



Judicial Council of California

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INVITATION TO COMMENT

SPR24-08

Title

Civil Practice and Procedure:
Implementation of Assembly Bill 1119

Action Requested

Review and submit comments by May 3, 2024

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 3.1905;
approve forms EJ-126, EJ-127-INFO,
EJ-140, EJ-141, EJ-143, and EJ-144;
revise form AT-138/EJ-125

Proposed Effective Date

January 1, 2025

Contact

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Proposed by

Civil and Small Claims Advisory Committee
Hon. Tamara L. Wood, Chair

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes adopting one rule and six mandatory forms and revising one form to implement Assembly Bill 1119 (Stats. 2023, ch. 562), enacted October 8, 2023. AB 1119 creates special procedures for debtor's examinations for judgments concerning consumer debts awarded on or after January 1, 2025, and requires the Judicial Council to adopt new forms to implement these procedures.

Background

Existing law allows a court to order someone who has not paid a civil judgment entered against them (a judgment debtor) to come to court and answer questions about their income, assets, and expenses. The person or persons owed money under the judgment (judgment creditor) can then use this financial information to collect what is owed to them. This procedure is called a debtor's examination. An existing Judicial Council form, *Application and Order for Appearance and Examination* (form AT-138/EJ-125), can be used to ask the court to order a debtor's examination.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

AB 1119¹ creates new procedures for a judgment creditor seeking a debtor’s examination when the judgment concerns a consumer debt awarded on or after January 1, 2025.²

For purposes of the new law, “consumer debt” means:

any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt does not include debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee. Consumer debt does not include rental debt, which means unpaid rent or other unpaid financial obligation of a tenant under the tenancy that has come due.³

For ease of reference, proceedings to enforce judgments concerning a consumer debt awarded on or after January 1, 2025, will be referred to as “consumer debt cases” in this invitation to comment.

New examination procedure

In response to an order for examination, a judgment debtor in a consumer debt case can submit a financial affidavit, signed under penalty of perjury, providing information about their assets, expenses, and debts. The judgment debtor can submit the financial affidavit instead of appearing at the examination. However, if the financial affidavit states that all of the judgment debtor’s assets are exempt from enforcement of judgment, the court must cancel the examination.⁴

If the examination is canceled because the judgment debtor has claimed complete exemption, the judgment creditor can file a notice of motion and motion for an order requiring the judgment debtor to appear for examination notwithstanding the filing of the financial affidavit.⁵ The

¹ See Link A.

² Code Civ. Proc., § 708.111(a). AB 1119 also changes the deadline for judgment creditors in all cases to serve the order to appear for examination, from 10 days to 30 days. Code Civ. Proc., § 708.110(d). This portion of AB 1119 became effective on January 1, 2024, and the Judicial Council revised the affected portion of *Application and Order to Appear for Examination* (form AT-138/EJ-125) effective April 1, 2024, to reflect the new service deadline. Judicial Council of Cal., Staff Rep., *Rules and Forms: Order for Debtor’s Examination* (Feb. 15, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12701049&GUID=532D0822-334E-4355-A9F1-84D3029C7798>.

³ Code Civ. Proc., § 708.111(b). The definition of “consumer debt” in this section is similar but not identical to the definition of “personal debt” in Senate Bill 1200, which became effective on January 1, 2023, and changed the law relating to the renewal of, and postjudgment interest rates applicable to, certain monetary judgments involving personal debt. (Code Civ. Proc., § 683.110(d).) In particular, the definition of “consumer debt” in AB 1119 excludes rental debt, whereas the definition of “personal debt” in SB 1200 does not exclude rental debt. AB 1119’s definition of “consumer debt” is also different from the definition in Code of Civil Procedure section 699.730, which exempts a judgment debtor’s principal place of residence from sale under execution of a judgment lien in certain circumstances, and from the definition in the Fair Debt Collection Practices Act, Civil Code section 1788.2.

⁴ Code Civ. Proc., § 708.111(d).

⁵ *Id.*, § 708.111(d)(1). Although the examination procedure created by AB 1119 allows the judgment debtor to submit a financial affidavit in lieu of appearance even if the judgment debtor does not claim complete (or any) exemption from enforcement of judgment (*id.*, § 708.111(c)), AB 1119 does not create a procedure for the judgment

motion must include a declaration executed under oath and a statement of facts showing good cause why a debtor's examination is necessary notwithstanding the debtor's financial affidavit.⁶ AB 1119 does not define "good cause" except for consumer debts secured by real property or personal property, where good cause is established when the plaintiff demonstrates that the debtor has not provided the plaintiff with accurate information regarding the location or condition of the security, the status of insurance on the security, or the status of the taxes due on the security.⁷

After the judgment creditor submits a motion for examination, the court must hold a hearing to determine whether the judgment debtor must appear for examination.⁸ If the court rules that an examination must occur, the judgment creditor must file a new application for an order for examination.⁹

If the examination is canceled because the judgment creditor does not object to the financial affidavit or for another reason, the judgment creditor cannot file another application and order for appearance and examination until one year from the date of the prior filed application and order.¹⁰

Different penalties for failure to appear

AB 1119 imposes less severe penalties on judgment debtors who fail to appear for a debtor's examination in a consumer debt case. Usually, the potential penalties for failure to appear for a debtor's examination are arrest, punishment for contempt of court, or an order requiring payment of reasonable attorney's fees incurred by the judgment creditor.¹¹ Under AB 1119, when the judgment concerns consumer debt, the potential penalty for failure to appear for a debtor's examination or to file and serve the judgment debtor's financial affidavit is an order to show cause to determine whether to issue a warrant to compel the attendance of the judgment debtor.¹² If the judgment debtor is ordered to appear under the order to show cause, the court must give the judgment debtor a reasonable opportunity to file a judgment debtor's financial affidavit, and either appearing or filing and serving the affidavit will satisfy the warrant to compel attendance.

creditor to object to the financial affidavit unless the judgment debtor has claimed complete exemption (*id.*, § 708.111(d)).

⁶ Code Civ. Proc., § 708.111(d)(2).

⁷ *Ibid.*

⁸ *Id.*, § 708.111(d)(5).

⁹ *Id.*, § 708.111(d)(6).

¹⁰ *Id.*, § 708.111(d)(7).

¹¹ *Id.*, § 708.110(e).

¹² *Id.*, § 708.111(i).

The Proposal

To implement the provisions of AB 1119 that take effect January 1, 2025, the Civil and Small Claims Advisory Committee proposes revising one existing form, adopting six new mandatory forms, and adopting one new rule.

Application and Order for Appearance and Examination (form AT-138/EJ-125)

Existing form AT-138/EJ-125 is used to apply for and order the examination of a judgment debtor or third party to aid in enforcement of judgment and attachment. The committee proposes several revisions to this form to implement AB 1119:

- Adding instructions at the top of the form directing users to new form EJ-126 if they seek to enforce a judgment subject to AB 1119.
- Adding item 8 to the application section of the form, which asks the judgment creditor to confirm that the judgment is not subject to AB 1119, and which will help courts and litigants confirm that the correct form has been used;
- Reorganizing the form by moving part of the application section to page 2, to create space for the added items; and
- Revising the wording of items 2 and 4 to make them easier to understand.

