

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TABLE OF CONTENTS**

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Civil Work Flow.....	100
1.0 Priority	
2.0 Second Priority	
3.0 Third Priority	
4.0 Fourth Priority	
Service of Process.....	120
1.0 Guidelines	
2.0 Verification	
Front Counter Duties.....	130
1.0 Front Desk Coverage	
2.0 Customer Service	
3.0 Breaks	
4.0 Processing Temporary Restraining Orders	
5.0 Process all Cash Services	
6.0 Review Registered Process Server	
7.0 Telephone Service	
8.0 General Customer Service Inquiries	
9.0 Cash Handling	
10.0 Cash Receipts	
11.0 Daily Balancing	
12.0 Shortages and Overages	
Affidavit of Identity.....	140
1.0 Requirements	
2.0 Notice of Action Taken	
Valid Writ Checklist.....	150
1.0 Writ of Attachment Contents	
2.0 Writ of Execution Contents	
3.0 Writ of Possession Contents (Claim & Delivery)	
4.0 Writ of Possession (Personal Property)	
5.0 Writ of Possession (Real Property / Evictions)	
6.0 Writ of Sale Contents	
7.0 Electronic Writs	
8.0 Miscellaneous Writ Requirements	
9.0 Renewal of Judgment	
10.0 Restricted Writ (Sister-State Judgment)	
Restraining Orders.....	160
1.0 Requirements	

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

2.0	Mandatory Documents for Service of Temporary Restraining Order	
3.0	Move-Out Order	
4.0	Mandatory Documents for Service for Order on Request to Continue Hearing	
5.0	Time for Service	
6.0	Minor as the Respondent	
7.0	Mandatory Documents for Restraining Order After Hearing	
8.0	Move-Out Order Applicable on an Order After Hearing	
9.0	Court Ordered Cancellation	
10.0	Petitioner Cancellation	
11.0	Out of State Protection Orders	
12.0	Respondent's Response to the Restraining Order	
13.0	Serving Restraining Orders in Office	
14.0	California Law Enforcement Telecommunication System (CLETS) Updating	
Change of Address.....		170
1.0	Requirements	
2.0	Actions Taken	
Civil Bench Warrants.....		180
1.0	Service	
2.0	Booking	
Criminal Subpoena.....		190
1.0	Service of Criminal Subpoena	
Third Party Claims.....		200
1.0	Requirements for Receiving the Claim	
2.0	Contents of the Claim	
3.0	Processing Duties upon Receipt of a Third-Party Claim	
4.0	Third Party Claim with no Opposition	
5.0	Receipt of opposition and/or undertaking/bond	
6.0	Undertaking to Release Property by Third-Party Claimant	
7.0	Receipt of Objection and Undertaking	
8.0	Receipt of the Notice of Hearing	
Safe Deposit Box Levies.....		220
1.0	Levying upon Property in a Safe Deposit Box	
2.0	Receipt of Memorandum of Garnishee	
3.0	Arranging the day/time of the safe deposit box levy	
4.0	Service	
5.0	Completion of the Levy	

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

Opening of Safe Deposit Boxes.....	230
1.0 Requirements	
2.0 Receipt of the Memorandum of Garnishee	
3.0 Receipt of Additional Fees	
4.0 Receipt of Deposit	
5.0 Field Personnel	
Wage Garnishment – Earnings Withholding Order (EWO).....	250
1.0 Requirements	
2.0 Researching EWOs	
3.0 Registered Process Servers	
5.0 Multiple EWOs	
4.0 Claim of Exemptions	
5.0 Claim of Exemptions	
Employer's Return to Earnings Withholding Order.....	260
1.0 Requirements	
2.0 Notice of Action Taken	
3.0 Mailing	
Garnishment Payments.....	270
1.0 Single Levy and Earnings Withholding Order (EWO) payments	
2.0 Multiple debtors on one payment check	
3.0 Cashing out	
Judgment Reduction.....	280
1.0 Requirements	
2.0 Computer Entry	
Evictions (Office Personnel).....	290
1.0 Requirements	
2.0 Request for Lock-Out Date and Time	
Evictions (Field Personnel).....	300
1.0 Posting the Notice of Eviction	
2.0 Completing the Eviction	
3.0 Access	
4.0 No Shows	
5.0 Requests for Postponements	
6.0 Cancellations	
7.0 Owner Taking Possession	
Claim of Right to Possession.....	310
1.0 Requirements	
2.0 Acceptance of Claim	

