

FREQUENTLY ASKED QUESTIONS (PLAINTIFF/CREDITOR)

Q: How much will it cost to serve my documents and what method of payment can I use?

A: Refer to the fee schedule for service of your particular document. We accept personal checks issued from within the state, money orders, cashiers' checks (payable to Kern County Sheriff) and cash. We do not accept credit cards. Please do not send cash through the mail.

Q: Why do I have to submit written instructions and who can sign them?

A: The sheriff requires written instructions signed by the attorney of record or the plaintiff if there is no attorney (CCP 262). The instructions must state the name and address where the service is to be made. The defendant/debtor's name must be as listed on the court documents. Substitute signatures are not acceptable. Facsimile signature stamps of attorneys are acceptable. We will not accept a photocopy.

Q: My writ was returned for correction. Why do I have to have the court clerk correct and initial it?

A: All additions, corrections, deletions, and interlineations must be initialed by the issuing clerk (Calif. Rules of Court 2.116).

Q: I live out of state, how do I go about having documents served on someone in Kern County?

A: Documents from out of state have the same instruction and fee requirements as in-state documents and usually require a \$30.00 service fee per document. Generally, a notarized Certificate of Service is required by the out-of-state jurisdiction which is an additional fee of \$10.00 per document for a total of \$40.00. If notarization is not required by your state, write "No Notary Required" on your instructions. All fees must be paid in advance, we do not accept out of state fee waivers or out of state personal checks.

Q: I have a court date – when should I turn in my documents for service?

A: We recommend you submit your documents as soon as possible. We require your documents be received in our office no less than 10 days prior to the last day for service to allow time to process, serve and return the Proof of Service to you by the court date. If there is not sufficient time to serve your documents, it will be necessary for you to obtain a new hearing date.

Q: How do I know the "last day for service?"

A: The last day for service varies by the type of process and is usually found on your court documents. You can also get this information from the court clerk or legal assistance agency.

Q: How will the court get Proof of Service? Does the Civil Division submit the proof for me?

It is your responsibility to submit the proof to the court. It is for this reason we require a mailing address for the plaintiff/creditor and sufficient time to complete the service and mail you the proof.

Q: I have a writ of execution, how do I collect my judgment?

You may wish to consult an attorney or other legal assistance agency for answers to your legal questions. Civil Division staff is not permitted to give legal advice.

Q: What is a levy?

A: A levy is the process of seizing property under a writ of execution. The Sheriff (levying officer) will seize the property at the request of the plaintiff/creditor to satisfy a money judgment.

Q: What type of levy can I have the levying officer attempt for me?

Some of the types of levies you can attempt are an earnings withholding order, bank levy, personal property or real property levy. If you have a judgment against a business you can attempt a till tap or keeper. We require the original writ of execution for all levies.

Q: What is an earnings withholding order and what do I need to submit?

A: An earnings withholding order garnishes the wages of the defendant/debtor. You will need to submit:

- 1 original and 2 copies of your writ
- 1 original and 1 copy of Application for Earnings Withholding Order (Judicial Form #WG-001)
- Fee in the amount of \$25.00

Q: What is a bank levy?

A: A bank levy seizes funds held in savings or checking accounts. You will need to submit:

- 1 original and 2 copies of your writ
- Original signed and dated instructions (form available online) to include:
 - The name and address of the bank branch
 - The name and address of the defendant/debtor
 - The bank account number and/or social security number, if available
 - Any other specific instructions
 - Your name and address
 - Fee for \$30.00

Q: What is a personal property or real property levy?

A: An example of personal property is a vehicle levy and real property is a parcel of land with or without a dwelling. Both of these levies require the levying officer to seize (levy) upon the property and sell it at auction to the highest bidder.

Q: What is a Till Tap?

A: The deputy enters a going business and seizes all funds in the cash register.

Q: What is a Keeper?

A: The deputy "installs" a keeper in a going business for the purpose of taking custody of all proceeds from sales for a specified period of time.

Q: How will I know when my levy has been served?

A: When your levy has been assigned and processed by the clerk, a receipt will be mailed to you for the amount of the fee. This is approximately the time the deputy will be attempting service. When we receive a written response from the employer or garnishee, a copy will be mailed to you. We ask that you wait at least thirty days before requesting status on a levy.

Q: When will I receive any funds collected from the levy?

A: The Civil Division will mail you a receipt when funds are received and posted to your case. The funds (minus a \$10.00 assessment fee) will be paid to you approximately 30 days from the date of receipt.

Q: Can a Registered Process Server serve a levy and if so, what are the requirements?

A: A Registered Process Server may levy under a writ of execution on certain types of property (Refer to CCP 699.080 for specific information).

Before levying under a writ of execution, the process server is required to submit the following to the Civil Division:

- Writ of Execution
- Original instructions
- Fee (per fee schedule)

Civil Division staff will review the documents and provide a levying officer file number. (Allow up to two weeks to receive the file number). We will keep the file pending and it will NOT be entered into our system until service of a valid levy.