Application and Order to Appear for Examination—Consumer Debt (form EJ-126)

The committee proposes adoption of a new form to apply for and order the examination of a judgment debtor in a consumer debt case. The committee considered proposing revisions to form AT-138/EJ-125 so that it could be used for consumer debt judgments, but concluded that having separate forms will be less confusing for courts and litigants.

Proposed new form *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126) is based on form AT-138/EJ-125, but with items related to attachment and examination of third parties removed. The Application for Order to Appear for Examination section includes statements confirming that the judgment is subject to AB 1119. The application and order have been placed on separate pages of the form, rather than having the application start on page 1, to make the form less confusing for judgment debtors receiving it.

Form EJ-126 also includes, on page 3, the statutorily mandated notice to judgment debtors in consumer debt cases.¹³

The committee asks for specific comments on whether form EJ-126 should be split into two separate forms, one for the application for examination and one for the order for examination. The application and order are currently combined in one form to match form AT-138/EJ-125, but

¹³ *Id.*, § 708.111(c).

splitting the form into two would be consistent with the Judicial Council's current practice of separating forms that are filed with the court and forms that are issued by the court.

Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO)

The committee proposes a new information sheet, *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-127-INFO), to explain to judgment creditors and judgment debtors how to use the other new forms described in this proposal. Those new forms, in turn, would direct users to the information sheet for instructions.

The committee asks for specific comments on whether form EJ-127-INFO should be split into two separate information sheets, one for judgment creditors and one for judgment debtors. The information sheet is quite long, and separating it might be less confusing for users. However, the procedure created by AB 1119 is complicated, and it may be beneficial for judgment creditors to be able to read the instructions for judgment debtors, and vice versa, without having to find a separate form.

Notice of Financial Statement (form EJ-140)

AB 1119 requires the Judicial Council to create a notice of financial statement form.¹⁴ The committee proposes *Notice of Financial Statement* (form EJ-140) to satisfy this requirement.

The proposed new form would inform the judgment creditor that the judgment debtor has chosen to provide a *Financial Statement—Consumer Debt* (form EJ-141) instead of appearing for examination and would indicate whether the judgment debtor has claimed on form EJ-141 that all of their income and assets are exempt from enforcement of judgment.

Page 2 of form EJ-140 contains instructions to the judgment creditor if they wish to object to the financial statement by filing a *Notice of Motion and Motion to Require Examination* (form EJ-143). These instructions are substantively identical to those in items 4–6 of *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-127-INFO) and explain how to complete form EJ-143. The committee considered removing the instructions from page 2 of form EJ-140 but concluded that having instructions on the form itself and in a separate information sheet would be more helpful for judgment creditors because of the complexity of the procedure they must follow. Additionally, keeping the instructions on form EJ-140 will help judgment debtors to understand the next steps in the process.

The committee asks for specific comments on whether the instructions for form EJ-140 should be included on both the form itself and *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-127-INFO), or only on form EJ-127-INFO.

¹⁴ *Id.*, § 708.111(h).

Financial Statement—Consumer Debt (form EJ-141)

AB 1119 requires the Judicial Council to create a financial statement form.¹⁵ The committee proposes *Financial Statement—Consumer Debt* (form EJ-141) to satisfy this requirement. AB 1119 refers to this form as a “financial affidavit,” but the committee proposes the title “Financial Statement” because it will be less confusing for self-represented litigants who are likely to use this form.

AB 1119 requires the financial statement form to include the following information:

- The number of people relying on the judgment debtor for support, including spouse, dependents, and other household members;
- Gross monthly income from employment, including withholdings and take-home pay;
- Total monthly income from all sources other than employment;
- Property owned, including cash, bank accounts, real estate equity, vehicles (e.g., cars, motorcycles, and boats), jewelry, securities, certificates of deposit, entity ownership, life insurance policies, and tax refunds;
- Itemized monthly expenses;
- Any outstanding debts, including balance owed and to whom; and
- Any other facts which support the judgment debtor’s claim that their income or assets are exempt from enforcement of judgment.¹⁶

The form must be signed by the judgment debtor under penalty of perjury.

Additionally, if the judgment debtor claims that any of their income or assets are exempt from enforcement of judgment because they are necessary to support the judgment debtor, their spouse, and their dependents, the financial statement must also include:

- The name of the spouse of the judgment debtor;
- The age and relationship of all persons dependent upon the judgment debtor or the spouse of the judgment debtor for support;
- All sources and the amounts of earnings and other income of the spouse and dependents of the judgment debtor;
- A list of the assets of the spouse and dependents of the judgment debtor and the value of such assets; and
- All outstanding debts of the spouse and dependents of the judgment debtor.¹⁷

The form must be signed by the spouse under penalty of perjury, unless the spouses are living separately and apart.

¹⁵ *Ibid.*

¹⁶ *Id.*, § 708.111(e).

¹⁷ *Id.*, § 708.111(f).

Proposed new form EJ-141 contains all of this required information. It is based on an existing form, *Financial Statement* (form EJ-165), which is used to support claims of exemption from enforcement of judgment. Form EJ-141 also includes questions 1–3 about whether the judgment debtor claims that some or all of their income and assets are exempt from enforcement of judgment and, if so, under which statutory provisions. These questions are intended to help the judgment debtor determine whether to indicate on *Notice of Financial Statement* (form EJ-140) that they are claiming complete exemption, and to help the judgment creditor determine whether and on what grounds to object to the financial statement.

The committee considered whether these questions should be moved to *Notice of Financial Statement* (form EJ-140). The primary reason to move those items to form EJ-140 would be to divide questions of law from questions of fact. However, the committee determined that moving items 1–3 off of form EJ-141 would make form EJ-141 more difficult to complete because the response to other items on form EJ-141 depends on whether the judgment debtor has claimed that some of their income or assets are exempt because they are necessary for the support of the judgment debtor, their spouse, or their dependents. The judgment debtor will therefore need to determine whether they have any exemptions before they complete the rest of form EJ-141.

The committee also considered proposing that this form be confidential because it contains detailed information about the judgment debtor’s income and assets but concluded that doing so would be a legislative policy decision that cannot be made by the Judicial Council.

Notice of Motion and Motion to Require Examination (form EJ-143)

The committee proposes new *Notice of Motion and Motion to Require Examination* (form EJ-143), to be used by judgment creditors who object to the cancellation of the judgment debtor’s examination after the judgment debtor files a financial statement claiming complete exemption from enforcement of judgment. As noted above, AB 1119 allows judgment creditors to object to the judgment debtor’s financial statement by filing a notice of motion for an order that the judgment debtor must appear for a debtor’s examination even though a financial statement has been filed. The notice of motion must include a declaration executed under oath and a statement of facts showing good cause why a debtor’s examination is necessary notwithstanding the debtor’s financial affidavit.¹⁸ Proposed new form EJ-143 requires the judgment creditor to provide all of this information, along with details about the examination that was previously ordered and cancelled by the court.