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.0	Processing of Claim	
4.0	After Court Hearing	
Bankruptcy – Writ of Possession – Eviction.....		320
1.0	Requirements	
2.0	Writ of Possession for Real Property (Non-Residential)	
3.0	Writ of Possession for Real Property (Residential)	
4.0	Writ of Possession for Real Property (Endangerment/Drug Activity)	
5.0	Bankruptcies Presented to Stay Evictions in the Field	
Cancellation and Automatic Stays – Evictions.....		330
1.0	Requirements	
2.0	Processing Cancellations and Automatic Stays	
3.0	Cancellation Fees	
Writ of Execution for Real Property.....		340
1.0	Requirements	
2.0	Supervisor Review	
Keeper Levies.....		360
1.0	Requirements	
2.0	Writ of Execution – Money Judgment	
3.0	Court Document Processing	
4.0	Confirmation of Business	
5.0	Keeper Installation	
6.0	Releasing the Keeper	
7.0	Writ of Attachment	
8.0	Business Confirmation	
9.0	Scheduling the Writ of Attachment Keeper	
10.0	Installation of Keeper	
Till Tap Levy.....		370
1.0	Original Writ of Execution	
2.0	Signed Instructions from the Creditor/Attorney	
3.0	Appropriate Fees	
Storage of Levied Vehicles.....		380
1.0	Vehicle Levies and Seizures	
2.0	Entering Stored Vehicle Information into California Law Enforcement Telecommunications System (CLETS)	
3.0	CAD and Civil Serve Entries	
4.0	Completing the Trip Ticket	
Demand for Additional Deposit – Personal Property.....		390
1.0	Requirements	

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

2.0	Storage Fees	
3.0	Ledger Posting	
4.0	Release of Property	
Bankruptcy – Writ of Attachment.....		400
1.0	Requirements	
2.0	Writ of Attachment	
3.0	Writ of Possession for Real Property (Residential)	
4.0	Writ of Possession for Real Property (Endangerment/Drug Activity)	
5.0	Civil Bench Warrant	
6.0	Earnings Withholding Order Levy Served Prior to Bankruptcy Filing	
7.0	Sheriff not in Possession of Monies	
8.0	Earnings Withholding Order Levy Served after Bankruptcy Filing	
9.0	Enforcement of Judgment levy	
10.0	Trustee Asserts Interest in Property Held	
11.0	Receipt of Instructions	
12.0	Dismissal and Relief from Stay Order	
14.0	Release Order	
15.0	Levy During Automatic Stay	
16.0	Discharge order – Levy Before Discharge	
17.0	Levy After Discharge	
18.0	Case Closure	
19.0	Criteria to Release Property to Debtor	
Request for Clerical Correction.....		410
1.0	Requirements	
Sheriff's Civil Technician.....		420
1.0	Types of Process Served	
2.0	Prohibited Processes	
3.0	Incorrect Addresses	
4.0	Completion of Service	
Services on Tribal Land.....		430
1.0	Notification of Supervisor	
2.0	Notification of County Counsel	
Cash Handling.....		500
1.0	Acceptable Forms of Payment	
2.0	Payment Processing	
3.0	Receipts	
4.0	Returned Items	
5.0	Voiding Transactions	
6.0	Handling Suspected Counterfeit Money	
7.0	Daily Balancing and Closeout	

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 8.0 Shortages and Overages
- 9.0 Deposits
- 10.0 Storage and Retention
- 11.0 Reconciliation

**Civil Disbursements.....550**

- 1.0 Civil Serve
- 2.0 Receipts
- 3.0 Creditor Payments and Debtor Refunds
- 4.0 Creditor Refunds
- 5.0 Vendor Payments
- 6.0 Check Fees
- 7.0 Service Fees
- 8.0 Recorder's Fees

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

---

**TITLE: Work Flow**

**NUMBER: 100**

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**POLICY:** The listing of priorities is an example of how the workflow should be handled. Supervisors shall provide specific direction for the workflow to provide the most efficient operation during times of high work volume.

