

# Real Property Levy Writ of Attachment

**Court  
Document(s)  
Required:**

***Our Office requires real property attachment levies to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 488.080, § 488.315 and § 700.015.*** Prior to the levy, the RPS must open a file with our office and deposit with the Sheriff:

- Original Letter of Instructions per Code of Civil Procedure § 488.030
- A copy of the Writ of Attachment (form AT 135)
- A copy of the Right to Attach Order (forms AT 120, AT 125 or AT 130)
- Notice of Attachment (form AT 165)
- Copy of Undertaking per Code of Civil Procedure § 489.210 and § 489.220
- Copy of the Summons and Complaint (form 982a16) if not already served
- Required Fees

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

- Original Writ of Attachment (form AT 135)
- Right to Attach Order (form AT 120, AT 125 or AT 130)
- Notice of Attachment (form AT 165)
- Undertaking per Code of Civil Procedure § 489.210 or Undertaking by Personal Sureties (form AT 160 or CD 140)
- Summons and Complaint (form 982a16) if they have not already been served.

<p><b>Sheriff's Instructions</b></p>	<p>The letter of instructions must specify the type of levy requested. It must include a legal description of the property (to include parcel number) to be levied upon, the street address and whether the property is a dwelling. Specify whether the real property also stands in the name of third persons (recorded owners other than the defendant) 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. If a copy of the Summons and Complaint is not provided with instructions for the RPS to serve them, the letter of instructions must state that the Summons and Complaint have already been served. Please specify if the defendant(s) interest in the real property consists of a leasehold interest. If so, provide the date when the lease expires.</p> <p>The plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney) must sign and date the instructions.</p>
<p><b>Time for Service</b></p>	<p>The Writ of Attachment must be served and returned to the court within 60 days after receipt by the Sheriff.</p>
<p><b>Method of Levy</b></p>	<p>The method of levy is the creation of a judicial lien on the property. This is accomplished by recording the Writ of Attachment, Notice of Levy and other documents with the County Recorder of the county in which the real property is located. The levy documents describe the property levied upon and state that the judgment debtor's interest in the described property has been levied upon. The levy remains in effect until the civil case is adjudicated. <b><i>Our Office requires real property attachment levies to be served by a Registered Process Server (RPS) per Code of Civil Procedure § 488.080, § 488.315 and § 700.015.</i></b> 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 § 488.080 (d):</p> <p>§ The Original Writ of Attachment</p> <p>§ An affidavit of the registered process server stating the manner of levy performed.</p>

	<p>§ Proof of service of a copy of the writ and Notice of Attachment on other persons as required by Article 2 (commencing with Code of Civil Procedure § 488.300).</p> <p>If required fees have been received by the Sheriff, the Sheriff will perform all other duties under the Writ of Attachment and return the writ to the court with a statement of action taken.</p>
<b>Cost Deposit</b>	\$70.00 for recording release of lien 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 Writ of Attachment when it is returned to the court.

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

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

**What is Required Check List:**

- \$100.00
- Original Writ of Attachment (form AT 135) plus three copies
- Order for Issuance of the Writ of Attachment (form AT 120, AT 125 or AT 130) plus three copies
- Notice of Attachment (form AT 165) plus three copies
- Undertaking per Code of Civil Procedure § 489.210 plus three copies or Undertaking by Personal Sureties (form AT 160 or CD 140) plus three copies
- Three copies of the Summons and Complaint (form 982a16) if they have not already been served.
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff 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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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. \_\_\_\_\_