The committee considered including additional items asking whether the judgment creditor believes the judgment debtor has incorrectly claimed exemption, similar to items 5 and 6 on *Notice of Opposition to Claim of Exemption* (form EJ-170). However, AB 1119 does not require the judgment creditor to explain their objections to the judgment debtor’s claims of exemption in order to show good cause to require an examination. The committee therefore concluded that form EJ-143 should not contain mandatory questions about objections to the claim of exemption.

¹⁸ *Id.*, § 708.111(d)(2). The statute does not define “good cause,” except where the consumer debt is secured by real property or personal property.

If the judgment creditor has such objections, they can be explained in item 7, which asks for “facts supporting good cause for an examination.”

Application and Order for Post-Hearing Examination (form EJ-144)

As noted above, if the court hears the judgment creditor’s motion for examination and rules that an examination must occur, the judgment creditor must file a new application for an order for examination.¹⁹ The committee proposes *Application and Order for Post-Hearing Examination* (form EJ-144) for this purpose. Form EJ-144 parallels *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126).

The committee considered proposing that form EJ-126 be used for this purpose but decided that separate forms will be less confusing for courts and users. Judgment debtors who receive form EJ-126 twice (once when the examination is originally scheduled and once when it is rescheduled after the hearing on the motion for examination) might believe the second form is a duplicate of the first. They might also see the notice to judgment debtors on page 3 of form EJ-126 and believe they could submit a second financial statement rather than appearing for the rescheduled examination, even if the notice on form EJ-126 explains that doing so is not permitted. If only one form is used for both purposes, it might also be more difficult for courts to determine whether the prerequisites for an order to appear for examination have been met. Creating a separate application and order for examinations that occur after a motion for examination will clarify the basis for both the application and the order.

As with form EJ-126, the committee asks for specific comments on whether form EJ-144 should be split into two separate forms, one for the application for examination and one for the order for examination.

Rule 3.1905

The committee proposes adoption of new rule 3.1905 to require judgment creditors to attach a copy of the judgment debtor’s *Financial Statement—Consumer Debt* (form EJ-141) when filing a *Notice of Motion and Motion to Require Examination* (form EJ-143).

If the judgment debtor chooses to submit *Financial Statement—Consumer Debt* (form EJ-141) instead of appearing for examination, the financial statement is served on the judgment creditor but not filed with the court.²⁰ Instead, AB 1119 requires the judgment debtor to file a *Notice of Financial Statement* (form EJ-140) stating that the financial statement has been served on the judgment creditor.

However, if the judgment creditor files a *Notice of Motion and Motion to Require Examination* (form EJ-143), the financial statement is to be considered part of the pleadings for purposes of

¹⁹ *Id.*, § 708.111(d)(6).

²⁰ *Id.*, § 708.111(d), (g).

the court's determination of whether an examination is needed.²¹ The financial statement therefore needs to be filed with the court before the hearing on the judgment creditor's motion.

The committee believes that requiring the judgment creditor to attach a copy of the financial statement to their motion is the most efficient way to address this issue. Doing so will ensure that the financial statement, which contains detailed information about the judgment debtor's income and assets, becomes part of the record only if the judgment creditor objects to the financial statement. This procedure is also consistent with the statute, which does not require the judgment debtor to file the financial statement.

Additionally, this procedure is consistent with the procedure for claiming exemption from enforcement of judgment after levy, which was likely the basis for the procedure created in AB 1119.²² There, the claim of exemption is filed with the levying officer, and it is the levying officer who files the claim of exemption with the court if the judgment creditor files a notice of opposition to the claim.²³ Certain claims of exemption require a financial statement similar to the one required by AB 1119, which is not filed with the court unless the judgment creditor objects to the claim of exemption.

The committee asks for specific comments on whether rule 3.1905 should be revised to include a provision requiring the judgment creditor to include blank copies of *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-127-INFO) and *Current Dollar Amounts of Exemptions from Enforcement of Judgments* (form EJ-156) when serving *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126) on the judgment debtor. AB 1119 requires the judgment debtor to include copies of *Notice of Financial Statement* (form EJ-140), *Financial Statement—Consumer Debt* (form EJ-141), and *Exemptions from the Enforcement of Judgments* (form EJ-155) when serving EJ-126. However, it would be helpful to the judgment creditor to have copies of EJ-127-INFO and EJ-156 because EJ-127-INFO explains how to use the other forms and EJ-156 provides additional information that may be necessary to use form EJ-155.

Alternatives Considered

The committee did not consider taking no action because the council is required by law to adopt two forms and revise other forms to the extent necessary to implement AB 1119. As discussed in the explanation of the proposal, the committee considered several alternatives when drafting the proposed rule and forms and concluded that the current proposal best satisfies the statutory mandate. To the extent the proposed revisions to existing form AT-138/EJ-125 were not required by the terms of AB 1119, the committee considered taking no action but ultimately determined that revision was warranted in light of the benefits the revisions would provide to the parties.

²¹ *Id.*, §§ 708.111(d)(4)–(5).

²² *Id.*, §§ 703.520–703.550.

²³ *Id.*, § 703.550(a).

Fiscal and Operational Impacts

The statutory changes will require education of court staff and judicial officers. The new forms are intended to facilitate courts' and parties' implementation of the changes in statute and will require education and possibly some changes to computerized case management systems as well.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should forms EJ-126 and EJ-144 each be split into separate application and order forms?
- Should form EJ-127-INFO be split into two separate information sheets, one for judgment creditors and one for judgment debtors?
- Are there more questions that should be addressed on form EJ-127-INFO?
- Should the instructions to the judgment creditor on page 2 of form EJ-140 remain on that form, or should form EJ-127-INFO be the only source of instructions for form EJ-140?
- Should a second subdivision be added to rule 3.1905 requiring the judgment creditor to include blank copies of forms EJ-127-INFO and EJ-156 when serving form EJ-126 on the judgment debtor?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 3.1905, at page 11
2. Forms AT-138/EJ-125, EJ-126, EJ-127-INFO, EJ-140, EJ-141, EJ-143, and EJ-144, at pages 12–36
3. Link A: Assem. Bill 1119,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1119

Rule 3.1905 of the California Rules of Court would be adopted, effective January 1, 2025, to read:

Title 3. Civil Rules

Division 19. Postjudgment and Enforcement of Judgment

Rule 3.1905. Notice of Motion and Motion to Require Examination

A judgment creditor who files a *Notice of Motion and Motion to Require Examination* (form EJ-143) to move the court to require the judgment debtor to appear for examination, as provided in Code of Civil Procedure section 708.111(d), must physically or electronically attach a copy of the judgment debtor’s *Financial Statement—Consumer Debt* (form EJ-141) to the motion.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 03/13/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input type="checkbox"/> Judgment Debtor or <input type="checkbox"/> Third Person	CASE NUMBER: _____
Instructions: Do not use this form to enforce a judgment for consumer debt as defined in Code of Civil Procedure section 708.111 and awarded after January 1, 2025. For those judgments, use Application and Order to Appear for Examination—Consumer Debt (form EJ-126).	