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**REFERENCE:** Office Procedure

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**PROCEDURE:**

- 5.0 Priority
  - 1.1 Front counter customer service and answering phone calls
  - 1.2 Process cash received
  - 1.3 Process incoming Orders to Show Cause and Temporary Restraining Orders
    - 1.3.1 Domestic Violence
    - 1.3.2 Civil Harassment
    - 1.3.3 Workplace Violence
    - 1.3.4 Elder and Dependent Adult Abuse
    - 1.3.5 Gun Violence
    - 1.3.6 School Violence Prevention
  - 1.4 Claim of Right to Possession
  - 1.5 Cancellations
  - 1.6 Bankruptcies
  - 1.7 Claim of Exemption
  - 1.8 Terminations and Modifications
  - 1.9 Civil Bench Warrant Recalls
  - 1.10 Third-party claims

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.11 Subpoenas for witness (criminal and juvenile)
- 1.12 Sort and disperse mail to the appropriate teams
- 1.13 CLETS updates for services on restraining orders
- 6.0 Second Priority
- 1.14 Inputting and auditing checks
- 1.15 PPS/RPS opening new services
- 1.16 Evictions
- 1.17 Single-services (court dated and short dated)
- 1.18 Out-of-state services
- 1.19 PPS/RPS closing services – proofs of service
- 1.20 Credit reductions
- 1.21 Employer returns
- 1.22 Memorandum of Garnishee
- 2.10 Civil Documents and fax requests
- 7.0 Third Priority
- 1.23 Non-dated Single Services
- 1.24 Inputting new Bank Levies
- 1.25 Inputting new Earnings Withholding Orders
- 1.26 Civil Bench Warrants
- 1.27 Civil Subpoenas
- 8.0 Fourth Priority
- 1.28 Writs of Attachment and Claims of Delivery
- 1.29 Real Property Levies



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.30 Personal Property Levies (Keepers, Till Taps, and Vehicle Levies)
- 1.31 Writ Returns
- 1.32 Researching new payment checks

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Service of Process**

**NUMBER: 120**

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**POLICY:** This procedure establishes guidelines for service of civil process.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

- 1.0 Field personnel tasked with the responsibility of serving civil process shall follow the guidelines set forth in the California State Sheriff's Association's Civil Procedural Manual.
- 2.0 Upon receiving a civil process for service, field personnel must verify it for sufficiency.
  - 2.1 Instructions to the Sheriff (CCP 262 and 687.010)
    - 2.1.1 The instructions must be signed by the plaintiff or attorney of record, and must include the following information:
      - 2.1.1.1 Type of service to be conducted
      - 2.1.1.2 Name of person or business to be served
      - 2.1.1.3 Address for service of the process
    - 2.1.2 In addition to the information required in 2.1.1, the following information is required for individual types of service:
      - 2.1.2.1 Bank Levy / Third Party Levy / Personal Property Levy.
        - 2.1.2.1.1 Type of levy to be conducted
        - 2.1.2.1.2 Description of property to be levied upon
        - 2.1.2.1.3 Name and last known address of the debtor
- 2.2 If the service is pursuant to a writ issued by the court, field personnel shall ensure the writ is valid on its face.
  - 2.2.1 Writ of Execution
    - 2.2.1.1 Refer to CCP 699.520 for requirements of writ.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.2.1.2 Debtor's name on writ, if not a natural person, shall include the type of debtor (CCP 680.280).
    - 2.2.1.3 A Writ of Execution is valid for 180 days from the issuance date of the writ.
  - 2.2.2 Writ of Possession or Sale of Real Property
    - 2.2.2.1 Refer to CCP 712.020 and CCP 715.010 for requirements of the writ.
    - 2.2.2.2 A Writ of Possession or Sale of Real Property is valid for 180 days from the issuance date of the writ.
  - 2.2.3 Writ of Possession Personal Property
    - 2.2.3.1 Refer to CCP 712.020 and CCP 714.010 for requirements of the writ.
    - 2.2.3.2 A Writ of Possession Personal Property is valid for 180 days from the issuance date of the writ.
  - 2.2.4 Writ of Possession - Claim and Delivery
    - 2.2.4.1 Refer to CCP 512.080 for requirements of the writ.
    - 2.2.4.2 A Writ of Possession - Claim and Delivery must be returned to court within 60 days from the issuance date of the writ.
  - 2.2.5 Writ of Attachment
    - 2.3.6.1 Refer to CCP 488.010 for requirements of the writ.
    - 2.3.6.2 The writ shall be returned to court no later than 60 days from the date it was received in the office.
- 2.3 Field personnel shall ensure all required supporting documents are included with the process being served.
- 2.4 Field personnel shall verify professional staff has prepared the process properly for service.
  - 2.4.1 If an error is discovered in the process or instructions, field personnel shall follow the procedure, "Request for Clerical Corrections," section 410 of this manual.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 3.0 All process received in the field shall be scanned into Civil Serve by the assigned deputy or technician.
  - 3.1 Each business morning, a front counter team member shall check the customer drop box and retrieve process for entry into Civil Serve.
- 4.0 All service shall be documented on the trip ticket.
- 5.0 Field personnel shall ensure service is completed, or charged-off, within the required time limit for service.
- 6.0 If the process is served, field personnel shall complete, sign and turn in the trip ticket on the same day.
- 7.0 If, after due diligence the process cannot be served, field personnel shall indicate on the trip ticket the reason for non-service, complete and sign the trip ticket and return the documents and proof of service to requesting party.
- 8.0 If a proof of service requires notarization, field personnel shall review, initial and date all attachments to the proof of service before signing it in the presence of the notary.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Front Counter Duties**

