained on a separate sheet.

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TEL ( ) \_\_\_\_\_ Ext. \_\_\_\_\_

FAX ( ) \_\_\_\_\_ Ext. \_\_\_\_\_

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ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Additional names and addresses of third persons are contained on a separate sheet.

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TEL (    ) \_\_\_\_\_ Ext. \_\_\_\_\_

FAX (    ) \_\_\_\_\_ Ext. \_\_\_\_\_