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): _____
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. provide information to help enforce a money judgment against you.
 - b. provide information about property of the judgment debtor or the defendant in your possession or control.
 - c. provide information about a debt you owe the judgment debtor or the defendant.

Name and address of court if different from above:



→ Date: _____ Time: _____
 Dept.: _____ Room: _____

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name): _____

Date: _____

 JUDGE

This order must be served no less than 30 days before the date set for the examination.
IMPORTANT NOTICES ON PAGES 2 AND 3

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. Original judgment creditor Assignee of record Plaintiff who has a right to attach order
 applies for an order requiring (name): _____
 to appear in court and give information to help enforce a money judgment or to provide information about property or debt.
5. The person to be examined is
 - a. the judgment debtor.
 - b. a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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8. This is not a judgment that concerns consumer debt and it is not subject to Code of Civil Procedure section 708.111.
9. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 30 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, LIMITED LIABILITY COMPANY, OR OTHER ORGANIZATION

If the order to appear for the examination on page 1 does not require the appearance of a specified individual:

- The organization has a duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with the organization's property and debts.
- Failure to designate such a person familiar with the organization's property and debts to appear for examination will result in the order to appear for the examination to be deemed to have been made to, and require the appearance of, the following:
 - If the organization is a corporation registered with the Secretary of State, a natural person named as the chief financial officer in the corporation's most recent filing with the Secretary of State. If no one is so named, a natural person named as the chief executive officer in the corporation's most recent filing with the Secretary of State. If no one is so named, a natural person named as the secretary in the corporation's most recent filing with the Secretary of State.
 - If the organization is a limited liability company registered with the Secretary of State, the first natural person named as a manager or member in the limited liability company's most recent filing with the Secretary of State.
 - If the organization is a limited partnership registered with the Secretary of State, the first natural person named as a general partner in the limited partnership's most recent filing with the Secretary of State.
 - If the organization is not registered with the Secretary of State or the organization's filings with the Secretary of State do not identify a natural person as described above, a natural person identified by the judgment creditor as being familiar with the property and debts of the organization, together with an affidavit or declaration signed by the judgment creditor that sets forth the factual basis for the identification of the individual. The affidavit or declaration shall be served on the organization together with the order.
- Service of an order to appear for an examination upon an organization by any method permitted under the Code of Civil Procedure or the Corporations Code, including service on the agent of the organization for service of process, shall be deemed effective service of the order to appear upon the individuals identified above.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code, § 54.8.)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 03/13/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
APPLICATION AND ORDER TO APPEAR FOR EXAMINATION—CONSUMER DEBT (Enforcement of Judgment)	CASE NUMBER: _____
<i>Instructions: Use this form if you are a judgment creditor and you want to enforce a judgment (final order) for consumer debt that was awarded on or after January 1, 2025. (Code Civ. Proc., § 708.111.) If you are asking for an order to appear for examination for any other judgment, use Application and Order for Appearance and Examination (form AT-138/EJ-125). Complete items 1 and 2 on page 1 and all of page 2. Read Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO) for more instructions on using this form.</i>	

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): _____
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to provide information to help enforce a judgment against you.

Name and address of court if different from above:

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Room: _____

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name): _____

Date: _____

JUDGE

This order must be served no less than 30 days before the date set for the examination.
IMPORTANT NOTICES ON PAGE 3

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 30 calendar days before the date of the hearing, and have a proof of service filed with the court.

When serving the order on the judgment debtor, you must include blank copies of the following forms:

- *Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO)*
- *Financial Statement—Consumer Debt (form EJ-141)*
- *Notice of Financial Statement (form EJ-140)*
- *Exemptions From the Enforcement of Judgments (form EJ-155)*
- *Current Dollar Amounts of Exemptions From Enforcement of Judgments (form EJ-156)*

NOTICE TO JUDGMENT DEBTOR

If you fail to appear at the time and place specified in this order, the court may make an order requiring you to pay the reasonable attorney's fees and costs incurred by the judgment creditor in this proceeding. Instead of appearing at the examination, you may file a notice of judgment debtor's financial affidavit in a form prescribed by the court (form EJ-140) and signed under penalty of perjury and serve copies of all filed documents and the financial affidavit (form EJ-141) on the judgment creditor no later than 15 days prior to the date set for the examination.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Disability Accommodation Request* (form MC-410). (Civil Code, § 54.8.)

GENERAL INFORMATION

1 What is a debtor's examination?

When the final court order at the end of a lawsuit (judgment) orders one party to pay money to another party, sometimes the party who is owed money (the judgment creditor, generally the plaintiff in the case) wants information to help them collect it (enforce the judgment). The judgment creditor can ask the court to order the party who owes the money (the judgment debtor, generally the defendant in the case) to come to court and give information about their finances under oath. This is called a “debtor’s examination.” At the debtor’s examination, the judgment creditor or their attorney asks the judgment debtor questions about what they earn (income) or own (assets).

2 What does this information sheet cover?

There are special procedures set by law for holding a debtor’s examination in a case where the judgment is for consumer debt. ([Code Civ. Proc., § 708.111.](#)) This information sheet tells the judgment debtor how to ask the court to order a debtor’s examination and tells the judgment creditor how they can respond to that request by providing written information rather than going to court. There are forms that can be used by each party.

The forms described here may be used only if the judgment is for consumer debt. Consumer debt means debt for money, property, insurance, or services that are primarily for personal, family, or household purposes. Consumer debt **does not include** rental debt; judgments for unpaid wages, damages, or penalties owed to an employee; or debts incurred due to, or obtained by, tortious or fraudulent conduct.

If the judgment is not for consumer debt, do not use the procedure or forms that are described in this information sheet.

- If you are the **judgment creditor**, read the Information for the Judgment Creditor section, starting on page 1.
- If you are the **judgment debtor**, read the Information for the Judgment Debtor section, starting on page 3.

INFORMATION FOR THE JUDGMENT CREDITOR

3 How do I serve *Application and Order for Appearance and Examination—Consumer Debt* (form EJ-126)?

If you want to ask the court to order the judgment debtor to go to a debtor’s examination, fill out *Application and Order to Appear for Examination—Consumer Debt* (form [EJ-126](#)). The order cannot be enforced unless you have a copy of the form personally served on (given to) the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of form EJ-126 at least **30 days** before the date of the examination, and have a proof of service filed with the court no later than the time of the hearing. You can get more information about serving and proof of service at <https://selfhelp.courts.ca.gov/>.

