

Instructions to the United States Marshal (USM)

Northern District of California (N/CA) USMS Civil Division

450 Golden Gate Ave, 7th Floor, San Francisco, CA 94102, 415-874-4076

ccivildivision@usms.doj.gov

Real Property Levy

Court Case: _____ **vs.** _____ **Court Case #** _____

- Provide a separate instruction sheet for each property to be levied
- Provide a deposit check payable to N/CA USMS for \$1,000.00
- Provide a separate check payable to the County Recorder’s Office for an amount “Not to Exceed \$350.00” (Note: Check with the County Recorder’s office to ensure that they will take a NTE check. If they do not take NTE checks, please coordinate with the Civil SDUSM on how to proceed).

1. To the U.S. Marshal: Pursuant to the attached writ: **CHECK ONE**

- You are instructed to serve and execute the levy as described below
- A Registered Process Server (RPS) will serve the levy as described below.
RPS Name and Phone Number: _____

2. What type of writ do you have? CHECK ONE

- WRIT OF EXECUTION - MONEY JUDGMENT (EJ-130)** Reference CCP 700.015 and 701.510-701.830

Does the real property contain a dwelling? Yes No. Is the land a vacant lot? Yes No.

If the property contains a dwelling, the Sheriff will serve notice on the judgment creditor that the levy has been made and that the property will be released unless the judgment creditor complies with the requirements of CCP 704.750. Be prepared to file a copy of your Application for Order for Sale of the Dwelling with the Sheriff within 20 days of service of the notice, or the property will be released. CCP 704.750 (a).

- WRIT OF ATTACHMENT (AT-135)** Reference CCP 488.315 and 700.015

- Also include the Right to Attach Order and Undertaking, if one was ordered

Regarding the service of the Summons and Complaint, CCP 488.020 (c):

If the defendant has not been previously served with a copy of the Summons and Complaint, you are required to instruct the Levying Officer to serve a copy of the Summons and Complaint when the writ is served on the defendant.

- The defendant was previously served with the Summons and Complaint. Date: _____
- Please serve the enclosed copy of the Summons and Complaint upon the defendant(s).

- WRIT OF SALE (EJ-130)** Reference CCP 712.010-712.070, 716.010-716.030, CCP 700.015 and 701.510-701.830

- Also include the certified copy of the Judgment for Sale as required by CCP 716.010 (c).

3. Judgment Debtor: This levy seeks to levy upon (or attach) the real property interest of the following judgment debtor(s). The debtor name(s) listed below must match exactly as they appears on the writ.

Debtor Name: _____

Address for service: _____

Debtor Name: _____

Address for service: _____

- Additional names and address of judgment debtor(s) are contained on a separate sheet.

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4. **Third Party Information:** 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 Marshal 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."

3rd Party name: _____

3rd Party address for service: _____

3rd Party name: _____

3rd Party address for service: _____

Additional names and address of judgment debtor(s) are contained on a separate sheet.

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5. **Property Information:** You must provide a copy of the legal description. A copy of the Assessor's Parcel Map is needed if the property is vacant land, if the parcels are not contiguous, if no street address exists, or if the property is difficult to locate.

I have included a copy of the legal description of the property (REQUIRED)

I have included a copy of the Assessor's Parcel Map

Real property street address: _____

Assessor's Parcel Number (APN): _____

Does the real property contain a dwelling? Yes No

Is this a commercial property? Yes No

Is this land a vacant lot? Yes No

Additional Information is contained on a separate sheet

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6. **Your Information:**

Name: _____ Phone Number: _____

Address: _____

Signature: _____ Date: _____

Plaintiff

Plaintiff's Attorney of Record

Remarks:
