



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR25-06

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**Title**

Civil Practice and Procedure:  
Implementation of Assembly Bill 2837

**Action Requested**

Review and submit comments by May 23,  
2025

**Proposed Rules, Forms, Standards, or Statutes**

Adopt forms EJ-135, WG-015/EJ-137,  
WG-016/EJ-138; revise forms EJ-130,  
EJ-157-INFO, EJ-160, MC-012,  
MC-013-INFO, SER-001A, WG-002,  
WG-003, WG-004, WG-006,  
WG-010/EJ-175, WG-022, and WG-030

**Proposed Effective Date**

January 1, 2026

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**Proposed by**

Civil and Small Claims Advisory Committee  
Hon. Donald J. Proietti, Chair

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### Executive Summary and Origin

Assembly Bill 2837 (Stats. 2024, ch. 514) made numerous changes to the laws regarding enforcement of judgment, including a new requirement to verify the judgment debtor's address before the sheriff can serve papers related to enforcement of a judgment for personal debt; changes to the start of the earnings withholding period; and new requirements for orders on claims of exemption from enforcement of judgment. The Civil and Small Claims Advisory Committee proposes adopting three forms and revising thirteen forms to implement AB 2837.

### Background

[AB 2837](#), enacted September 24, 2024,<sup>1</sup> made numerous changes to the laws regarding enforcement of judgment. AB 2837 became effective on January 1, 2025. The provisions of AB 2837 that require form revisions are described below.

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<sup>1</sup> See Link A.

*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 It is circulated for comment purposes only.*

Some of AB 2837’s provisions apply to the enforcement of any judgment, but others apply only if the judgment is for personal debt. “Personal debt” means “money due or owing or alleged to be due or owing from a natural person arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for the debtor’s personal, family, or household purposes” and 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.”<sup>2</sup>

### **Address verification before service by a levying officer**

AB 2837 provides that if the levying officer is “required by any provision of this title”<sup>3</sup> to serve “any writ, order, notice, or other paper” related to enforcement of a judgment for personal debt, the judgment creditor must provide a declaration stating that the judgment debtor’s address has been verified using reasonable diligence within the past 12 months and describing the methods used to complete the verification.<sup>4</sup> Within five business days after delivering the declaration to the levying officer, the judgment creditor must file the signed declaration with the court.<sup>5</sup> If the judgment debtor notifies the court that the verification requirement has not been met, the court must stay the notice of levy or earnings withholding order until the requirement is met.<sup>6</sup> The judgment creditor is not entitled to recover the cost of the verification.<sup>7</sup>

The committee has interpreted “required by any provision of this title” to mean that the address verification requirement applies only to documents the levying officer is statutorily required to serve on the judgment debtor under Code of Civil Procedure sections 680.010 through 724.260. Those documents are writs of execution, writs of possession, and earnings withholding orders.<sup>8</sup>

### **Earnings withholding period**

AB 2837 changed the date on which an employer should begin withholding earnings if served with an earnings withholding order. Withholding should now begin on the 30th day after the

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<sup>2</sup> Code Civ. Proc., § 683.110(d)(2), (3). AB 2837’s definition of “personal debt” is the same as the one used in Senate Bill 1200 (Stats. 2022, ch. 833), which affected enforcement of judgments for personal debt and medical debt and which required revision of several forms. Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200* (Aug. 23, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12248158&GUID=10DD7229-59E8-4C5E-89FE-09C9996D358F>. For example, *Judgment* (form JUD-100), *Notice of Entry of Judgment* (form SC-130), and *Notice of Entry of Judgment* (form SC-200) were revised to add items asking how much of the judgment is for personal debt or medical debt.

<sup>3</sup> “This title” means title 9 of part 2 of the Code of Civil Procedure, *i.e.*, Code of Civil Procedure sections 680.010 through 724.260.

<sup>4</sup> Code Civ. Proc., § 684.130(b)(2).

<sup>5</sup> *Id.*, § 684.130(b)(6).

<sup>6</sup> *Id.*, § 684.130(b)(4).

<sup>7</sup> *Id.*, §§ 684.130(b)(5), 685.070(a).

<sup>8</sup> *Id.*, §§ 700.010(a) (writs of execution), 715.020(a) (writs of possession), 706.101(a) (earnings withholding orders). Existing law requires service of earnings withholding orders on the employer only, but AB 2837 adds a requirement to serve the order on the judgment debtor as well. (*Id.*, § 706.021.)

employee is served with the earnings withholding order, rather than 10 days after the employer is served with the order.<sup>9</sup> Or, if a claim of exemption is filed with the levying officer and the employer is given actual notice of the claim before the close of business on the 29th day after the employee is served with the earnings withholding order on the judgment debtor, the withholding period commences on the 45th day after the employee is served.<sup>10</sup>

### **Stays pending determination of claims of exemption**

In personal debt cases, AB 2837 requires the court to stay a levy or garnishment upon request of the judgment debtor if the judgment creditor has opposed the judgment debtor's claim of exemption and the hearing on the judgment creditor's motion is set more than 30 days after the notice of motion is filed.<sup>11</sup> If the judgment debtor files an application for a stay, the court must stay the levy or garnishment until the hearing on the judgment creditor's motion occurs.<sup>12</sup>

### **Exemptions for deposit accounts**

Existing law provides that a certain amount of money in a judgment debtor's deposit account is exempt from enforcement of judgment without making a claim of exemption.<sup>13</sup> This exemption applies per debtor, not per account, and if the judgment debtor has multiple accounts at the same financial institution, the law creates a procedure for the judgment creditor or judgment debtor to ask the court to determine how and to which account the exemption should be applied.<sup>14</sup>

AB 2837 requires financial institutions to protect money in multiple accounts in certain circumstances instead of protecting only one account.<sup>15</sup> Specifically, if the judgment debtor's accounts cumulatively contain an amount less than or equal to the exemption amount specified in Code of Civil Procedure section 704.220(a), the financial institution must protect the full amount in all the accounts. If there is no single account containing the full exemption amount but the accounts cumulatively contain more than that amount, then the financial institution must protect an aggregate amount equal to the full exemption amount.

### **Requirements for orders on claims of exemption**

AB 2837 provides that when ruling on a judgment creditor's motion opposing the judgment debtor's claim of exemption, the court must make findings on the judgment debtor's financial statement in support of the claim of exemption if the judgment debtor asserts that money in their

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<sup>9</sup> *Id.*, § 706.022(a).

<sup>10</sup> *Ibid.*

<sup>11</sup> *Id.*, §§ 703.570(a), 706.105(e).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Id.*, § 704.220.

<sup>14</sup> *Id.*, § 704.220(e).

<sup>15</sup> *Id.*, § 704.220(e)(4), (5).

deposit account is exempt under Code of Civil Procedure section 704.225 because it is necessary for support of the judgment debtor and their spouse and dependents.<sup>16</sup>

AB 2837 also provides that when ruling on a judgment creditor's motion opposing the judgment debtor's claim of exemption from a levy in a personal debt case, the court must order the levying officer, judgment creditor, or anyone else holding the property to return to the judgment debtor any property (1) that was exempt without the need for a claim and that was levied upon within the 12 months preceding the date of the order on the claim of exemption, or (2) that the judgment debtor has demonstrated would have been exempt by claim of exemption and that was levied upon within the six months preceding the date of the order on the claim of exemption.<sup>17</sup> Similar requirements apply to orders on claims of exemption from an earnings withholding order.<sup>18</sup>

## The Proposal

To implement AB 2837, the Civil and Small Claims Advisory Committee proposes adopting three forms and revising 13 forms.

### Previously approved revisions to wage garnishment forms

Effective February 22, 2025, the Judicial Council approved revisions to the following forms to reflect the new start of the withholding period for an earnings withholding order and to make technical corrections:

- *Earnings Withholding Order* (form WG-002);
- *Earnings Withholding Order for Support* (form WG-004);
- *Earnings Withholding Order for Taxes* (form WG-022); and
- *Earnings Withholding Order for Elder or Dependent Adult Financial Abuse* (form WG-030).<sup>19</sup>

The council determined that prompt revision was warranted to ensure the forms did not incorrectly state the law. The council therefore approved the forms before the revisions could be circulated for public comment. The committee seeks comment on these revisions, and has proposed additional revisions that would become effective January 1, 2026. The previously

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<sup>16</sup> *Id.*, § 703.580(c).

<sup>17</sup> *Id.*, § 703.580(d).

<sup>18</sup> *Id.*, § 706.105(g).

<sup>19</sup> Judicial Council of Cal., Staff Rep., *Rules and Forms: Calculation of Earnings Withholding Period* (Jan. 23, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=13703452&GUID=5CE276B4-D5EA-48AC-B824-41F57E479E19>. Effective February 22, 2025, the council also approved a revision to *Special Instructions for Writs and Levies—Attachment* (form SER-001A) to add item 5, which explains AB 2837's address verification requirement. However, that revision is superseded by the revisions to form SER-001A in this proposal, which would be effective January 1, 2026. Unlike the proposed January 2026 revision, the February 2025 revision did not mention *Declaration of Address Verification* (form EJ-135) because that form did not exist in February 2025.

approved revisions are highlighted in grey, and the proposed additional revisions are highlighted in yellow on the attached forms.

Additionally, the committee would like to improve the clarity and readability of forms WG-002, WG-004, WG-022, and WG-030 and asks for suggestions on how to revise specific items in those forms to use plain language.

### **Address verification before service by a levying officer**

The committee proposes creating three forms and revising five forms to implement AB 2837's address verification requirement.

The committee proposes creating *Declaration of Address Verification* (form EJ-135) for the judgment creditor to provide to the levying officer and file with the court. The committee considered adding the declaration to an existing form but determined that it could not do so because the judgment creditor is required to file the verification with the court within five business days after delivering it to the levying officer, and there are no existing enforcement of judgment forms that are filed within that time period.

To aid judgment debtors in determining whether they can seek a stay until the address verification requirement is met, the committee proposes revising *Writ of Execution* (form EJ-130) to add a "personal debt" checkbox to item 22 on page 2 to require the judgment creditor to confirm whether the judgment is for personal debt. The committee also proposes adding a notice to the judgment debtor on page 3 informing them that they can move to stay a levy or garnishment if the address verification requirement is not met.<sup>20</sup> The committee considered revising form EJ-130 to add a checkbox asking the judgment creditor to confirm that the address verification requirement has been met, but decided against it because the verification process requires the judgment creditor to take multiple steps after form EJ-130 is issued, and the checkbox would have to ask about future events (e.g., "I will provide *Declaration of Address Verification* to the levying officer . . .").

The committee proposes revising *Special Instructions for Writs and Levies—Attachment* (form SER-001A) by adding item 5 on page 3 to explain the address verification requirement and instruct the judgment creditor to attach form *Declaration of Address Verification* to form SER-001A. Form SER-001A is an attachment to *Request to Sheriff to Serve Court Papers* (form SER-001) and is used to provide statutorily mandated instructions to the sheriff or marshal whenever they are asked to serve documents, including *Writ of Execution* (form EJ-130).<sup>21</sup>

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<sup>20</sup> The committee also proposes renumbering item 24's subitems, adding "form CP10.5" in item 25a(1), and changing "CCP" to "Code of Civil Procedure" throughout the form where space permits.

<sup>21</sup> Forms SER-001 and SER-001A are not used for service of earnings withholding orders (forms WG-002, WG-004, WG-022, and WG-030). However, *Writ of Execution* (form EJ-130) must be issued before an earnings withholding order can be issued, so a judgment creditor serving an earnings withholding order will likely have already completed form SER-001A and learned of the address verification requirement.

The committee considered including a checkbox with this item to confirm that the address verification requirement has been met, but was concerned that doing so might be confusing. Item 5 would not be applicable to many people using form SER-001A, and the committee generally tries to avoid including checkboxes that do not apply to everyone completing the form because form users often assume they have to check every box on a form. However, the committee is also concerned that if item 5 does not include a checkbox, some people will skip over the item without reading it. The committee asks for specific comments on whether a checkbox should be added to item 5 on form SER-001A. And, in addition to the proposed revisions to implement AB 2837, the committee proposes revising item 4b to address writs of attachment.

The committee proposes revising *Employee Instructions* (form WG-003) to add information about the judgment debtor's right to seek a stay if the address verification is not completed.

The committee proposes creating *Application to Stay Levy or Garnishment* (form WG-015/EJ-137) and *Order on Application to Stay Levy or Garnishment* (form WG-016/EJ-138) to allow the judgment debtor to seek a stay of a levy or garnishment if the verification requirement is not met. These forms will also be used to handle applications and orders for stays pending a hearing on the judgment debtor's claim of exemption, as described in the next section.

To implement the statutory provision prohibiting judgment creditors from recovering costs for address verification, the committee proposes revising the "Costs After Judgment" section on page 1 of *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO) to include a citation to Code of Civil Procedure section 684.130(b)(5), and revising the "Requesting Costs and Interest" section to explain that postjudgment costs can only be recovered if explicitly listed on form MC-012 or if statutorily authorized.

The committee proposes revising the heading of item 1 on *Memorandum of Costs After Judgment, Acknowledgement of Credit, and Declaration of Accrued Interest* (form MC-012) to refer readers to form MC-013-INFO for information on which postjudgment costs are recoverable. In addition to the AB 2837 revisions, the committee proposes revising form MC-012 to make item 3 less confusing, put the Notice to Judgment Debtor in plain language (except for the second sentence of the notice, which is statutorily mandated), and remove the proof of service page to align with current guidelines for drafting Judicial Council forms.

### **Stays pending determination of claims of exemption**

The committee proposes creating *Application to Stay Levy or Garnishment* (form WG-015/EJ-137) and *Order on Application to Stay Levy or Garnishment* (form WG-016/EJ-138) to allow the judgment debtor in personal debt cases to seek a stay of a levy or garnishment if the hearing on the judgment creditor's motion opposing their claim of exemption cannot be held within 30 days of notice of the motion. These forms will also be used to handle stays pending verification of the judgment debtor's address, as described in the previous section.

The committee proposes revising *Notice of Hearing on Claim of Exemption* (form WG-010/EJ-175) to add a notice to the judgment debtor about their right to seek a stay. In addition to the

AB 2837 revisions, the committee proposes removing the proof of service page from form WG-010/EJ-175 to align with current guidelines for drafting Judicial Council forms.

### **Exemptions for deposit accounts**

The committee proposes revising *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157-INFO) to implement AB 2837's changes to the process for applying the automatic deposit account exemption. Form EJ-157-INFO explains the exemption, how it is applied, and how the judgment creditor or judgment debtor can ask the court for an order applying the exemption to a specific account. The committee proposes revising item 2 on form EJ-157-INFO to refer to "accounts" instead of "account," and to include Code of Civil Procedure sections 704.220(e)(4) and (5) in the citation at the end of item 2. The committee also proposes revising the form to use plain language where possible. The committee asks for suggestions on how to revise specific items in form EJ-157-INFO to use plain language, as well as any other suggestions to improve the form's clarity and readability.

The committee considered revising *Ex Parte Application for Order on Deposit Amount Exemption* (form EJ-157) and *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) but determined that revisions were unnecessary because AB 2837 only changes what financial institutions must do when a customer's accounts have been levied, and does not change the process for asking for and ordering the exemption to be applied to a specific deposit account. Additionally, item 5 on form EJ-157 and item 9 on form EJ-159 can be used to spread the exemption across multiple deposit accounts if necessary.

### **Requirements for orders on claims of exemption**

To implement AB 2837's requirements for what must be contained in an order on a claim of exemption, the committee proposes revising *Claim of Exemption* (form EJ-160) and *Claim of Exemption* (form WG-006) to include items identifying any property or wages that are exempt without making a claim of exemption. These revisions will aid courts in determining whether it is necessary to order the return of such property or wages.

In addition to the AB 2837 revisions, the committee proposes revising form WG-006 to add item 3.a, which asks whether the judgment debtor makes less than the statutory minimum required for withholding.<sup>22</sup> Judgment debtors might not know this statutory provision exists or that they do not need to file *Financial Statement* (form EJ-165) if they claim they are statutorily exempt from withholding. The committee also proposes revising the instructions and several other items on forms EJ-160 and WG-006 to improve their readability and clarity.

### **Alternatives Considered**

The committee did not consider the alternative of taking no action because new and revised forms are needed to comply with AB 2837. As discussed in the explanation of the proposal, the

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<sup>22</sup> Code Civ. Proc., § 706.050. An employee's earnings cannot be withheld unless their disposable earnings each pay period exceed a multiple of the current California minimum wage. The multiplier varies depending on the employee's pay period.

committee considered several alternatives when drafting the proposed forms and concluded that the current proposal best satisfies the statutory mandate. To the extent the proposed revisions were not required by the terms of AB 2837, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits the revisions would provide to the courts and court users.

## **Fiscal and Operational Impacts**

The statutory changes will require training of court staff and judicial officers. The new and revised 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.

### **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 a checkbox be added to item 5 on form SER-001A?
- Please provide suggestions, if you have any, for revising specific items in forms EJ-157-INFO, WG-002, WG-004, WG-022, or WG-030 to use plain language, or any suggestions to improve the forms' clarity and readability.

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 two 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. Forms EJ-130, EJ-135, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-015/EJ-137, WG-016/EJ-138, WG-022, and WG-030, at pages 9–38
2. Link A: Assem. Bill 2837,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2837](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2837)



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): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>03/18/2024</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	CASE NUMBER: _____
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	<input type="checkbox"/> <b>EXECUTION (Money Judgment)</b> <input type="checkbox"/> <b>WRIT OF POSSESSION OF</b> <input type="checkbox"/> <b>Personal Property</b> <input type="checkbox"/> <b>SALE</b> <input type="checkbox"/> <b>Real Property</b>
<input type="checkbox"/> <b>Limited Civil Case</b> (including Small Claims) <input type="checkbox"/> <b>Unlimited Civil Case</b> (including Family and Probate)	

1. **To the Sheriff or Marshal of the County of:**  
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
  2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
  3. (Name):  
 is the  original judgment creditor     assignee of record    whose address is shown on this form above the court's name.
  4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Additional judgment debtors on next page
    9.  Writ of Possession/Writ of Sale information on next page.
    10.  This writ is issued on a sister-state judgment.
- For items 11–17, see form MC-012 and form MC-013-INFO.**
- |   |          |
|---|----------|
| 11. Total judgment (as entered or renewed)                                    | \$ _____ |
| 12. Costs after judgment (CCP 685.090)  | \$ _____ |
| 13. Subtotal (add 11 and 12)  | \$ _____ |
| 14. Credits to principal (after credit to interest)                           | \$ _____ |
| 15. Principal remaining due (subtract 14 from 13)                             | \$ _____ |
| 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) | \$ _____ |
| 17. Fee for issuance of writ (per GC 70626(a)(I))                             | \$ _____ |
| 18. <b>Total amount due</b> (add 15, 16, and 17)                              | \$ _____ |
5. **Judgment entered** on (date):  
 (See type of judgment in item 22.)
  6.  Judgment renewed on (dates):
  7. **Notice of sale** under this writ:
    - a.  has not been requested.
    - b.  has been requested (see next page).
  8.  Joint debtor information on next page.
  19. **Levying officer:**
    - a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) ..... \$ \_\_\_\_\_
    - b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) ..... \$ \_\_\_\_\_
  20.  The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.**

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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21.  Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):


22. The judgment is for (check one):

- a.  wages owed.
- b.  child support or spousal support.
- c.  personal debt, as defined in Code of Civil Procedure section 683.110(d).
- d.  other.

23.  Notice of sale has been requested by (name and address):


24.  Joint debtor was declared bound by the judgment (Code Civ. Proc., §§ 989-994)

<p>a. on (date):</p> <p>b. name, type of legal entity if not a natural person, and last known address of joint debtor:</p>	<p>c. on (date):</p> <p>d. name, type of legal entity if not a natural person, and last known address of joint debtor:</p>
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e.  Additional costs against certain joint debtors are itemized:  below  on Attachment 24c.

25.  (Writ 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). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
  - (1)  The *Prejudgment Claim of Right to Possession* (form CP10.5) was served in compliance with Code of Civil Procedure section 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 Code of Civil Procedure section 415.46.
  - (3)  The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See Code Civ. Proc., §§ 415.46 and 1174.3(a)(2).)
  - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with Code of Civil Procedure section 415.46 (item 25a(2)), answer the following:
    - (a) The daily rental value on the date the complaint was filed was \$
    - (b) The court will hear objections to enforcement of the judgment under Code of Civil Procedure section 1174.3 on the following dates (specify):

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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- 25. b.  Possession of personal property.  
        If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c.  Sale of personal property.
- d.  Sale of real property.
- e. The property is described    below    on Attachment 25e.

**NOTICE TO PERSON SERVED**

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over 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 vacated 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 **Code of Civil Procedure section 1174** unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

JUDGMENTS FOR PERSONAL DEBT. If you are the judgment debtor identified in item 4 on this form, and if item 22 on this form says the judgment is for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve this *Writ of Execution*. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form EJ-135) and must file completed form EJ-135 with the court within five days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay any wage garnishment order, bank account levy, or other levy related to this *Writ of Execution*. You can use *Application for Stay of Levy or Garnishment* (form WG-015/EJ-137) to ask the court to stay the levy or garnishment until the address verification has been completed.

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):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>03/18/2024</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>DECLARATION OF ADDRESS VERIFICATION</b> <b>(Enforcement of Judgment)</b>	CASE NUMBER:

Instructions to the judgment creditor for completing this form:

- If you are enforcing a judgment for personal debt, you are required to verify the judgment debtor's address no later than 12 months before you give the levying officer any papers to serve on the judgment debtor. (Code Civ. Proc., § 684.130.)
- You must notify the levying officer and the court that you have completed the address verification by completing this form, giving a copy to the levying officer, and filing the completed form with the court within 5 days of giving a copy to the levying officer.

1. I am (*specify*):  attorney for  original judgment creditor  assignee of record
2. I am asking the levying officer to serve the judgment debtor with (*check all that apply*):
  - a.  *Writ of Execution* (form EJ-130).
  - b.  *Notice of Levy* (form EJ-150).
  - c.  *Earnings Withholding Order* (form WG-002).
  - d.  other document (*specify*):
3. The papers described in item 2 are being used to enforce a judgment for personal debt, meaning money due or owing because of a transaction for money, property, insurance, or services used primarily for the debtor's personal, family, or household purposes. The judgment does not include rental debt or debts incurred due to, or obtained by, tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee. (Code Civ. Proc., § 683.110.)
4. Within the last 12 months, I verified the judgment debtor's address, or someone verified the judgment debtor's address on my behalf, by (*check one*):
  - a.  receiving correspondence from the judgment debtor on (*date*): \_\_\_\_\_ that included a return address or other comparable verification of the judgment debtor's address.
  - b.  sending a letter to the judgment debtor's address on (*date*): \_\_\_\_\_ using certified mail, or through some other method of transmission through the United States Postal Service that provides a return receipt, and received a return receipt signed by the judgment debtor.
  - c.  using a commercial address verification service, including skip-tracing, or using a public records database. I then sent a letter to the verified address via first-class mail on (*date*): \_\_\_\_\_ and the letter was not returned to sender.
  - d.  using the following method (*describe the method and the date it was completed*): \_\_\_\_\_

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)

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

**Print this form**

**Save this form**

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**INSTRUCTIONS FOR EX PARTE APPLICATION  
FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION**

1. **Applicable Law.** Code of Civil Procedure section 704.220 requires financial institutions to apply an automatic exemption when served a *Notice of Levy* (form EJ-150) on a judgment debtor's deposit account if the judgment being enforced by the *Notice of Levy* is not based on wages owed or child or spousal support. The exemption amount is stated on *Current Dollar Amounts of Exemptions from Enforcement of Judgments* (form EJ-156) and is applied to one of the judgment debtor's accounts, if possible, or to multiple accounts if necessary. (Code Civ. Proc., § 704.220(e)(2), (4), (5).) The exemption is automatically applied and the judgment debtor does not need to do anything to have the exempted amount protected.
2. **Multiple Accounts.**
  - If the judgment debtor has multiple deposit accounts at a single bank, either the judgment debtor or judgment creditor can apply for a court order deciding how to apply the exemption to those accounts. The bank must automatically protect the exempted amount, but without a court order it will choose the accounts to which the exemption applies. (Code Civ. Proc., § 704.220(e)(2), (4), (5).)
  - If the judgment debtor has multiple deposit accounts at multiple financial institutions, the judgment creditor is required to apply for a court order deciding how to apply the exemption to those accounts. The judgment debtor can also make an application. (Code Civ. Proc., § 704.220(e)(3).)
3. **A judgment debtor or judgment creditor who wants to apply for an order deciding how to apply the exemption to the judgment debtor's accounts should do so as soon as they receive a notice of a levy or memorandum of garnishment, because the financial institution is required to send funds to the levying officer quickly.**
4. **Rules for Applying for a Court Order.** The application must be filed in the court where the judgment was issued. The applicant must check with that court for local rules and timing about when and where they have to appear at court to have the court consider the application. The applicant must follow the rules for ex parte applications described in California Rules of Court, rules 3.1203–3.1207. The requirements include:
 

**Notice of the application.** The other party in the case usually must be given notice of the application. Notice can be given in person or by phone, fax, or overnight mail, or by email if email notice is already allowed in the case. The party must be informed by 10:00 a.m. the day before the application is scheduled to be considered by the court, unless there is a good reason that the notice was not or could not be given. How the notice was given, or why it was not, must be described in *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158).

**Service of papers.** Copies of the application and all related papers must be given to the other party as soon as reasonable and before the court appearance, if possible. How this was done or why it was not must also be described in form EJ-158.

**Appearance at court.** The applicant must be available at the time the court is considering the application, either in person at the courthouse or by telephone. If by phone, the applicant must inform the court and the other parties in advance, and must comply with California Rules of Court, rule 3.670(d), which requires the application papers to be filed by 10:00 a.m. two court days before the time the court is scheduled to consider the application.
5. **Forms to Complete.** Before the time the court is scheduled to consider the application, the applicant must complete and file the following forms with the court:
  - *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157);
  - *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158); and
  - *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) (complete caption and item 1 only).

**When completing form EJ-157:**

  - The information in the application must be given under penalty of perjury.
  - If the applicant has good cause for why the court should act immediately, with no further hearing or briefing, the "Without Hearing" box under the title of form EJ-157 should be checked and item 6b should be completed to explain why. Otherwise, the "Hearing on shortened time" box under the title and the box for item 6a should be checked.
  - Copies of the *Writ of Execution* (form EJ-130) and any *Notice of Levy* (EJ-150) that have been issued to a financial institution must be attached to the application form.
  - Item 5 must include the specific account or accounts to which the court is being asked to apply the exemption. If the judgment debtor is asking for the exemption to be split among multiple accounts, the total amount split between those accounts cannot be more than the total amount of the exemption. (See form EJ-156 for the amount.)

**INSTRUCTIONS FOR EX PARTE APPLICATION  
FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION**

6. **Filing With the Court.** The completed forms should be filed with the court clerk. There will be a filing fee unless the party is eligible for a fee waiver. (If a party cannot afford the fee and has not already received a fee waiver, the party may file a *Request to Waive Court Fees* (form FW-001) with the other forms.) Take extra copies of all the forms to the court so the clerk can give back a stamped copy.
7. **What to Do With the Order.** The court may rule on the application immediately if a delay could result in loss to a deposit account subject to exemption or enforcement, or may order that a hearing be held to consider the application and any opposition.
- Once an order is issued by the court on form EJ-159, the applicant should serve the order on all other parties in the case as soon as possible. If the order sets a hearing date, **the order** must be served by the date in item 4b on the order.
  - If the order sets a hearing date, the applicant should appear at the hearing either in person or by phone (if by phone, notice must be given in advance to the court and other side).
  - If the order **decides which deposit account or accounts the exemption applies** to, without any further hearing, the applicant should serve the order on the financial institution and levying officer as well as the other parties. Once an order has been issued by the court, the applicant should serve the order on all other parties in the case as soon as possible.

**INSTRUCTIONS FOR EX PARTE APPLICATION  
FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION  
(Enforcement of Judgment)**

**[NOT FOR WAGE GARNISHMENT]  
RETURN TO LEVYING OFFICER. DO NOT FILE WITH COURT**

**EJ-160**

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (<i>name</i>):</p>	<p><i>FOR LEVYING OFFICER USE ONLY (Levying Officer Name and Address)</i></p> <p><b>DRAFT 04/02/2025 NOT APPROVED BY COUNCIL</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	<p>LEVYING OFFICER FILE NUMBER:</p>
<p>PLAINTIFF/PETITIONER:</p> <p>DEFENDANT/RESPONDENT:</p>	
<p><b>CLAIM OF EXEMPTION (Enforcement of Judgment)</b></p>	<p><i>FOR COURT USE ONLY</i></p>
<p><b>Instructions for completing this form:</b></p> <ul style="list-style-type: none"><li>• Read <i>Exemptions from the Enforcement of Judgments</i> (form EJ-155) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) to help you figure out whether your property is exempt.</li><li>• If you check the box for item 4, <b>you must attach</b> a completed <i>Financial Statement</i> (form EJ-165) to this <i>Claim of Exemption</i>. You can get a copy of form EJ-165 for free by asking the levying officer or going to <a href="https://courts.ca.gov/rules-forms/find-your-court-forms">courts.ca.gov/rules-forms/find-your-court-forms</a> or your court's self-help center.</li><li>• You must give the levying officer this original completed form and one copy of the completed form. You should save at least one copy of the form for your records. <b>Do not file this form with the court.</b></li></ul>	<p>CASE NUMBER:</p>

1. My name is:
2. Papers should be sent to:
  - me.
  - my attorney (I have filed with the court and served on the judgment creditor a request to have papers sent to my attorney and my attorney has consented in writing to receive these papers.)
  - at  the address shown above  another address (*specify*):
3.  I am not the judgment debtor named in the notice of levy. The name and last known address of the judgment debtor is (*specify*):
4.  Some or all of my property is exempt because it is needed to support me and my spouse and dependents. A completed *Financial Statement* (form EJ-165) is attached to this claim. (*As used in this form, "spouse" includes a registered domestic partner. (Code Civ. Proc., § 17(b)(12).)*)
5. Some or all of my property is exempt without making a claim of exemption. That property is (*describe; if more space is needed, check here*  *and attach a page labeled Attachment 5*):



SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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6. The property I claim to be exempt is (describe; if more space is needed, check here  and attach a page labeled Attachment 6):

7. My property is exempt under the following laws (specify code and section, for example "Code of Civil Procedure section 703.140(b)"; if more space is needed, check here  and attach a page labeled Attachment 7):

8. The facts supporting my claim of exemption are (describe; if more space is needed, check here  and attach a page labeled Attachment 8):

9.  The property I claim to be exempt is (if more space is needed to complete any of the lettered subdivisions below, check here  and attach a page labeled Attachment 9, and label the information on the attachment with the relevant subdivision letter):

a.  a motor vehicle, the proceeds of an execution sale of a motor vehicle, or the proceeds of insurance or other indemnification for the loss, damage, or destruction of a motor vehicle. I own other property of the same type, either alone or with other people, and that property is (describe):

b.  tools, implements, materials, uniforms, furnishings, books, equipment, a commercial motor vehicle, a vessel, or other personal property used in the trade, business, or profession of the judgment debtor or spouse. I own other property of the same type, either alone or with other people, and that property is (describe):

c.  the loan value of unmatured life insurance policies (including endowment and annuity policies) or benefits from matured life insurance policies (including endowment and annuity policies). My spouse or I own, either alone or with other people, other property of the same type, and that property is (describe):

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)

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ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>03/18/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<b>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</b>	CASE NUMBER:

1.  **Postjudgment costs** (Read form MC-013-INFO for information on which costs are recoverable.)

a. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):

	<u>Dates Incurred</u>	<u>Amount</u>
(1) Preparing and issuing abstract of judgment		\$ _____
(2) Recording and indexing abstract of judgment		\$ _____
(3) Filing notice of judgment lien on personal property		\$ _____
(4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county):		\$ _____
(5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$ _____
(6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$ _____
(7) Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$ _____
(8) Other: _____ (Statute authorizing cost):		\$ _____
(9) Total of claimed costs for current memorandum of costs (add (1)–(8))		\$ _____
b. All previously allowed postjudgment costs		\$ _____
c. <b>Total</b> of all postjudgment costs (add a and b)		\$ _____

2.  **Credits to interest and principal**

a. I acknowledge total payments to date in the amount of: \$ \_\_\_\_\_ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$ \_\_\_\_\_; credit to judgment principal \$ \_\_\_\_\_.

b. **Principal remaining due.** The amount of judgment principal remaining due is \$ \_\_\_\_\_. (See Code Civ. Proc., § 680.300)

3.  **Accrued interest remaining due.** Accrued interest remains due in the amount of \$ \_\_\_\_\_. This amount was calculated by applying interest accruing at the legal rate of \_\_\_\_\_ % on the unpaid principal amount of \$ \_\_\_\_\_ and accruing at the legal rate of \_\_\_\_\_ % on the unpaid principal amount of \$ \_\_\_\_\_ (see form MC-013-INFO) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal).

4. I am the:  judgment creditor  agent for the judgment creditor  attorney for the judgment creditor.  
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.  
 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)

**NOTICE TO THE JUDGMENT DEBTOR**

If this memorandum of costs is filed at the same time as an application for a writ of execution, the writ of execution can include any statutory costs that have not already been allowed by the court and that do not exceed a combined total of \$100. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax the costs claimed in this memorandum must be filed no later than 10 days after service of this memorandum. (Code Civ. Proc., § 685.070(c).)

Page 1 of 1

**INFORMATION SHEET FOR CALCULATING INTEREST  
AND AMOUNT OWED ON A JUDGMENT**

**What can the judgment creditor recover?**

Under California law, the amount recoverable by a judgment creditor (the party to whom money is owed) includes:

- The total amount of the judgment entered by the court (principal), plus costs;
- Costs after judgment under Code of Civil Procedure section 685.070; and
- Accrued interest on the total amount.

**Costs After Judgment**

A judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. These costs must be reported to the court within two years of the date incurred. The judgment amount includes costs ordered by the court after the judgment. (For information on recovering costs and a detailed list of costs that can be recovered, see Code of Civil Procedure sections 684.130(b)(5), 685.040, 685.050 et seq., 685.070(b), and 685.090; see also “Requesting Costs and Interest” below).

**Accrued Interest (See Code Civ. Proc., §§ 685.010, 685.020(a), and Cal. Const., art. XV, § 1.)**

Interest accrues on the unpaid principal of a judgment at the following legal rates:

- The rate of interest is 10% per year unless one of the following lower interest rates applies.
- The rate of interest is 7% per year if the judgment debtor (the party who owes the money) is a state or local government entity.
- The rate of interest is 5% per year if the judgment debtor is a natural person and the judgment meets all of the following requirements:
  - The judgment was entered or renewed after January 1, 2023.
  - The judgment is on a claim related to either personal debt (and the unpaid principal amount is under \$50,000) or medical expenses (and the unpaid principal amount is under \$200,000).
  - The judgment is not based on tortious or fraudulent conduct or for unpaid wages, damages, or penalties owed to an employee.

For judgments renewed after January 1, 2023, the 5% interest rate applies only to unpaid principal remaining after renewal. Note, for judgments that otherwise meet the above requirements and are renewed after January 1, 2023, the interest rate will change from 10% to 5% for any remaining unpaid principal if the unpaid principal has fallen below the above amounts.

Interest generally accrues from the date the judgment is entered. Interest begins to accrue on the amount of costs added to a judgment from the date ordered by the court or from the date costs are allowed following expiration of the time to object. If the judgment is payable in installments, interest accrues from the date each installment is due. On renewal of a judgment, unpaid interest that has accrued is added to the principal of the judgment and interest begins to accrue on the total renewed amount on the day the renewed judgment is entered.

**Requesting Costs and Interest**

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve *Memorandum of Costs After Judgment* (form MC-012). On that form, the judgment creditor must include the exact amount of all costs and accrued interest. This means the judgment creditor is responsible for calculating the amount of interest that accrues on the judgment. It is useful to update this calculation after receiving payments. The judgment creditor can only recover postjudgment costs in the categories listed in item 1a(1)–(8) on form MC-012. Recovery of costs listed in item 1a(8) on form MC-012 must be authorized by statute.

**Crediting Payments Received**

Any payments received by the judgment creditor must be “credited” in a specific order. (Code Civ. Proc., § 695.220.) After specific costs go directly to the levying officer and to the court for fees, the judgment creditor is required to credit payments received first toward *accrued interest* and then toward the *judgment principal* (including costs approved by the court after entry of the judgment).

## Calculation of Interest on Judgment and Amount Due

The following are various formulas and examples to assist with the calculation of interest on a judgment using both a 5% and a 10% interest rate.

- **Calculating the Total Amount Due, Including Interest, on the date of payment, if there have been no prior payments or credits**

**Step 1:** Calculate the daily interest on a judgment. This is the amount of interest earned per day on a judgment. To calculate the daily interest, use the following formula:

**Formula:** (Total amount of judgment owed)  $\times$  (applicable interest rate) = interest earned per year. That number divided by 365 = amount of daily interest.

**Example:** Judgment debtor owes the judgment creditor \$5,000 (the “judgment principal”).

5% Interest Rate	10% Interest Rate
$\$5,000 \times 0.05 = \$250$ $\$250/365 = \$0.69$ daily interest	$\$5,000 \times 0.10 = \$500$ $\$500/365 = \$1.37$ daily interest
The amount of interest earned will be \$0.69 per day as long as the unpaid amount remains \$5,000.	The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

**Step 2:** Count the total number of days that have passed since the court entered the final judgment up to the day of payment. Then calculate the amount of interest owed on the date of payment using the following formula.

**Formula:** (Total number of days since judgment was entered)  $\times$  (amount of interest per day, calculated in Step 1) = amount of interest owed on the date of payment.

**Example:** A \$5,000 judgment was entered on June 1 and the judgment debtor paid the judgment on September 8; 100 days from the entry of the judgment have passed.

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). $\$0.69$ per day $\times$ 100 days = \$69 interest owed on the date of payment	The daily interest is \$1.37 (see above). $\$1.37$ per day $\times$ 100 days = \$137 interest owed on the date of payment.
The judgment debtor owes \$69 in interest on the principal of \$5,000 on the date of payment.	The judgment debtor owes \$137 in interest on the principal of \$5,000 on the date of payment.

**Step 3:** Add the amount of interest that has accrued to the amount of the judgment.

5% Interest Rate	10% Interest Rate
$\$5,000$ judgment + \$69 interest = \$5,069	$\$5,000$ judgment amount + \$137 interest = \$5,137
The judgment debtor owes a total of \$5,069 on the 100th day after the court entered judgment.	The judgment debtor owes a total of \$5,137 on the 100th day after the court entered judgment.

- **Crediting partial payments and recalculating the amount due**

If the judgment debtor does not pay all that is owed at one time, the partial payments the debtor makes are credited to the interest *first* and then to the judgment amount (the principal) owed.

**Example:** The judgment principal is \$5,000. After 200 days, the judgment debtor pays \$1,000.

**Step 1: Calculate the amount of interest owed on the date of payment**

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). \$0.69 per day $\times$ 200 days = \$138 interest owed on the date of payment	The daily interest is \$1.37 (see above). \$1.37 per day $\times$ 200 days = \$274 interest owed on the date of payment.

**Step 2: Apply payment to interest**

5% Interest Rate	10% Interest Rate
The judgment debtor paid \$1,000, which first must be used to credit the \$138 of accrued interest.  That leaves a balance of \$862 (\$1,000 - \$138 = \$862) to be credited toward the \$5,000 principal.	The judgment debtor paid \$1,000, which first must be used to credit the \$274 of accrued interest.  That leaves a balance of \$726 (\$1,000 - \$274 = \$726) to be credited toward the \$5,000 principal.

**Step 3: Apply remainder to principal**

5% Interest Rate	10% Interest Rate
The remaining credit of \$862 is applied to the judgment principal. The judgment debtor now owes \$4,138 on the judgment principal (\$5,000 - \$862 = \$4,138).	The remaining credit of \$726 is applied to the judgment principal. The judgment debtor now owes \$4,274 on the judgment principal (\$5,000 - \$726 = \$4,274).

**Step 4: Calculate the new daily interest rate**

5% Interest Rate	10% Interest Rate
\$4,138 (new principal) $\times$ 5% = \$206.90 interest per year \$206.90/365 days = \$0.57 interest earned per day	\$4,274 (new principal) $\times$ 10% = \$427.40 interest per year \$427.40/365 days = \$1.17 interest earned per day

**Example:** After 100 days, the judgment debtor makes a second payment of \$500. (Recalculate using steps 1-4.)

5% Interest Rate	10% Interest Rate
<b>Amount of accrued interest over 100 days:</b> 100 days $\times$ \$0.57 daily interest = \$57 total interest	<b>Amount of accrued interest over 100 days:</b> 100 days $\times$ \$1.17 daily interest = \$117 total interest
<b>\$500 payment credited to interest first:</b> \$500 payment - \$57 interest = \$443 remaining	<b>\$500 payment credited to interest first:</b> \$500 payment - \$117 interest = \$383 remaining
<b>Remainder credited to principal:</b> \$4,138 principal - \$443 remaining = \$3,695 new principal	<b>Remainder credited to principal:</b> \$4,274 principal - \$383 remaining = \$3,891 new principal
<b>Calculate new daily interest:</b> \$3,695 $\times$ 5% = \$184.75/365 = \$0.51 interest per day	<b>Calculate new daily interest:</b> \$3,891 $\times$ 10% = \$389.10/365 = \$1.07 interest per day

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

**DRAFT  
03/18/2025  
NOT APPROVED  
BY COUNCIL**

**Instructions**

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

**All information is required unless it is listed as optional or does not apply to your case.**  
For more information about what may be required in your case, go to [selfhelp.courts.ca.gov/sheriff-serves](http://selfhelp.courts.ca.gov/sheriff-serves).

**1 Additional Information About You (Person Requesting Service)**

Are you a judgment creditor (person awarded money or property by the court)?

- Yes
- No (complete the section below):

(a) What is your role in the case?: \_\_\_\_\_

(b) Is there a judgment creditor in your case?

- No
- Yes (list the names of all judgment creditors):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2 Additional Information About Person or Entity You Want Served**

The person or entity you want served (listed in item 3 of form SER-001):  
(check one)

- Owes you money in this case (judgment debtor).
- Is not a party in this case but has the property.
- Is a person who lives on the property.
- Other (explain):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



4 b. Is the property in the judgment debtor’s name, or in the defendant’s name if the writ described in 3 is a writ of attachment?

Yes

No (list the names of owners and explain their interest in the property, including any leasehold interest):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center provides help for free and may be able to help you. To find your local self-help center, go to [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).)

c. Are you asking the sheriff to levy on property that is a dwelling (a place someone can live in)?

No

Yes (complete the section below):

The dwelling is (check one):

Real property (examples: house, condo, other building attached to land)

Personal property (examples: houseboat, RV)

5 Enforcement of a Judgment for Personal Debt

If you are the judgment creditor and you are asking the sheriff to serve a writ, levy, or other document related to enforcement of a judgment for personal debt (as defined in Code of Civil Procedure section 683.110(d)), you must verify the judgment debtor’s address before the sheriff can serve your papers. Complete Declaration of Address Verification (form EJ-135) and attach it to this form.

6 Special Instructions for Sheriff

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080).
- Instructions to seize personal property from a private place (see Code of Civil Procedure section 699.030).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space to list instructions. Use a separate piece of paper and write “SER-001A, Special Instructions for Sheriff” at the top. Turn it in with this form.

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**



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):	LEVYING OFFICER (name and address):  <h2 style="margin:0;">DRAFT</h2> <h2 style="margin:0;">04/02/2025</h2> <h2 style="margin:0;">NOT APPROVED</h2> <h2 style="margin:0;">BY COUNCIL</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY: ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>EARNINGS WITHHOLDING ORDER</b> <b>(Wage Garnishment)</b>	LEVYING OFFICER FILE NO.: COURT CASE NO.:
EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.	

**EMPLOYER: Enter the following date to assist your record keeping.**  
 Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

**TO THE EMPLOYER REGARDING YOUR EMPLOYEE:**

Name and address of employer

Name and address of employee

Social Security No.  on form WG-035  unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on page 2 of this form). Pay the withheld sums to the **levying officer** (name and address above).

If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.

**Complete both copies of Employer's Return (form WG-005) and mail them to the levying officer** within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$

Count 30 calendar days from the date when **the employee was served with** this order. If your employee's pay period ends before the 30th day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Instructions to Employer on page 2 of this form for more information about calculating the start of the withholding period.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (date):

The judgment creditor (if different from the plaintiff) is (name):

4. The Instructions to Employer on page 2 of this form tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



(SIGNATURE)  
 LEVYING OFFICER  REGISTERED PROCESS SERVER



# INSTRUCTIONS TO EMPLOYER ON EARNINGS WITHHOLDING ORDERS

WG-002

The instructions in paragraph 1 on page 1 of this form describe your initial duties to provide information to your employee and the levying officer. Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by *Earnings Withholding Order* (this order). The withholding period begins 30 calendar days after the employee was served with the order and continues until you have withheld the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice). However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee was served with *Earnings Withholding Order*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order*.

The withholding period may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *Employer's Return* (form WG-005) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

*Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review form WG-005 for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

## WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

## WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

## COMPUTATION INSTRUCTIONS

California law provides how much earnings to withhold, if any, for different amounts of disposable earnings and different pay periods, and takes into consideration different minimum wage amounts. The method of calculation is at Code of Civil Procedure section 706.050 and is described in the column to the right. You may also look on the California Courts Self-Help website for assistance in determining the maximum withholding amounts for different amounts of disposable income, for different pay periods, and with different minimum wage amounts. The information is at [selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers](http://selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers).

**THESE COMPUTATION INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.**

State law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

(A) To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), first compute the employee's *disposable earnings*.

Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings because they are not paid by the employer.

*Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

(B) After the employee's disposable earnings are known, to determine what amount should be withheld, you may look to the statute, follow the directions below in (C), or seek assistance on the California Courts Self-Help website at [selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers](http://selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers). Note that you also need to know the amount of the minimum wage in the location where the employee works.

(C) Calculate the maximum amount that may be withheld from the employee's disposable earnings, which is the *lesser* of the following two amounts:

- 20 percent of disposable earnings for that week; or
- 40 percent of the amount by which the employee's disposable earnings that week exceed the applicable minimum wage. If there is a local minimum wage in effect in the location where the employee works that exceeds the state minimum wage at the time the earnings are payable, the local minimum wage is the applicable minimum wage.

To calculate the correct amount, follow the steps below:

Step 1: Determine the applicable minimum wage per pay period.

- For a daily or weekly pay period, multiply the applicable hourly minimum wage by 48.
- For a biweekly pay period, multiply the applicable hourly minimum wage by 96.
- For a semimonthly pay period, multiply the applicable hourly minimum wage by 104.
- For a monthly pay period, multiply the applicable hourly minimum wage by 208.

Step 2: Subtract the amount from Step 1 from the employee's disposable earnings during that pay period.

Step 3: If the amount from Step 2 is less than zero, do not withhold any money from the employee's earnings.

Step 4: If the amount from Step 2 is greater than zero, multiply that amount by 0.40.

Step 5: If the amount from Step 4 is lower than 20 percent of the employee's disposable earnings, withhold this amount. If it is greater than 20 percent of the employee's disposable earnings, withhold 20 percent of the disposable earnings.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

## IMPORTANT WARNINGS

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

**IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!**

## EMPLOYEE INSTRUCTIONS

### -NOTICE-

#### IMPORTANT LEGAL NOTICE TO EMPLOYEE ABOUT EARNINGS WITHHOLDING ORDERS (Wage Garnishment)

The **Earnings Withholding Order** requires your employer to pay part of your earnings to the sheriff or other levying officer. The levying officer will pay the money to a creditor who has a court judgment against you. The information below may help you protect the money you earn.

### -NOTICIA-

#### NOTICIA LEGAL IMPORTANTE RESPECTO A LAS ÓRDENES DE RETENCIÓN DE SUELDO

La **Orden de Retención de Sueldo** requiere que su empleador pague una parte de su sueldo a un oficial de embargo. El oficial le pagará el dinero retenido a su acreedor que ha conseguido una decisión judicial en contra de usted. Pida usted que un amigo o su abogado le lea este papel oficial. Esta información le puede ayudar a proteger su sueldo.

### CAN YOU BE FIRED BECAUSE OF THIS?

**NO.** You cannot be fired unless your earnings have been withheld before for a different court judgment. If this is the first judgment for which your wages will be withheld and your employer fires you because of this, the California Labor Commissioner, listed in the phone book of larger cities, can help you get your job back.

### HOW MUCH OF YOUR PAY WILL BE WITHHELD?

The Earnings Withholding Order (abbreviated in this notice as **EWO**) that applies to you contains Employer Instructions. These explain how much of your earnings can be withheld. Generally, the amount is about 20% of your take home pay until the amount due has been withheld. The levying officer will notify the employee of an additional assessment charged for paying out money collected under this order and that amount will also be withheld.

If you have trouble figuring this out, ask your employer for help.

### IS THERE ANYTHING YOU CAN DO?

**YES.** There are several possibilities.

1. See an attorney. If you do not know an attorney, check with the lawyer referral service or the legal aid office in your county (both are listed in the yellow pages under "Attorneys"). An attorney may be able to help you make an agreement with your creditor, or may be able to help you stop your earnings from being withheld. You may wish to consider bankruptcy or asking the bankruptcy court to help you pay your creditors. These possibilities may stop your wages from being withheld. An attorney can help you decide what is best for you. Take your **EWO** to the attorney to help you get the best advice and the fastest help.
2. Try to work out an agreement yourself with your creditor. Call the creditor or the creditor's attorney, listed on the **EWO**. If you make an agreement, the withholding of your wages will stop or be changed to a smaller amount you agree on. (See *item 4 on page 2 of this form for another way to make an offer to your creditor.*)
3. You can ask for an EXEMPTION. An exemption will protect more, or maybe even all of your earnings. You can get an exemption if you need your earnings to support yourself or your family, **but you cannot get an exemption if:**
  - a. You use some of your earnings for luxuries and they aren't really necessary for support; **OR**
  - b. You owe money to an attorney because of a court order in a family case; **OR**
  - c. You owe the debt for past due child support of spousal support (alimony); **OR**
  - d. You owe the debt to a former employee for wages.

### HOW DO YOU ASK FOR AN EXEMPTION?

See the other side of this form for instructions about claiming an exemption.

### IS THE EWO RELATED TO PERSONAL DEBT?

If the EWO is being used to enforce a judgment for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve the EWO. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form EJ-135) and must file a completed form EJ-135 with the court within five days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay (pause) the wage garnishment order until the address verification is complete. You can use *Application for Stay of Levy or Garnishment* (form WG-015/EJ-137) to ask the court for a stay.

## HOW DO YOU ASK FOR AN EXEMPTION?

WG-003

1. Call or write the levying officer for three copies each of *Claim of Exemption* (form WG-006) and *Financial Statement* (form WG-007). Or go to [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms) to download copies of the forms. These forms are free.
  2. Fill out both forms. If an item on the form has a box  in front of it, only check the box if the item applies to your case.
  3. It is **your** job to prove with the *Financial Statement* form that your earnings are needed for support. Write down the details about your needs. For example, if your child has special medical expenses, tell which child, what illnesses, who the doctor is, how often the doctor must be visited, the cost per visit, and the costs of medicines. These details should be listed in item 6 on *Financial Statement*. If you need more space, write "See attachment 6" in item 6 and attach a separate piece of paper labeled "Attachment 6" where you can explain your expenses in detail.
  4. You can use *Claim of Exemption* (form WG-006) to make an offer to the judgment creditor to have a specified amount withheld each pay period. Complete item 3 on the form to indicate the amount you agree to have withheld **each pay day during the withholding period**. (Be sure it's less than the amount to be withheld otherwise.) If your creditor accepts your offer, he will not oppose your claim of exemption. (See item (1) in the "ONE OF TWO THINGS WILL HAPPEN" section below.)
  5. Sign *Claim of Exemption* and *Financial Statement*. Be sure *Claim of Exemption* shows the address where you receive mail.
  6. Mail or deliver two copies of each of the two forms to the levying officer. Keep one copy for yourself in case there is a court hearing. Do not use *Claim of Exemption* (form WG-006) or *Financial Statement* (form WG-007) to seek a modification of child support or alimony payments. These payments can be modified only by the family law court that ordered them.
- FILE YOUR CLAIM OF EXEMPTION AS SOON AS POSSIBLE FOR THE MOST PROTECTION.

### ONE OF TWO THINGS WILL HAPPEN AFTER YOU ASK FOR AN EXEMPTION

- (1) The judgment creditor will not oppose (object to) your claim of exemption. If this happens, after 10 days the levying officer will tell your employer to stop withholding or withhold less from your earnings. The part (or all) of your earnings needed for support will be paid to you or paid as you direct. And you will get back earnings the levying officer or your employer were holding when you asked for the exemption.
- OR—
- (2) The creditor will oppose (object to) your claim of exemption. If this happens, you will receive *Notice of Opposition to Claim of Exemption* (form WG-009) and *Notice of Hearing on Claim of Exemption* (form WG-010), where the creditor explains why your exemption should not be allowed. A box in the middle of form WG-010 tells you the time and place of the court hearing, which will be about 10 days after the creditor files form WG-010 with the court. Be sure to go to the hearing if you can.

If the judgment creditor has checked the box in item 3 on *Notice of Hearing on Claim of Exemption*, the creditor will not be in court. You do not have to go to the hearing if you are willing to have the court make its decision based on your *Financial Statement* and the creditor's *Notice of Opposition to Claim of Exemption*.

If you go to the hearing, take any bills, paycheck stubs, canceled checks, or other evidence (including witnesses) that will help you prove your *Claim of Exemption* and *Financial Statement* are correct and your earnings are needed to support you or your family. And bring any evidence that *Notice of Opposition to Claim of Exemption* is wrong. For example, if the notice says the judgment was for wages for a past employee, you might be able to give evidence that the person was not an employee or the debt was not for wages. If the judge at the hearing agrees with you, your employer will be ordered to stop withholding your earnings or withhold less money. The judge can even order that the **EWO** end before the hearing (so you would get some earnings back).

If the judge does not agree with you, the withholding will continue unless you **appeal** to a higher court. The rules for appeals are complex so you should see an attorney if you want to appeal.

If you have one court hearing, you should not file another *Claim of Exemption* about the same **EWO** unless your finances have gotten worse in an important way.

If your **EWO** is changed or ended, the levying officer must sign the notice to your employer of the change. The levying officer may give you permission to deliver it to the employer, or it can be mailed.

### WHAT HAPPENS TO YOUR EARNINGS IF YOU FILE A CLAIM OF EXEMPTION?

Your employer must continue to hold back part of your earnings for the **EWO** until he receives a notice signed by the levying officer to change the order or end it early. The levying officer will keep your withheld earnings until your *Claim of Exemption* is denied or takes effect. At that time your earnings will be paid according to the law that applies to your case.

### REGARDING CHILD SUPPORT

If you are obligated to make child support payments, the local child support agency may help you to have an Order Assigning Salary or Wages entered. This order has the top priority claim on your earnings. When it is in effect, little or no money may be available to be withheld for an **EWO**. And, if the local child support agency is involved in collecting this support from you, it may agree to accept less money if this special order is entered.

