

# Business Seizure - Writ of Execution

<p><b>Court Document(s) Required:</b></p>	<p>Original Writ of Execution (Money Judgment) (form EJ-130) plus two copies</p>
<p><b>Letter of Instructions</b></p>	<p>Specify the name and address of the debtor's business and the nature and length of the levy. If seizure and sale is requested, specify exactly what is to be seized and sold (inventory, equipment, etc.) Please identify the nature of the business and any hazards, if known. 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>
<p><b>Time for Service</b></p>	<p>The Writ of Execution expires 180 days after issuance.</p>
<p><b>Method of Levy</b></p>	<p>The method of levy is seizure of assets by placing a Sheriff's Keeper in the business to prevent removal of property and to collect sales proceeds for payment to the judgment creditor. The Sheriff collects sales revenue and prevents removal of property or assets from the debtor's business for an 8-hour period. The maximum period of time a Keeper levy can be maintained is ten (10) days.</p> <p>The judgment creditor has the option of requesting the seizure, removal to storage and sale of tangible personal property of the business upon providing written and signed direction and deposit of Sheriff's costs. After levy, the Sheriff will submit a report to the judgment creditor/attorney detailing actions taken and any monies collected.</p>

<b>Cost Deposit</b>	<p>The method of levy is seizure of assets by placing a Sheriff's Keeper in the business to prevent removal of property and to collect sales proceeds for payment to the judgment creditor. The Sheriff collects sales revenue and prevents removal of property or assets from the debtor's business for an 8-hour period. The maximum period of time a Keeper levy can be maintained is ten (10) days.</p> <p>The judgment creditor has the option of requesting the seizure, removal to storage and sale of tangible personal property of the business upon providing written and signed direction and deposit of Sheriff's costs. After levy, the Sheriff will submit a report to the judgment creditor/attorney detailing actions taken and any monies collected.</p>
<b>Fee</b>	<p>\$85.00 per 8-hour Keeper installation (maximum 10 days) if served.</p> <p>(\$60.00 if Keeper installation attempted and not served, and \$30.00 if unable to serve or cancelled prior to an installation attempt).</p>
<b>Writ Return</b>	<p>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.</p>

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

**What is Required Check List:**

- 8-hour Keeper: \$195.00 fee per day **OR**
- Seize and sell (48 hour Keeper): \$1,120 initial fee and deposit plus costs to inventory, move, store and sell property.
- Original Writ of Execution plus two copies

- 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).
- Can be submitted in person or via mail
- Submit to Sheriff no later than 150 days after issuance of Writ

**(Levy upon Debtor's Going Business)**  
**INSTRUCTIONS TO THE SHERIFF OF THE COUNTY OF \_\_\_\_\_**

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 Case No. \_\_\_\_\_

If the writ contains multiple debtors, please indicate which debtor (s) is the owner of the going business: \_\_\_\_\_

**SECTION I (Property)**

**YOU ARE INSTRUCTED TO LEVY ON THE JUDGMENT DEBTOR'S BUSINESS AS FOLLOWS:**  
(check box 1, 2 or 3 only)

1.  CONDUCT "TILL TAP" ONLY by taking immediate custody of CASH/CHECK PROCEEDS FROM SALES ONLY from the cash register or usual money receptacle at the business. (Omit Section II of this form)
  
2.  PLACE A KEEPER in the judgment debtor's business for the period of time indicated in Section II (below), for the purpose of taking custody of CASH / CHECK PROCEEDS FROM SALES ONLY pursuant to Section 700.070(c) of the Code of Civil Procedure.
  
3.  PLACE A KEEPER in the judgment debtor's business for the period of time indicated in Section II (below), for the purpose of taking custody of CASH/CHECK PROCEEDS FROM SALES AND TANGIBLE PERSONAL PROPERTY in the manner prescribed by the law. At the end of the keeper period, or if, pursuant to CCP 700.070(b)(1), the judgment debtor objects to the placement of the keeper (check only one of the below boxes) ...
  - 3a  Seize all cash and checks, release all other tangible property, release the keeper and leave.
  - 3b  Seize cash and checks, inventory, move, store, and sell tangible personal property as directed by the judgment creditor, in the manner prescribed by law. NOTE: A minimum deposit of \$1,500.00 is required pending further quotation. Pursuant to 685.100 of the Code of Civil Procedure, the levying officer will not take exclusive custody of property unless the judgment creditor has deposited a sufficient sum of money to pay costs of moving and storage.

**SECTION II (Keeper period)**

THE KEEPER IS TO BE INSTALLED IN THE BUSINESS FOR A PERIOD OF . . .  
(check one box only)

8, 12, 24, hours each day for \_\_\_\_\_ day (s).

**SECTION III (Business information)**

\_\_\_\_\_  
Name of Business / \_\_\_\_\_  
Address / \_\_\_\_\_  
City

Business hours are \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m., Days closed \_\_\_\_\_

**NOTICE: ALL COMMUNICATIONS, REFUNDS, AND COLLECTIONS WILL BE MADE TO THE NAME AND ADDRESS LISTED BELOW: (Please Print)**

Accept \$ \_\_\_\_\_ plus levy costs and interest to satisfy this case.

\_\_\_\_\_  
Signature of attorney (or creditor without an attorney) Date

PRINT Name and Address of attorney (or creditor without an attorney)

TEL ( ) \_\_\_\_\_ EXT. \_\_\_\_\_

FAX ( ) \_\_\_\_\_