

(Levy Upon the Debtor's Real Property)

**INSTRUCTIONS TO THE SHERIFF OF EI DORADO COUNTY**

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 Levying Officer File Number

Check here if this is supplemental information or addendum to previously submitted instructions.

- Provide the original 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 sell or attach the real property interest of the following judgment debtor(s) / defendant(s): (Circle "sell" or Circle "attach")

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

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

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

ADDRESS: ( 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: \_\_\_\_\_.

Common street address (if any): \_\_\_\_\_

This property is vacant land or has no common street address. (Assessor's map required with property boundary highlighted)

- 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 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."

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

NAME:

\_\_\_\_\_

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

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

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

\_\_\_\_\_  
Print name of signor (include title if signing on behalf of a business entity)

\_\_\_\_\_  
Address of attorney/creditor (Number, Street, City and Zip Code)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Cell Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
FAX Number