**NUMBER: 130**

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**POLICY:** These procedures may vary from office to office based upon work volume and staffing. Employees are expected to perform their duties to foster public confidence and trust by demonstrating interest, respect and fairness in their interaction with the public, court officials and fellow employees.

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**REFERENCE:** California Code of Civil Procedure; Government Code; San Bernardino County Sheriff's Department Manual

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**PROCEDURE:**

- 1.0 Provide coverage for the front desk
  - 1.1 Phones shall be turned on at or before 0800 hours.
  - 1.2 Phones shall not be turned off before 1600 hours.
  - 1.3 The public door shall be locked no sooner than 1600 hours, unless approved by a supervisor.
- 2.0 Customer Service
  - 2.1 Customers shall be greeted and dealt with promptly and fairly.
  - 2.2 Be responsive with the customers and flexible in addressing their individual needs.
  - 2.3 Always treat customers professionally.
  - 2.5 Take a proactive approach in providing clear, timely and accurate information in accordance with established department guidelines and the California Code of Civil Procedure.
  - 2.6 Do not provide legal advice or endorse any business or attorney.
- 3.0 Breaks
  - 3.1 Ensure the front counter is always staffed by arranging adequate backup when taking breaks.
  - 3.2 The front counter lead or personnel from another team shall cover as needed.
- 4.0 Processing Temporary Restraining Orders