When serving the order on the judgment debtor, you must include blank copies of all of the following forms:

- *Information on Debtor’s Examinations Regarding Consumer Debt* (form [EJ-127-INFO](#)),
- *Financial Statement—Consumer Debt* (form [EJ-141](#)),
- *Notice of Financial Statement* (form [EJ-140](#)),
- *Exemptions From the Enforcement of Judgments* (form [EJ-155](#)), and
- *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form [EJ-156](#)).

If you want to ask for a debtor’s examination to enforce a judgment that is **not** for consumer debt, use *Application and Order for Appearance and Examination* (form AT-138/EJ-125). Do not use form EJ-126.

To learn how a judgment debtor may respond to an order for examination, please read item **9** below.



4 What do I do if I receive *Notice of Financial Statement—Consumer Debt* (form EJ-140)?

If the judgment debtor responds to your request by filing a *Notice of Financial Statement* (form EJ-140) with the court, and serving you with a copy of that form and a completed *Financial Statement—Consumer Debt* (form EJ-141), the judgment debtor does not have to appear at the scheduled debtor's examination.

If the judgment debtor checked item 2 on the *Notice of Financial Statement* (claiming that all of their money and property are exempt from enforcement of judgment), the court will cancel the scheduled debtor's examination. If after reading the *Financial Statement*, you still want to hold a debtor's examination, you can complete, serve, and file a *Notice of Motion and Motion for Examination* (form [EJ-143](#)).

5 How do I complete *Notice of Motion and Motion to Require Examination* (form EJ-143)?

Notice of Motion and Motion to Require Examination (form EJ-143) asks the court to order the judgment debtor to come to court for an examination even though they provided a *Financial Statement—Consumer Debt* (form EJ-141).

You will need to complete your *Notice of Motion and Motion to Require Examination* in time to file it with the court no more than **15 days** after the judgment debtor files the *Notice of Financial Statement* (form EJ-140).

To complete the *Notice of Motion and Motion to Require Examination*, follow these steps:

- Contact the clerk of the court about setting a hearing date, time, and place. The date of the hearing must be no more than **30 days** after the date you file your notice with the court.
- Complete items 1–7 on the *Notice of Motion and Motion to Require Examination*. In item 7, explain why you think an examination of the judgment debtor is needed even though they provided a financial statement.
- If the judgment you are trying to enforce concerns debt secured by real property or personal property, complete items 8 and 9.
- If you do not wish to appear at the hearing on your motion, check the box in item 10. If you do not appear, the court will decide based on your *Notice of Motion and Motion to Require Examination*, the judgment debtor's *Financial Statement*, and the arguments the judgment debtor makes at the hearing.
- Sign and date the form. If you have an attorney, they must also sign and date the form.
- Make a copy of the completed form to serve on the judgment debtor.
- Make at least one copy of the completed form for your records. You will need to bring a copy of the completed form with you to the hearing.

6 How do I serve and file form EJ-143?

After you complete form EJ-143, serve (give) a copy of the completed form on the judgment debtor by following these steps:

- Someone who is not a party to the action must serve the papers on the judgment debtor.
- The *Notice of Motion and Motion to Require Examination* must be served at least **16 days** before the hearing if it is personally served. If the notice is sent by fax, express mail, or other method of overnight delivery, it must be served at least **18 days** before the hearing. If the notice is served by mail from and to an address within California, it must be mailed at least **21 days** before the hearing. For more information on the time to serve the notice, read Code of Civil Procedure sections 708.111(d)(3) and 1005. (You can get a copy of these Code of Civil Procedure sections at leginfo.legislature.ca.gov.)
- Have the server fill out and sign the Proof of Service on page 3 of the *Notice of Motion and Motion to Require Examination*.



After you serve the *Notice of Motion and Motion to Require Examination* (form EJ-143), file the completed original form with the court by following these steps:

- You must file the completed original *Notice of Motion and Motion to Require Examination* with your original signature.
- Make sure the Proof of Service on page 3 has been completed and that the signature on the Proof of Service is original.
- Include a copy of the judgment debtor's completed *Financial Statement—Consumer Debt* (form EJ-141) with your filing.
- The *Notice of Motion and Motion to Require Examination* and the copy of the judgment debtor's *Financial Statement* must be filed with the court no more than **15 days** after the judgment debtor files the *Notice of Financial Statement* (form EJ-140).

Bring a completed copy of form EJ-143 and a copy of the judgment debtor's *Financial Statement—Consumer Debt* (form EJ-141) with you to the hearing on your motion for examination. You should also bring a copy of *Application and Order for Post-Hearing Examination* (form EJ-144) with you. Complete all of form EJ-144 except for the hearing date and time on page 1. If the judge grants your motion for an examination, the judge may want to sign form EJ-144 at the hearing to schedule the examination.

7 What do I do after the hearing on my motion for examination?

If the court has heard your motion for examination and ruled that the judgment debtor must appear for an examination, you must complete and file *Application and Order for Post-Hearing Examination* (form EJ-144) to schedule the examination ordered by the court.

You must serve form EJ-144 on the judgment debtor at least **30 days** before the date of the hearing. You can serve form EJ-144 by mail or electronic service. Personal service is not required.

INFORMATION FOR THE JUDGMENT DEBTOR

8 What do I do if I receive *Application and Order to Appear for Examination* (form EJ-126)?

If you receive an *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126), you must appear at the time and place listed in item 2 on that form, **or** provide your financial information in writing (see steps below). If you provide your financial information in writing, you do not have to appear at the time and place listed in item 2.

If you do not appear at the time and place listed in item 2 or provide your financial information in writing, the judge may make you pay the judgment creditor's reasonable attorney's fees and costs.

9 How do I provide my financial information in writing?

To provide your financial information in writing, follow these steps:

- Complete and serve a *Financial Statement—Consumer Debt* (form [EJ-141](#)) as explained in **10** and **11**. A copy of this form should be included with the form EJ-126 you received from the judgment creditor.
- Complete, serve, and file a *Notice of Financial Statement* (form [EJ-140](#)) as explained in **12**. A copy of this form should be included with the form EJ-126 you received from the judgment creditor.



10 How do I complete *Financial Statement—Consumer Debt* (form EJ-141)?

To complete the *Financial Statement—Consumer Debt* (form EJ-141), follow these steps:

- Read the entire form to see the information it asks for.
- Do not include bank account numbers or other account numbers on the form.
- To fill out items 1–3, decide if any of your income or assets are exempt (cannot be collected by a judgment creditor). (See “How do I figure out if my income or assets are exempt?” in 11.)
- Fill out the other items on the form. If you checked the box in item 2 (indicating that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you and your spouse for support), you will need to provide information about your spouse or dependents in some items on the form. The instructions for each item will tell you if you need to do so.
- Sign and date the form.
- If you checked the box in item 2, your spouse must also sign and date the form, unless you and your spouse live separate and apart.
- Make at least one copy of the completed form to keep for your records. You will need to bring a completed copy of the form with you if you are ordered to appear in court. (See “What happens after I provide my financial information in writing?” in 13 below.)