### WHAT IF YOU STILL HAVE QUESTIONS?

If you cannot see an attorney, or don't want to see an attorney, you might be able to answer some of your questions by reading the law in a law library. Ask the law librarian to help you find sections 706.050 and 706.105 of the California Code of Civil Procedure. Other sections of the code, beginning with section 706.010 may also answer some of your questions.

Also, the office of the Wage and Hour Division of the U.S. Department of Labor may be able to answer some of your questions. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

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):		LEVYING OFFICER (name and address):  <p style="text-align: center;"><b>DRAFT</b>  <b>04/02/2025</b>  <b>NOT APPROVED</b>  <b>BY COUNCIL</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		COURT CASE NUMBER:
<b>EARNINGS WITHHOLDING ORDER FOR SUPPORT</b> <b>(Wage Garnishment)</b>		LEVYING OFFICER FILE NUMBER:

**EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.**

**EMPLOYER: Enter the following date to assist your record keeping.**  
*Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):*

**TO THE EMPLOYER REGARDING YOUR EMPLOYEE:**

Name and address of <b>employer</b>	Name and address of employee
Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown	

- A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on page 2 of this form). Pay the withheld sums to the **levying officer** (name and address above).  
 If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.  
**Complete both copies of Employer's Return (form WG-005) and mail them to the levying officer** within 15 days after receiving this order, whether or not the employee works for you.
- The total amount due is: \$ \_\_\_\_\_  
 Count 30 calendar days from the date when **the employee was served with** this order. If your employee's pay period ends before the 30th day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Employer's Instructions on page 2 of this form for more information about calculating the start of the withholding period.  
 Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.
- The judgment was entered in the court shown above. The judgment creditor is (name): \_\_\_\_\_
- The **Employer's Instructions on page 2** of this form tell you how much of the employee's earnings to withhold each payday and contain special rules that apply to *Earnings Withholding Order for Support* (form WG-004). Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE)  
 LEVYING OFFICER  REGISTERED PROCESS SERVER



## EMPLOYER'S INSTRUCTIONS (EARNINGS WITHHOLDING ORDERS FOR SUPPORT)

The instructions apply only to *Earnings Withholding Orders for Support* (this order). Applicable instructions appear on other types of Earnings Withholding Orders.

The instructions in paragraph 1 on page 2 of this form describe your initial duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The usual *withholding period* begins 30 calendar days after the employee is served with *Earnings Withholding Order for Support*. However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee is served with *Earnings Withholding Order for Support*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order for Support*.

The withholding period for this order continues until one of two things happens:

- (1) the total amount specified in the Order, plus any amounts listed in a notice from the levying officer, has been withheld, or
- (2) you receive a court order or notice signed by the levying officer specifying a termination date.

You are entitled to rely on and should obey all written notices signed by the levying officer.

*Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one Earnings Withholding Order during a withholding period, review *Employer's Return* for instructions.

Your duty to withhold does not end merely because the employee no longer works for you. Withholding for *Earnings Withholding Order for Support* does not automatically terminate until one year after the employment of the employee by the employer ends.

### WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

*Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account*

### WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

Inquiries about the federal law will be answered by mail, telephone or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

### COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay. To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money, (whether called wages, salary, commissions, bonuses or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earning since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employees' retirement systems. Disposable earnings will change when the required deductions change.

After the employee's disposable earnings are known, WITHHOLD FIFTY (50) PERCENT of the *disposable earnings* for the Withholding Order for Support. For example, if the employee has monthly disposable earnings of \$1,432, the sum of \$716 would be withheld to pay to the levying officer on account of this order.

Occasionally, the employee's earnings will also be subject to a Wage and Earnings Assignment Order, an order available for child support or spousal support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order. For example, if the employee is subject to a Wage and Earnings Assignment Order and the employer is required to withhold \$300 per month to pay on that order, when the employer receives this Earnings Withholding Order for Support, the employer should deduct the \$300 for the Wage and Earnings Assignment Order from the \$716 and pay the balance to the levying officer each month for this order.

### IMPORTANT WARNINGS

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF EARNINGS WITHHOLDING ORDERS FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to judgment (no matter how many debts are represented in that judgment) the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN EARNINGS WITHHOLDING ORDER BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE EARNINGS WITHHOLDING ORDER TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the laws that apply to this case.

**IF YOU VIOLATE ANY OF THESE LAWS, YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!**

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 LEVYING OFFICER USE ONLY (Levyng Officer Name and Address)  <b>DRAFT</b> <b>03/18/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	LEVYING OFFICER FILE NUMBER:
<b>CLAIM OF EXEMPTION</b> <b>(Wage Garnishment)</b>	FOR COURT USE ONLY
Instructions for completing this form: <ul style="list-style-type: none"> <li>• Read <i>Employee Instructions</i> (form WG-003) before completing this form.</li> <li>• If you check the box for item 3b or 3c, <b>you must attach</b> a properly completed <i>Financial Statement</i> (form EJ-165) to this <i>Claim of Exemption</i>. You can get a copy of form EJ-165 for free by asking the levying officer or going to <a href="https://courts.ca.gov/rules-forms/find-your-court-forms">courts.ca.gov/rules-forms/find-your-court-forms</a> or your court's self-help center.</li> <li>• If you check the box for item 3a, you <b>do not</b> need to complete form EJ-165.</li> <li>• You must give the levying officer this completed original form and one copy of the completed form. You should save at least one copy of the form for your records.</li> <li>• <b>Do not file this form with the court.</b></li> </ul>	CASE NUMBER:

1. My name is:

2. Please send all papers to

me

my attorney

at  the address shown above  another address (specify):

3. I am making this claim of exemption because (check a, b, or c):

a.  My earnings are below the legal minimum amount for an earnings withholding order.

(Your earnings cannot be withheld unless you earn more than a minimum amount set by law (Code Civ. Proc., § 706.050). You earn less than the legal minimum amount if, after mandatory deductions:

- If you are paid at least once a week: You earn less than 48 times the California minimum hourly wage each week.
- If you are paid once every two weeks: You earn less than 96 times the California minimum hourly wage each pay period.
- If you are paid twice a month: You earn less than 104 times the California minimum hourly wage each pay period.
- If you are paid once a month: You earn less than 208 times the California minimum hourly wage each pay period.)

b.  I need all my earnings to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim.

c.  I need \$ \_\_\_\_\_ each pay period to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim.

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
--------------	--------------------------	----------------

4. I am willing for the following amount to be withheld from my earnings **each pay period** during the withholding period. I understand that **this amount will be withheld each pay period** if the judgment creditor accepts this offer by not opposing my *Claim of Exemption (check one)*:

- a.  None
- b.  Withhold \$ \_\_\_\_\_ each pay period.

5. I am paid (*check one*)

- daily       every two weeks       monthly
- weekly       twice a month       other (*specify*): \_\_\_\_\_

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)

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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  <b>DRAFT</b> <b>03/07/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>NOTICE ON HEARING OF CLAIM OF EXEMPTION</b> <b>(Wage Garnishment - Enforcement of Judgment)</b>	LEVYING OFFICER FILE NO: COURT CASE NO:

1. TO:

Name and address of levying officer _____ _____ <input type="checkbox"/> Claimant, if other than judgment debtor (name and address): _____ _____	Name and address of judgment debtor _____ _____ <input type="checkbox"/> Judgment debtor's attorney (name and address): _____ _____
--	---

2. A hearing to determine the claim of exemption of

judgment debtor  
 other claimant  
 will be held as follows:

Name and address of court if different from above:

<b>Hearing Date</b>	→ Date:	Time:
	Dept.:	Room:

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

*If you do not attend the hearing, the court may determine your claim based on the Claim of Exemption, Financial Statement (when one is required), Notice of Opposition to Claim of Exemption, and other evidence that may be presented.*

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF JUDGMENT CREDITOR OR ATTORNEY)

**NOTICE TO THE JUDGMENT DEBTOR**

If the *Claim of Exemption* is for a levy or garnishment that is being used to enforce a judgment for personal debt, and if the hearing on *Claim of Exemption* is scheduled to occur more than 30 days after this *Notice of Hearing on Claim of Exemption* is filed, you can ask the court to stay the levy or garnishment until the hearing occurs. You can do so by filing *Application to Stay Levy or Garnishment* (form WG-015/EJ-137). (Code Civ. Proc., §§ 703.570(a), 706.105(e).)