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 4.1 These service types shall be processed as soon as possible, with a goal to enter them within 30 minutes of receipt.
- 4.2 Refer to CCP 527.6
- 5.0 Process all cash services.
  - 5.1 Process shall not be left in pending overnight.
  - 5.2 Process shall be date and time-stamped and initialed by the team member accepting the paperwork.
- 6.0 Review Registered Process Server (RPS) aka Personal Process Server (PPS).
  - 6.1 All Earnings Withholding Orders (EWO) and bank levies shall be processed prior to 1400 hours. Any RPS that attempts to deposit documents after 1400 hours shall be informed of the deadline and asked to return another day.
  - 6.2 No more than 10 services per day shall be accepted.
  - 6.3 All required paperwork per CCP 706.108 shall be verified prior to accepting.
  - 6.4 Upon receipt of documents, the team member shall:
    - 6.4.1 Query Civil Serve for the court case or levying officer file number;
    - 6.4.2 Query Civil Serve for name of the judgment debtor;
    - 6.4.3 Query Civil Serve for the Social Security number;
    - 6.4.4 Ensure the writ contains a court seal and was signed by the clerk;
    - 6.4.5 Confirm the writ, application and instructions are made out to San Bernardino County;
    - 6.4.6 Ensure the application and instructions note that the RPS is authorized to serve the order;
    - 6.4.7 Check the judgment and writ dates to confirm they are not expired;
    - 6.4.8 Confirm the employer or bank's address is in San Bernardino County;
    - 6.4.9 Add up the writ totals to confirm they are correct.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 6.5 Per CCP 706.108(b), the RPS, before serving an EWO, shall deposit with our office:
  - 6.5.1 A copy of the Writ of Execution;
  - 6.5.2 A copy of the application for issuance of the EWO;
  - 6.5.3 A copy of the EWO;
  - 6.5.4 A \$35.00 service fee per Government Code 26750.
- 6.6 Per CCP 699.080 the RPS, before serving a bank levy, shall deposit with our office:
  - 6.6.1 A copy of the Writ of Execution;
  - 6.6.2 A copy of the letter of instructions;
  - 6.6.3 A \$40.00 service fee per Government Code 26721.
- 6.7 After the paperwork is verified, the team member shall distribute it to the appropriate team for processing and a receipt shall be issued to the RPS.
- 6.8 Upon closing, verify the RPS returned the proof of service and original documents within 5 court days after the date of service (CCP 699.080(d) and 706.108(c)). The following shall be deposited with our office:
  - 6.8.1 The original Writ of Execution (unless the original is on file);
  - 6.8.2 The original instructions and application per CCP 687.010;
  - 6.8.3 Proof of service or declaration of due diligence with a wet signature
- 7.0 Telephone Service
  - 7.1 When answering phone calls, the employee shall courteously greet the caller and identify their unit. All incoming calls shall be answered promptly to determine if a need for law enforcement exists, and if so, provide the required service.
  - 7.2 Ensure the customer quickly receives the information requested.
- 8.0 General Customer Service Inquiries
  - 8.1 Always treat customers with courtesy, patience, honesty and fairness.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 8.2 Respond to their problem without delay and let the customer know what course of action will be taken after gathering and researching background information related to the case.
  - 8.3 Once the details of the problem have been researched, provide a corrective action to be taken. Upon any case developments or further information obtained, make a notation with comments in the “Add Note” section in the Civil Serve case file.
  - 8.4 Always work within relevant federal, state and county laws and regulations and ensure the customer’s rights are protected.
- 9.0 Cash Handling
- 9.1 The Civil Enforcement Unit accepts the following types of payments:
    - 9.1.1 Cash
    - 9.1.2 Personal checks
    - 9.1.3 Pre-printed business checks
    - 9.1.5 Money orders
    - 9.1.6 Cashier’s checks
  - 9.2 All checks, money orders and cashier’s checks must be drawn in US currency.
  - 9.3 When any check, money order or cashier’s check is received, the following shall be verified before accepting payment:
    - 9.3.1 The name of creditor/plaintiff/attorney shall be imprinted on the check;
    - 9.3.2 Numeric and written dollar amounts must match;
    - 9.3.3 Checks shall be signed by the payer;
    - 9.3.4 Checks shall be dated for the day they are written. Post-dated checks are not accepted;
    - 9.3.5 Any corrections made by the payer must be initialed by the payer. Corrections shall not be crossed out or rewritten.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 9.4 All bills with a denomination greater than \$20 shall be checked with a counterfeit pen.
  
- 10.0 Cash Receipts
  - 10.1 When cash is received, it shall be counted in the presence of the customer.
  - 10.2 All cash intake over \$300 shall be verified by a team leader or supervisor.
    - 10.2.1 Payments over \$300 shall be placed in the safe immediately after completing the transaction.
  - 10.3 Cash receipts shall be recorded immediately in Civil Serve. If cash is received after 1530 hours, a handwritten carbon-copy receipt shall be issued to the payer.
  - 10.4 All receipts created by front counter team members shall provide enough information to create an audit trail to ensure proper distribution of the funds. They shall include:
    - 10.4.1 Receipt number
    - 10.4.2 Date of payment
    - 10.4.3 Case or file number
    - 10.4.4 Amount received
    - 10.4.5 Name of the payer
    - 10.4.6 Name of the employee receiving the cash
  
- 11.0 Daily Balancing
  - 11.1 At the end of shift, each team member shall balance their cash drawer. Unless authorized by supervisor, cash-handling team members shall not leave the premises until daily balancing and closeouts are complete.
  - 11.2 Balancing shall include completing and signing the daily cash reconciliation statement and “receipts entered by user” report generated in Civil Serve. Each team member is responsible for taking their cash and checks to the fiscal specialist after balancing.
  
