

EJ-130

1. Name and address of Plaintiff and Defendant.

2. Superior Court of California, County of Fresno.

3. Plaintiff and Defendant names.

4. Writ of Execution (Money Judgment), Possession of Personal Property, or Sale of Real Property.

5. Case number.

6. County of Fresno.

7. Judgment creditor name and address.

8. Judgment debtor name and last known address.

9. Judgment entered on (date).

10. Amount of judgment and other amounts.

11. Total judgment.

12. Court order judgment (per Fed. order or memo) CCP 685.090.

13. Disposal (per Fed. and 42).

14. Credits.

15. Disposal (per order of Fed. and 42).

16. Interest on judgment (per Fed. order or CCP 685.093) (per on GC 6102.5 fees).

17. Fee for issuance of writ.

18. Total paid (5, 15, and 17).

19. Levying of Writ: (A) Add daily interest from date of writ (at the rate of 1% (per on GC 6902.5 fees) of ... \$; (B) Pay directly to court does included in 11 and 17 (GC 6923.5, 6851.5; CCP 690.520(c)).

20. This amount calculated in items 11-15 an addition for each debtor. These amounts are added for each debtor on Attachment 20.

Issued on (date): _____ Clerk by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

WRIT OF EXECUTION

How to fill out

WRIT OF EXECUTION EJ-130

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

- 1 Write your name and address. Write your phone to the right.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. The address is: 1100 Van Ness Ave., Fresno CA 93724-0002. The Branch Name is: Central Division.
- 3 Write your name after Plaintiff. Write the name of the primary or main Defendant.
- 4 Check "possession of" and "real property." "Execution (Money Judgment)" can also be checked if a money judgment was awarded.
- 5 Write the case number here.
- 6 Write "Fresno" after County of (where circled).
- 7 Write your name and check "judgment creditor." (Plaintiff is the judgment creditor.)
- 8 Write the names of each defendant and their last known address. (Defendant is the judgment debtor.) If more than two defendants, check "additional judgment debtors on reverse."
- 9 Enter the day judgment was entered if known (if the case went to a court trial the date would be known). If you turn in this form along with a Request for Entry of Default, leave the date blank and the clerk will fill in the date.
- 10 Skip to the right column and check box 9. If a Court Judgment was obtained, money amounts may be filled in. If this writ is to take possession of property, do not fill in money amounts.

DO NOT fill out the rest of this form. Go to page two of the Writ of Execution.

PLAINTIFF: **11** DEFENDANT: **11** Case Number: **11**

—lines continued from page 1—

21. Additional judgment debtors (name and address) _____

22. Notice of sale has been requested by (name and address) _____

23. Joint debtor was declared bound by the judgment (CCP 905-904):
 a. on (date): _____ b. on (date): _____
 c. name and address of joint debtor: _____ d. name and address of joint debtor: _____

24. (Proof of Possession or Writ of Sale) judgment was entered for the following:
 a. Possession of real property. The complaint was filed on (date): _____ (check (1) or (2)):
 (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
 (a) \$ _____ was the daily rental value on the date the complaint was filed.
 (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following date (check): _____
 b. Satisfaction of personal property.
 c. Sale of personal property.
 d. Sale of real property.
 e. Description of property: _____

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NOTICE TO PERSON SERVED
 WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-450).
 WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.
 WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacant within five days after the date of service on the occupant or if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and care of the personal property within 15 days after the date the judgment creditor takes possession of the premises.
 If a Claim of Right to Possession is filed, a writ of possession will be issued if the summons was served in compliance with CCP 415.45.

WRIT OF EXECUTION

WRIT OF EXECUTION EJ-130

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **11**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Fill in the case number where circled above.

- 11** Write your name (Plaintiff) vs. the primary or main Defendant's name. Example: *Smith vs. Johnson*
- 12** This is the same item 4 continued from the first page. If you checked the box, "additional judgment debtors on reverse," check this box and write additional names and addresses here. Space is provided for two defendants (judgment debtors).

DO NOT fill out 7 and 8.

- 13**
 - Check box 24, and check a. Fill in the date you filed the Complaint.
 - Read (1) and (2). Decide which best describes your situation then check (1) or (2), but not both.
 - If you choose (1), a "proof of service on a prejudgment claim of right to possession" must be filed with the court.
 - If you check (2) fill in the daily rental value (a) and the court date (b) if known.
- 14** Describe the property by writing the complete address. Include the zip code and street references such as North (N), South (S), East (E) or West (W). Also include the apartment or unit number if any.

Example of complete address: Not complete:

1234 S. Main Street #10
Fresno, CA 93700

1234 Main
Fresno, CA