After you complete form EJ-141, you must serve the original signed form EJ-141 on the judgment creditor no later than **15 days** before the date and time listed in item 2 on the *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126). Someone who is not a party to the action must serve the judgment debtor. Have the server fill out and sign the Proof of Service on page 5 of form EJ-141.

Do *not* file form EJ-141 with the court.

11 How do I figure out if my income or assets are exempt?

Some types of money you earn (income) and money and property you own (assets) are exempt, meaning they cannot be collected by a judgment creditor.

To figure out if any of your income or assets are exempt, read *Exemptions From the Enforcement of Judgments* (form [EJ-155](#)). A copy of this form should be included with the form EJ-126 you received from the judgment creditor.

Form EJ-155 lists different kinds of money and property that are exempt. You will need to look for each type of money and property you have in the list. Not all types of money and property are exempt, so some of the money or property you have might not be listed on form EJ-155.

If any of your money or property is listed on form EJ-155, you will need to figure out how much of it is exempt. For some types of money and property, only a specific dollar amount is exempt. For other types, the entire amount or value is exempt. And for other types, the exempt amount depends on your situation.

To figure out the exempt amount of each type of money and property you have, read *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). A copy of this form should be included with the form EJ-126 you received from the judgment creditor.

Form EJ-156 lists the exempt amounts for some types of money and property. If the money or property you have is not listed on form EJ-156, then you will need to read the specific law (the code and section number) listed for that type of money or property on form EJ-155. For example, form EJ-155 lists Code of Civil Procedure (CCP) section 704.070 as the code and section number for “cash.”

You can get a copy of the California laws listed on form EJ-155 at leginfo.legislature.ca.gov. The sections of the United States Code that provides exemptions (shown as “USC” on form EJ-155) can be found at uscode.house.gov/.



Some types of money and property are exempt if they are needed to support the basic needs of you and your family. The law for these types will say they are “exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.” Under those laws, the exempt amount is the amount needed to support your basic needs and the basic needs of your spouse or anyone who depends on you or your spouse for support.

After you have figured out if any of your money or property is exempt, complete items 1 and 2 on the *Financial Statement—Consumer Debt* (form EJ-141):

- If some, but not all, of your income or assets are exempt, check box 1c.
- If all of your income or assets are exempt, check box 1b.
- If you checked 1b or 1c, you will need to write in item 3 the specific laws (the codes and sections) that make each type of money or property exempt. You will also need to explain in item 4 why the money or property is exempt.
- If any of your money or property is exempt because it is needed to support the basic needs of you and your family, check the box in item 2.

12 How do I complete *Notice of Financial Statement* (form EJ-140)?

Do not fill out the *Notice of Financial Statement* (form EJ-140) until after you complete the *Financial Statement—Consumer Debt* (form EJ-141).

To complete the *Notice of Financial Statement*, follow these steps:

- Enter the name and address of the judgment creditor.
- In item 1, enter the date, time, and location of the examination scheduled by the court. You can find this information on the *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126) that you received from the judgment creditor.

- Check the box in item 2 if you also checked box 1c on your *Financial Statement—Consumer Debt* (form EJ-141), which says that all of your income and assets are exempt.
- Make a copy of the completed form to serve on (give to) the judgment debtor.
- Make at least one copy of the completed form for your records. You will need to bring a completed copy of the form with you if you are ordered to appear in court. (See “What happens after I provide my financial information in writing?” below.)
- Serve (give) a copy of the completed *Notice of Financial Statement* (form EJ-140) on the judgment creditor. Someone who is not a party to the action must serve the papers on the judgment creditor. Have the server fill out and sign the Proof of Service on page 2 of form EJ-140.
- File the completed form EJ-140 including the completed Proof of Service, with the court. You must file the completed original form EJ-140 with your original signature.

You must file form EJ-140 and serve (give) a copy on the judgment creditor no later than **15 days** before the date of the examination. If you do not serve and file form EJ-140 by this deadline, you must attend the examination at the time and place listed in item 2 on the *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126).

13 What happens after I provide my financial information in writing?

If you served and filed a *Notice of Financial Statement* (form EJ-140) before the deadline, you do not have to appear for the examination at the time and place listed in item 2 on the *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126).

If you checked item 2 on form EJ-140, the court will cancel the examination. If the court cancels the examination, the judgment creditor can object by filing a *Notice of Motion and Motion to Require Examination* (form EJ-143).



14 **What do I do if I receive a *Notice of Motion and Motion to Require Examination* (form EJ-143)?**

The *Notice of Motion and Motion to Require Examination* (form EJ-143) asks the court to order you to come to court for an examination even though you have provided your financial information in writing. On that form, the judgment creditor will explain why they think an examination is needed.

The court will hold a hearing at the date and time listed in item 2 on form EJ-143 to decide if an examination is needed. You must appear at the hearing.

The hearing is your opportunity to explain why you think the information on your *Financial Statement—Consumer Debt* (form EJ-141) is enough and why the judgment creditor does not need to ask you questions at an examination. Take a copy of your *Notice of Financial Statement* (form EJ-140) and your *Financial Statement—Consumer Debt* (form EJ-141) with you to the hearing.

15 **What do I do if I receive an *Application and Order for Post-Hearing Examination* (form EJ-144)?**

If the court hears the judgment creditor's request and decides that an examination is needed, you will receive an *Application and Order for Post-Hearing Examination* (form EJ-144) from the judgment creditor. Form EJ-144 schedules your examination, which is when you appear in court to provide information about your money and property. You must appear on the date and time listed in item 2 on form EJ-144.

At court on the day of the examination, the court will call the case. You will be administered an oath as if you were testifying in court. Then, typically, the court will tell you and the judgment creditor to go to the hall or another room. The judgment creditor will ask you questions about your money and property.

If you do not appear at the time and place listed in item 2 on form EJ-144, the judge may make you pay the judgment creditor's attorney's fees and costs.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 03/13/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
NOTICE OF FINANCIAL STATEMENT (Enforcement of Judgment—Consumer Debt)	CASE NUMBER: _____

*Instructions: Use this form if the court has ordered you to appear for examination regarding a judgment that concerns consumer debt and if you want to submit a financial statement to the judgment creditor instead of appearing for examination. You **must** file this notice with the court **and** you must also serve a copy of this form and Financial Statement—Consumer Debt (form EJ-141) on the judgment creditor **no later than 15 days** before the date of the examination. (Code Civ. Proc., §§ 708.111(d), (g).)*
 Read Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO) for more instructions on using this form.

TO THE JUDGMENT CREDITOR (name):
 Address of judgment creditor: _____

1. The judgment debtor has chosen to provide *Financial Statement—Consumer Debt* (form EJ-141) instead of appearing for the examination scheduled on (copy the information provided on Application and Order to Appear for Examination (form EJ-126)): _____
 Name and address of court, if different from above: _____

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Room: _____

2. The judgment debtor claims in item 1 on form EJ-141 that all of their income and assets are exempt from enforcement of judgment.