- 12.0 Shortages and Overages

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 12.1 Team members shall report all overages or shortages to a supervisor. Overages and shortages shall be handled separately and shall never to be combined.
  
- 12.2 Any shortages or overages shall be investigated, and all efforts shall be made to make the correction. Supervisors shall monitor all reports of overages and shortages and take the appropriate action to rectify the issue.
  
- 12.3 All unidentified overages shall be escheated to the County General Fund following the escheatment process established in the Auditor Controller and Recorder's Internal Controls and Cash Manual.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Affidavit of Identity**

**NUMBER: 140**

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**POLICY:** When applicable, the Affidavit of Identity shall be included with the Notice of Levy documents at the time of service for the following methods of levy: service on judgment debtor(s), real property and personal property.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual, California Code of Civil Procedure

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**PROCEDURE:**

1.0 Requirements

1.1 A court-filed copy of the Affidavit of Identity shall include:

1.1.1 Case title

1.1.2 Court case number

1.1.3 The name of the judgment debtor stated in the judgment or any additional name or names by which the judgment debtor is known and the facts upon which the judgment creditor has relied in obtaining the judgment debtor's additional name or names.

1.1.4 The signature of the judgment creditor, under the penalty of perjury (CCP 2015.2).

1.2 The Affidavit of Identity shall not include the name or names of persons, including corporations, partnerships, or any legal entities, not separately named in the judgment in which the judgment debtor is a partner, shareholder, or member, other than the judgment debtor (CCP 680.135).

2.0 Notice of Action Taken

2.1 If the requirements are not met, a notice of Returned Instructions shall be generated and returned by U.S. mail.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

---

**TITLE: Valid Writ Checklist**

**NUMBER: 150**

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**POLICY:** A writ is a written order issued by the court or authority, mandating the addressee to act in the name of the people, or of a court or judicial officer. The levying officer shall review the court documents for completeness prior to the levy. The list below is the criteria for accepting writs that are regular or valid on their face. If one of these items is missing, the document shall be returned to the judgment creditor or attorney for the necessary corrections by the court.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; California Rules of Court; Government Code

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**PROCEDURE:**

- 1.0 Contents of a Writ of Attachment – CCP 488.010
  - 1.1 Name, address and phone number of the judgment creditor or attorney;
  - 1.2 Name and address of the court;
  - 1.3 Case title;
  - 1.4 Only one box checked to indicate the type of writ being issued - After Hearing or Ex Parte;
  - 1.5 The court case number;
  - 1.6 Item #1 directed to San Bernardino County;
  - 1.7 The name and last known address of the judgment debtor and dollar amount to be secured by the attachment (item #3);
  - 1.8 The name and address of the judgment creditor (item #4);
  - 1.9 The description of the property to be attached (item #5);
  - 1.10 Original court seal;
  - 1.11 Writ of Attachment issuance date;
  - 1.12 Original signature of the court clerk or judge;
  - 1.13 Generally, the Writ of Attachment shall be on the most current version of California Judicial Council form AT-135.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.0 Contents of a Writ of Execution (money judgment) – CCP 699.520
  - 2.1 Name, address and phone number of the judgment creditor or attorney;
  - 2.2 The name and address of the court;
  - 2.3 Case title;
  - 2.4 One box checked indicating the type of writ being issued; a Writ of Execution (money judgment);
  - 2.5 The court case number;
  - 2.6 One box checked indicating whether the case is limited or unlimited;
  - 2.7 Item #1 directed to San Bernardino County;
  - 2.8 The name of the judgment creditor or assignee of record and the coinciding box checked (item #3);
  - 2.9 The name or type of legal entity stated in the judgment, if not a natural person, and the last known address (item #4);
  - 2.10 The judgment date (item #5);
  - 2.11 If applicable, item #6 shall be checked if there is a renewal date;
  - 2.12 If any person has requested a notice of sale under the writ, #7 shall be checked. If so, their name and address shall be listed in item #22 on the following page;
  - 2.13 The amount of the judgment (item #11);
  - 2.14 Any costs after judgment per CCP 685.090 (item #12);
  - 2.15 The subtotal amount of adding lines 11 and 12 (item #13);
  - 2.16 Any credits to principal (after credit to interest) shall be listed in #14;
  - 2.17 The principal remaining due; subtracting line 14 from 13 (item #15);
  - 2.18 Any accrued interest remaining due per CCP 685.050(b) shall be checked under item #16;
  - 2.18 The fee for issuance of the writ (item #17);

