**COLLECTION OF JUDGEMENT INFORMATION SHEET**

**ORDER FOR APPEARANCE**

If you are unaware of the defendant’s assets or the location of their assets, you may return to the court that issued the judgment and request an ORDER OF APPEARANCE OF JUDGMENT DEBTOR. This order, after being served upon the defendant, requires the defendant to appear in court to answer questions about their assets. If they do not appear, the court will issue a warrant for their arrest. Your instructions for service must contain the defendant’s address.

**EARNINGS WITHHOLDING ORDER**

An EARNINGS WITHHOLDING ORDER requires an employer to send to the Sheriff a percentage of the defendant’s salary, as specified by law. The monies collected by the defendant’s employer are sent to the Sheriff’s Department and disbursed as collected, after taking out a $10.00 disbursement fee for handling the monies. This fee amount is then added back into the amount to be collected. Interest will also be added into the amount to be collected. The employer has 15 days to send in an “employer’s return.” A copy of this will be mailed to the plaintiff or plaintiff’s attorney. An EARNINGS WITHHOLDING ORDER remains in effect until the judgment is satisfied in full.

**BANK LEVY**

A defendant’s bank account may be garnished. The name and address of the bank are required in your instructions to the Sheriff. Most banks will not withhold funds unless the name on the account is exactly the same as it appears on the Writ of Execution. Though not required, the account number may assist the bank in locating the defendant’s account.

**VEHICLE LEVY**

A vehicle belonging to the defendant and in their possession may be levied upon and sold at public auction. Your instructions to the Sheriff must contain the make, year, license number and location of the vehicle. If the defendant has but one vehicle, he is entitled to an automatic $2,900.00 exemption. This means that the bidding starts at the $2,900.00 exemption, plus monies owed to the lien holder and all costs incurred. If the minimum bid is not received, the vehicle must be returned to the defendant.

**TILL TAP LEVY**

If the defendant is a business and has a cash till on the premises, you may instruct the Sheriff to execute a “till tap” levy. Monies of the defendant may be removed from the till and paid to you. Instructions to the Sheriff’ require the name and address of the defendant’s business.

**KEEPER LEVY**

If the defendant is a business and takes in payment for services or merchandise, you may instruct the Sheriff to execute a Keeper Levy. With installation of Sheriff’s keeper personnel at the business, business assets and monies received come under the control of the Sheriff. The name on the writ must be exactly the same as the name of the business and the defendant must own the business. The name and address of the business are necessary to complete the instructions.

**SPECIAL NOTICE**

We understand that you are eager to remain abreast of the status of your case. Once you have left your case for processing however, please be patient. You will be informed when we have information for you. In the case of a bank or wage levy, you will receive a copy of the bank or employer’s answer. In the case of a vehicle, till tap or keeper, you will be informed by phone. Check with your local library or bookstore for more detailed information.

**DISCLAIMER**

THE ABOVE IS ONLY A GUIDE, AND IS NOT TO BE CONSTRUED AS LEGAL ADVICE. FURTHER, THERE IS NO GUARANTEE OR WARRANTY AS TO THE
CURRENCY OF THE INFORMATION PRESENTED

**COLLECTING AN OUT OF STATE JUDGEMENT**

This section will provide you information about how to obtain a California Judgement based on a judgement in another state.

A California Sheriff is not bound by and may not execute or enforce by levy any process issued by a court of a sister state. On its face, such process is patently beyond the jurisdiction of the out-of-state court; no state, and therefore, no court of such state can exercise jurisdiction beyond its own borders.

To obtain a California judgment based on a sister state judgment, a creditor must file an application, with an authenticated copy of the sister state judgment, in the Superior Court.

The clerk then issues the notice, which the creditor must serve promptly on the debtor. Under certain circumstances, a writ of execution may issue before service of the notice. The notice allows the debtor 30 days to move to vacate the judgment and prevent issuance of the writ or to obtain relief if already issued. The procedure allows money judgments only. (Ca Civil Code of Procedure 1710.15, et. seq.).

The Sheriff may serve a summons, citation, etc., issued from courts in other states. In some states service must be specifically authorized by the court, clerk, or sheriff in that state. Service on a Sunday is void under the laws of many other states. Before serving an out-of-state process, ascertain whether it would be a valid service.

Some states require a Notary or Clerk of the Courts seal on the proof of service. Check with the plaintiff as to which acknowledgment of proof is required from their state. A ten-dollar ($10.00) fee is required for all notarized proof of service signatures.