_____ (TYPE OR PRINT NAME)	 (SIGNATURE OF ATTORNEY OR NON-REPRESENTED PARTY)
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After receiving this form, read the instructions on page 2.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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—INSTRUCTIONS TO JUDGMENT CREDITOR—

If the judgment debtor claims on the *Financial Statement—Consumer Debt* (form EJ-141) that all of their income and assets are exempt from enforcement of judgment (see item 2 on page 1 of this form), the examination ordered in the *Application and Order to Appear for Examination—Consumer Debt* (form EJ-126) will be canceled. If the examination is canceled, you can ask the court to require the judgment debtor to appear for examination by scheduling a court hearing and filing a *Notice of Motion and Motion to Require Examination* (form EJ-143) **within 15 days** of the filing of this *Notice of Financial Statement*.

Form EJ-143 asks the court to order the judgment debtor to come to court for an examination even though they provided form EJ-141.

To complete the *Notice of Motion and Motion to Require Examination*, follow these steps:

- Contact the clerk of the court about setting a hearing date, time, and place. You must file your *Notice of Motion and Motion to Require Examination* with the court no more than **15 days** after the judgment debtor files the *Notice of Financial Statement* (form EJ-140). The date of the hearing must be no more than **30 days** after the date you file your notice with the court.
- Complete items 1–7 on the *Notice of Motion and Motion to Require Examination*. In item 7, explain why you think an examination of the judgment debtor is needed even though they provided a financial statement.
- If the judgment you are trying to enforce concerns debt secured by real property or personal property, complete items 8 and 9.
- If you do not wish to appear at the hearing on your motion, check the box in item 10. If you do not appear, the court will decide based on your *Notice of Motion and Motion to Require Examination*, the judgment debtor's *Financial Statement—Consumer Debt* (form EJ-141), and the arguments the judgment debtor makes at the hearing.
- Sign and date the form. If you have an attorney, they must also sign and date the form.
- Make a copy of the completed form to serve on the judgment debtor.
- Make at least one copy of the completed form for your records. You will need to bring a copy of the completed form with you to the hearing.

To serve the *Notice of Motion and Motion to Require Examination* on the judgment debtor, follow these steps:

- Someone who is not a party to the action must serve the papers to the judgment debtor.
- The *Notice of Motion and Motion to Require Examination* must be served at least **16 days** before the hearing if it is personally served. If the notice is sent by fax, express mail, or other method of overnight delivery, it must be served at least **18 days** before the hearing. If the notice is served by mail from and to an address within California, it must be mailed at least **21 days** before the hearing. For more information on the time to serve the notice, you should read Code of Civil Procedure sections 708.111(d)(3) and 1005. (You can get a copy of these Code of Civil Procedure sections at <http://leginfo.legislature.ca.gov>.)
- Have the server fill out and sign the Proof of Service on page 3 of the *Notice of Motion and Motion to Require Examination*.

To file the *Notice of Motion and Motion to Require Examination* with the court, follow these steps:

- You must file the completed original *Notice of Motion and Motion to Require Examination* with your original signature.
- Make sure the Proof of Service on page 3 has been completed and that the signature on the Proof of Service is original.
- Include a copy of the judgment debtor's completed *Financial Statement—Consumer Debt* (form EJ-141) with your filing.
- The *Notice of Motion and Motion to Require Examination* and the copy of the judgment debtor's *Financial Statement—Consumer Debt* must be filed with the court no more than **15 days** after the judgment debtor files the *Notice of Financial Statement* (form EJ-140).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

I served the attached *Notice of Financial Statement* by enclosing a true copy in a sealed envelope addressed to each person whose name and address is given below and depositing the envelope in the U.S. mail with the postage fully prepaid.

- 1. Date of deposit:
- 2. Place of deposit (city and state):

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DECLARANT)
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PROOF OF SERVICE—PERSONAL DELIVERY

I am over the age of 18 and not a party to this cause. My residence or business address is (*specify*):

I served the attached *Notice of Financial Statement* by personally delivering a copy to the person served as shown below.

PERSONS SERVED

Name:	Delivery at	Date:	Time:	Address:
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DECLARANT)
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For your protection and privacy, please press the Clear This Form button after you have printed the form.

26

Print this form	Save this form	Clear this form
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PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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5. **My monthly income** (if more space is needed to complete any of the lettered subdivisions below, check here and create and attach a page labeled Attachment 5, and label the information on the attachment with the relevant subdivision letter)

a. My gross monthly income from employment is 5a. \$ _____

b. My payroll deductions are (specify **purpose** and amount)

- (1) Federal and state withholding, FICA, and SDI \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- (4) _____ \$ _____
- (5) _____ \$ _____
- (6) _____ \$ _____

My TOTAL payroll deduction amount is (add (1) through (6)): b. \$ _____

c. My monthly take-home pay is (a minus b): c. \$ _____

d. My monthly income from all sources other than employment is (List the source and amount of **any** income you get each month from sources other than employment, including spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.):

- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- (4) _____ \$ _____
- (5) _____ \$ _____
- (6) _____ \$ _____

My TOTAL other income is (add (1) through (6)): d. \$ _____

e. **TOTAL MONTHLY INCOME** (c plus d) e. \$ _____

6. If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, list your spouse and all persons other than you who depend, in whole or in part, on you or your spouse for support. Also list their total monthly take-home income and the sources of that income. (If more space is needed, check here and attach a page labeled Attachment 6.)

	<u>Name</u>	<u>Age</u>	<u>Relationship to Me</u>	<u>Monthly Take-Home Income and Source</u>
a.	_____	_____	Spouse	_____
b.	_____	_____	_____	_____
c.	_____	_____	_____	_____
d.	_____	_____	_____	_____
e.	_____	_____	_____	_____
f.	_____	_____	_____	_____
g.	_____	_____	_____	_____

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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7. **My money and property** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your money and the money and property of your spouse and dependents. If more space is needed to complete any of the lettered subdivisions below, check here and create and attach a page labeled Attachment 7, and label the information on the attachment with the relevant subdivision letter.)

a. Cash 7a. \$ _____

b. Checking, savings, and credit union accounts (list bank name and amount):

(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____

TOTAL value of financial accounts is (add (1) through (3)): b. \$ _____

c. Cars, boats, and other vehicles:

Make/Year	Fair Market Value	Amount Still Owed
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate:

Address	Fair Market Value	Amount Still Owed
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	Amount Still Owed
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

8. **My monthly expenses** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your expenses and the expenses of your spouse and dependents. If more space is needed to complete any of the lettered subdivisions below, check here and create and attach a page labeled Attachment 8, and label the information on the attachment with the relevant subdivision letter.)

a. Rent or house payment and maintenance	8a. \$ _____
b. Food and household supplies	b. \$ _____
c. Utilities and telephone	c. \$ _____
d. Clothing	d. \$ _____
e. Medical and dental payments	e. \$ _____
f. Insurance (life, health, accident, etc.)	f. \$ _____
g. School, child care	g. \$ _____
h. Child, spousal support (another marriage)	h. \$ _____
i. Transportation, gas, auto repair, and insurance (list car payments in item 9)	i. \$ _____
j. Installment payments (insert total and itemize below in item 9)	j. \$ _____
k. Laundry and cleaning	k. \$ _____
l. Any other monthly expenses (list each below)	
(1) _____	l(1) \$ _____
(2) _____	l(2) \$ _____
(3) _____	l(3) \$ _____

m. TOTAL MONTHLY EXPENSES (add a through l):	m. \$ _____
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PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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9. **My debts** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your debts and the debts owed by your spouse and dependents. If more space is needed, check here and create and attach a page labeled Attachment 9.)

