

INSTRUCTIONS TO THE SHERIFF OF THE COUNTY OF KERN
REAL PROPERTY LEVY

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.

Civil Section
PO Box 70127
Bakersfield, CA 93387
(661) 635-1300 Fax (661) 635-1320

_____ vs _____
Plaintiff Defendant

_____ Court Case Number

_____ Levying Officer File Number

- Check here if this is supplemental information or addendum to previously submitted instructions.
 Check here if this is not supplemental information or addendum to previously submitted instructions.

Does the real property contain a dwelling? Yes No **Is it real or personal? (circle one)**

- Provide the original and 5 copies of the writ (and any attachments to the writ).
- Provide the required advance deposit for fees and costs (\$2,100.00 for execution or sale, \$600.00 for attachment).
- Provide an assessor's map with each property boundary highlighted.
- If attachment, provide right to attach and undertaking.
- 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)** – To levy upon and sell real property

- Writ of Sale** – Provide an original 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 liens on real property.

Is a "right of redemption applicable to the sale of this property?" Yes No

- This levy seeks to attach or levy upon and sell the right, title and interest of the following judgment debtor(s)/defendant(s) in the real property described in attached legal description (attach an extra sheet if necessary):

NAME: _____

ADDRESS (include mailing address): _____

(CONTINUED ON NEXT PAGE)

NAME: _____

ADDRESS (include mailing address): _____

NAME: _____

ADDRESS (include mailing address): _____

Additional names and addresses of debtors/defendants are contained on a separate sheet.

■ 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: _____

■ Common street address (if any) _____

This property is vacant land or has no common street address .

■ Attach a separate sheet containing the common street address (if any) and 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.

■ Does the real property also stand in the name of a third 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 recorded 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 (or creditor without an attorney)

Date

Printed name of signor (include title if signing on behalf of business entity)

Address of attorney/creditor (number, street, city, state and zip code)

Telephone Number

Fax Number

Email Address @ _____