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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  <b>DRAFT</b> <b>03/18/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	LEVYING OFFICER (name and address):
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER FILE NO.:
<b>APPLICATION TO STAY LEVY OR GARNISHMENT</b> <b>(Enforcement of Judgment—Wage Garnishment)</b>	COURT CASE NO.:

1. Judgment debtor (name): asks the court to stay (pause) a wage garnishment, bank account levy, or other levy.
2. The judgment debtor received (check all that apply; to list more documents, check here  and attach a page labeled Attachment 2):
  - a.  Notice of Levy (form EJ-150) issued on (date):
  - b.  Earnings Withholding Order (form WG-002) issued on (date):
3. The levy or garnishment is for a judgment for personal debt.  
 (Personal debt means money due or owing because of a transaction for money, property, insurance, or services used primarily for the debtor's personal, family, or household purposes. Personal debt does not include rental debt or debts incurred due to, or obtained by, tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee. (Code Civ. Proc., § 683.110).)
4. The judgment debtor asks the court to (check one):
  - a.  Stay the levy or garnishment until the judgment creditor files Declaration of Address Verification. The judgment creditor asked the levying officer to serve the judgment debtor with the papers listed in item 1 and did not (check all that apply):
    - give the levying officer a completed Declaration of Address Verification (form EJ-135).
    - file the completed Declaration of Address Verification (form EJ-135) with the court within five days of giving a copy of the declaration to the levying officer.
  - b.  Stay the levy or garnishment until after the hearing scheduled by Notice of Hearing on Claim of Exemption (form WG-010/EJ-175). The hearing is scheduled to take place more than 30 days after form WG-010/EJ-175 was filed:
    - (1) Notice of Hearing on Claim of Exemption was filed on (date):
    - (2) The hearing on the claim of exemption is scheduled for (date):

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)

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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  <b>DRAFT</b> <b>03/07/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	LEVYING OFFICER (name and address): _____
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER FILE NO.: _____
<b>ORDER ON APPLICATION TO STAY LEVY OR GARNISHMENT</b> <b>(Enforcement of Judgment—Wage Garnishment)</b>	COURT CASE NO.: _____

1. Judgment debtor (name): \_\_\_\_\_  
 asked the court for an order staying the levy or garnishment described in (specify name and date of order and to whom it was issued): \_\_\_\_\_

2. The court, having reviewed the application, makes the following ruling:
- a.  The application for a stay is denied because (check all that apply)
    - (1)  The application was incomplete.
    - (2)  The application did not meet the requirements to stay a levy or garnishment under Code of Civil Procedure section 684.130(b).
    - (3)  The application did not meet the requirements to stay a levy or garnishment under Code of Civil Procedure sections 703.570(a) and 706.105(e).
    - (4)  Other (specify): \_\_\_\_\_
  - b.  The application for a stay is granted and the levy or garnishment identified in item 1 is stayed until (check one):
    - (1)  The judgment creditor files *Declaration of Address Verification* (form EJ-135). (Code Civ. Proc., § 684.130(b)(4).)
    - (2)  The conclusion of the hearing on the judgment creditor's motion opposing the judgment debtor's claim of exemption. (Code Civ. Proc., §§ 703.570(a), 706.105(e).)

Date: \_\_\_\_\_

\_\_\_\_\_  
 JUDICIAL OFFICER

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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 STATE TAX AGENCY: _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>04/02/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
NAME OF COURT: _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
APPLICATION OF ( <i>Name</i> ): _____  <div style="text-align: right;">TAXPAYER / RESPONDENT</div>	
<b>EARNINGS WITHHOLDING ORDER FOR TAXES</b>	CASE NUMBER: _____
NAME OF STATE TAX AGENCY: _____	TAX AGENCY NUMBER: _____

1. The State's *Application for Earnings Withholding Order for Taxes* came on for hearing on  
 (*date*): \_\_\_\_\_ in  Dept.: \_\_\_\_\_  Div.: \_\_\_\_\_  Room:  
 before (*name of judicial officer*): \_\_\_\_\_
2. a.  Attorney for state tax agency present in court (*attorney name*):  
 b.  Taxpayer present in court.  
 c.  Attorney for taxpayer present in court (*attorney name*):
3. The court has considered  the taxpayer's *Claim of Exemption and Financial Declaration* (form WG-026)  
 the evidence presented  the parties' stipulation.
4. **THE COURT FINDS**
  - a. The taxpayer (employee) is entitled to a monthly exemption of: \$ \_\_\_\_\_
  - b. The taxpayer is employed by (*name and address of employer*): \_\_\_\_\_
  - c.  \$ \_\_\_\_\_ has been withheld from the employee's earnings under a *Temporary Earnings Withholding Order for Taxes*.
5. **THE COURT ORDERS the employer to**
  - a. withhold and pay to the state tax agency: \$ \_\_\_\_\_ from the employee's disposable earnings each month.
  - b. pay to the employee any disposable earnings above that amount, not to exceed: \$ \_\_\_\_\_ per month.
  - c. WITHHOLD AND PAY TO THE STATE TAX AGENCY ANY DISPOSABLE EARNINGS ABOVE THOSE SET FORTH IN ITEMS 4a AND 4b.
  - d. begin withholding with the first pay period that ends on or after the 30th day after this order is served on the employee.
  - e. continue withholding until the tax liability has been satisfied unless an order with higher priority is received.
  - f. send all sums withheld to the state tax agency within 10 days after the last paycheck of each month.
  - g.  other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

(Instructions to employer on page 2 of this form)

APPLICATION OF (Name):  <p style="text-align: center;">TAXPAYER / RESPONDENT</p>	CASE NUMBER:
--	--------------

**INSTRUCTIONS TO EMPLOYER**

A. When remitting withheld sums to the state tax agency, include the employee's name and social security number, and the tax agency number.

**B. PRIORITY OF EARNINGS WITHHOLDING ORDERS**

- First:** Order Assigning Salary or Wages
- Second:** Earnings Withholding Order for Support
- Third:** Earnings Withholding Order for Taxes
- Fourth:** Earnings Withholding Order

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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):	LEVYING OFFICER (name and address):  <b>DRAFT</b> <b>04/02/2025</b> <b>NOT APPROVED</b> <b>BY COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	CASE NUMBER:
<b>EARNINGS WITHHOLDING ORDER FOR          ELDER OR DEPENDENT ADULT FINANCIAL ABUSE          (Wage Garnishment)</b>	LEVYING OFFICER FILE NUMBER:
<b>EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.</b>	
<b>EMPLOYER: Enter the following date to assist your record keeping.</b> <i>Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):</i>	

**TO THE EMPLOYER REGARDING YOUR EMPLOYEE:**

Name and address of employer <input style="width:90%; height: 20px; border: 1px solid black;" type="text"/>  <input style="width:90%; height: 20px; border: 1px solid black;" type="text"/>	Name and address of employee <input style="width:90%; height: 20px; border: 1px solid black;" type="text"/>  <input style="width:90%; height: 20px; border: 1px solid black;" type="text"/>
Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown	

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on page 2 of this form).  
 Pay the withheld sums to the **levying officer** (name and address above). If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.  
**Complete both copies of Employer's Return (form WG-005) and mail them to the levying officer** within 15 days after receiving this order, whether or not the employee works for you.
  
2. a. The total amount due is: \$  
 b. The amount arising from an elder or dependent financial abuse claim is: \$  
 Count **30** calendar days from the date when **the employee was served with** this order. If your employee's pay period ends before the **30th day, do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Instructions to Employer on page 2 of this form for more information about calculating the start of the withholding period.  
 Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.
  
3. The judgment was entered in the court on (date):  
 The judgment creditor (if different from the plaintiff) is (name):
  
4. The Instructions to Employer on page 2 of this form tell you how much of the employee's earnings to withhold each payday. Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE) <input type="checkbox"/> LEVYING OFFICER <input type="checkbox"/> REGISTERED PROCESS SERVER
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# INSTRUCTIONS TO EMPLOYER ON EARNINGS WITHHOLDING ORDERS

WG-030

The instructions in paragraph 1 on page 1 of this form describe your initial duties to provide information to your employee and the levying officer. Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by *Earnings Withholding Order* (this order). The withholding period begins 30 calendar days after the employee is served with the order and continues until you have withheld the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice). However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee was served with *Earnings Withholding Order*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order*.

The withholding period may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *Employer's Return* (form WG-005) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

*Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review form WG-005 for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the *Earnings Withholding Order* to the levying officer with a statement of the reason it is being returned.**

## WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

## WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

## COMPUTATION INSTRUCTIONS

California law provides how much earnings to withhold, if any, for different amounts of disposable earnings and different pay periods, and takes into consideration different minimum wage amounts. The method of calculation is at Code of Civil Procedure section 706.050 and is described in the column to the right. You may also look on the California Courts Self-Help website for assistance in determining the maximum withholding amounts for different amounts of disposable income, for different pay periods, and with different minimum wage amounts. The information is at [selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers](https://selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers).

**THESE COMPUTATION INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.**

State law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

(A) To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), first compute the employee's *disposable earnings*.

Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings because they are not paid by the employer.

*Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

(B) After the employee's disposable earnings are known, to determine what amount should be withheld, you may look to the statute, follow the directions below in (C), or seek assistance on the California Courts Self-Help website at [selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers](https://selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers). Note that you also need to know the amount of the minimum wage in the location where the employee works.

(C) Calculate the maximum amount that may be withheld from the employee's disposable earnings, which is the *lesser* of the following two amounts:

- 20 percent of disposable earnings for that week; or
- 40 percent of the amount by which the employee's disposable earnings that week exceed the applicable minimum wage. If there is a local minimum wage in effect in the location where the employee works that exceeds the state minimum wage at the time the earnings are payable, the local minimum wage is the applicable minimum wage.

To calculate the correct amount, follow the steps below:

Step 1: Determine the applicable minimum wage per pay period.

- For a daily or weekly pay period, multiply the applicable hourly minimum wage by 48.
- For a biweekly pay period, multiply the applicable hourly minimum wage by 96.
- For a semimonthly pay period, multiply the applicable hourly minimum wage by 104.
- For a monthly pay period, multiply the applicable hourly minimum wage by 208.

Step 2: Subtract the amount from Step 1 from the employee's disposable earnings during that pay period.

Step 3: If the amount from Step 2 is less than zero, do not withhold any money from the employee's earnings.

Step 4: If the amount from Step 2 is greater than zero, multiply that amount by 0.40.

Step 5: If the amount from Step 4 is lower than 20 percent of the employee's disposable earnings, withhold this amount. If it is greater than 20 percent of the employee's disposable earnings, withhold 20 percent of the disposable earnings.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

## IMPORTANT WARNINGS

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

**IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!**