	<u>Creditor's Name</u>	<u>For</u>	<u>Monthly Payments</u>	<u>Balance Owed</u>	<u>Owed By</u> (State person's name)
a.	_____	_____	_____	_____	_____
b.	_____	_____	_____	_____	_____
c.	_____	_____	_____	_____	_____
d.	_____	_____	_____	_____	_____
e.	_____	_____	_____	_____	_____
f.	_____	_____	_____	_____	_____

10. Other relevant facts about your financial situation (for example, unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe; if more space is needed, check here and create and attach a page labeled Attachment 10):

11. If you claimed in item 2 that some or all of your money or property is exempt from enforcement of judgment because it is needed to support you, your spouse, or any persons who depend on you or your spouse for support, your spouse must also sign this form, unless you and your spouse live separate and apart.

- My spouse has signed below.
- My spouse and I are living separate and apart.
- I have no spouse.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
_____ (TYPE OR PRINT NAME OF SPOUSE)		_____ SIGNATURE OF SPOUSE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT 03/13/2024 NOT APPROVED BY COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
NOTICE OF MOTION AND MOTION TO REQUIRE EXAMINATION (Enforcement of Judgment—Consumer Debt)		CASE NUMBER:

Instructions: The original of this form must be filed with the court within 15 days of the filing of Notice of Financial Statement (form EJ-140). A copy of the judgment debtor's Financial Statement—Consumer Debt (form EJ-141) must be attached when filing this form. A copy of this form must be served on the judgment debtor at least 16 days before the hearing if it is personally served, and 21 days before the hearing if it is served by mail. (Code Civ. Proc., §§ 708.111(d), 1005.)

Read Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO) for more instructions on using this form.

TO THE JUDGMENT DEBTOR (name):

- Please take notice that (name of judgment creditor):
 is asking the court for an order requiring you (the judgment debtor) to come to court to provide information to help enforce a judgment against you. (Code Civ. Proc., § 708.111(d).)
- A hearing on this motion will be held as follows:

Name and address of court if different from above:



→ Date: Time:
 Dept.: Room:

- The judgment debtor was ordered to appear for examination on (date):
- The judgment debtor filed a notice of financial statement on (date):
- The judgment debtor's financial statement claimed that all of the judgment debtor's income and assets are exempt from enforcement of judgment.
- The court canceled the debtor's examination because of the judgment debtor's claim of exemption.
- Even though the judgment debtor has filed a financial statement, an examination of the judgment debtor is still necessary. The facts supporting good cause for an examination are (be specific):

If more space is needed, check here and create and attach a page labeled Attachment 7.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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8. The judgment concerns debt that is secured by real property or personal property, and the judgment debtor has not provided accurate information regarding *(check all that apply)*
- a. the location or condition of the security.
 - b. the status of insurance on the security.
 - c. the status of taxes due on the security.

9. The facts necessary to support item 8 are *(describe)*

If more space is needed, check here and create and attach a page labeled Attachment 9.

10. The judgment creditor will not appear at the hearing and submits the issue on the papers filed with the court.

(If the judgment debtor is represented by an attorney, the attorney's signature follows):

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF JUDGMENT CREDITOR)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

I served the attached *Notice of Motion and Motion to Require Examination* by enclosing a true copy in a sealed envelope addressed to each person whose name and address is given below and depositing the envelope in the U.S. mail with the postage fully prepaid.

- 1. Date of deposit:
- 2. Place of deposit (*city and state*):

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

PROOF OF SERVICE—PERSONAL DELIVERY

I am over the age of 18 and not a party to this cause. My residence or business address is (*specify*):

I served the attached *Notice of Motion and Motion to Require Examination* by personally delivering a copy to the person served as shown below.

PERSONS SERVED

Name: _____ Delivery at _____
 Date: _____ Time: _____ Address: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 03/13/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
APPLICATION AND ORDER FOR POST-HEARING EXAMINATION (Enforcement of Judgment—Consumer Debt)	CASE NUMBER: _____
<i>Instructions: Use this form if the court has held a hearing on your Notice of Motion and Motion to Require Examination (form EJ-143) and ruled that an examination of the judgment debtor is needed. Complete items 1–3 on page 1 and all of page 2. Read Information on Debtor's Examinations Regarding Consumer Debt (form EJ-127-INFO) for more instructions on using this form.</i>	

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): _____
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to provide information to help enforce a judgment against you.

Name and address of court if different from above:

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Room: _____

3. The court held a hearing on the judgment creditor's motion for examination on (date): _____
4. The court found that the judgment creditor has shown good cause to require the person listed in item 1 (the judgment debtor) to appear for examination even though the judgment debtor filed a financial statement. The court ruled that the judgment debtor must appear for examination.

Date: _____

JUDGE

This order must be served no less than 30 days before the date set for the examination.


IMPORTANT NOTICES ON PAGE 2

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- 5. Original judgment creditor Assignee of record
asks the court for an order requiring (*name of judgment debtor*):
to appear in court and give information to help enforce a judgment (final order) for consumer debt.
- 6. The judgment debtor was ordered to appear for examination on (*date*):
- 7. The judgment debtor filed a notice of financial statement on (*date*):
- 8. The judgment debtor's financial statement claimed that all of the judgment debtor's income and assets are exempt from enforcement of judgment.
- 9. The court canceled the debtor's examination because of the judgment debtor's claim of exemption.
- 10. The judgment creditor filed a motion for examination on (*date*):
- 11. The court held a hearing on the motion for examination on (*date*):
- 12. At the hearing, the court found that the judgment creditor has shown good cause to require the judgment debtor to appear for examination even though the judgment debtor filed a financial statement. The court ruled that the judgment debtor must appear for examination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor, you must have a copy of the order served on the judgment debtor at least 30 calendar days before the date of the hearing and have a proof of service filed with the court. You can serve this order by mail or electronic service. Personal service of the order is not required.

NOTICE TO JUDGMENT DEBTOR

If you fail to appear at the time and place specified in this order, the court may make an order requiring you to pay the reasonable attorney's fees and costs incurred by the judgment creditor in this proceeding.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code, § 54.8.)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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