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.19 Item #18 shall be the total amount of judgment (lines 15, 16 and 17);
  - 2.21 #19(a) a daily interest dollar amount from the date of the writ or a zero-dollar amount;
  - 2.22 Original court seal;
  - 2.23 The writ issuance date (shall be less than 180 days after issuance);
  - 2.24 The original signature of the court clerk or judge;
  - 2.25 The Writ of Execution shall be on the most current version of California Judicial Council form EJ-130.
- 3.0 Contents of a Writ of Possession (Claim & Delivery) – CCP 512.080
- 3.1 The name, address and phone number of the judgment creditor or attorney;
  - 3.2 The name and address of the court;
  - 3.3 Case title;
  - 3.4 One box checked indicating the type of writ being issued; After Hearing or Ex Parte;
  - 3.5 The court case number;
  - 3.6 Directed to San Bernardino County Sheriff;
  - 3.7 The description of the property to be seized shall be listed under item #1;
  - 3.8 #2 indicates the private place(s) in which the Sheriff may enter to search and take possession of the property;
  - 3.9 #3 states the writ issuance date (must be less than 60 days after issuance);
  - 3.10 The original signature of the court clerk or judge and the date;
  - 3.11 Original court seal;
  - 3.12 Must be on the most current version of California Judicial Council form CD-130.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 4.0 Contents of a Writ of Possession (Personal Property) – CCP 714.010
  - 4.1 The name, address and phone number of the judgment creditor or attorney;
  - 4.2 The name and address of the court;
  - 4.3 Case title;
  - 4.4 One box checked indicating the type of writ being issued; Possession of and Personal Property;
  - 4.5 The court case number;
  - 4.6 One box checked indicating whether the case is limited or unlimited;
  - 4.7 Item #1 directed to San Bernardino County;
  - 4.8 The name of the judgment creditor or assignee of record and the coinciding box checked (item #3);
  - 4.9 The name or type of legal entity state in the judgment if not a natural person and the last known address (item #4);
  - 4.10 The judgment date (item #5);
  - 4.11 If applicable, item #6 shall be checked if there is a renewal date;
  - 4.12 If any person has requested a notice of sale under the writ, #7 shall be checked. If so, their name and address shall be listed in item #22 on the following page of the writ;
  - 4.13 #9 shall be checked for information on personal property to be delivered under a Writ of Possession. The following page of the writ will contain the information;
  - 4.14 The amount of the judgment (item #11);
  - 4.15 Any costs after judgment per CCP 685.090 (item #12);
  - 4.16 The subtotal amount of adding line 11 and 12 (item #13);
  - 4.17 Any credits to principal (after credit to interest) shall be listed in #14;
  - 4.18 The principal remaining due; subtracting line 14 from 13 (item #15);

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 4.19 Accrued interest remaining due per CCP 685.050(b) shall be checked under item #16;
  - 4.20 The fee for issuance of the writ (item #17);
  - 4.21 Item #18 shall be the total amount of judgment (adding lines 15, 16 and 17);
  - 4.22 #19(a) a daily interest amount from the date of the writ or a zero-dollar amount;
  - 4.23 Item #24 shall be checked to indicate why the judgment was entered;
  - 4.24 Item #24(b) shall be checked to indicate the judgment is for the possession of personal property;
  - 4.25 The description of the property and the value of the property specified in the judgment or supplemental order shall be notated under #24(e);
  - 4.26 Original court seal;
  - 4.27 The writ issuance date (shall be less than 180 days after issuance);
  - 4.28 The original signature of the court clerk or judge;
  - 4.29 The Writ of Execution shall be on the most current version of California Judicial Council form EJ-130.
- 5.0 Contents of a Writ of Possession – Real Property (Evictions) – CCP 700.010, 700.015
- 5.1 The name, address and phone number of the judgment creditor or attorney;
  - 5.2 The name and address of the court;
  - 5.3 Case title;
  - 5.4 One box checked indicating the type of writ being issued; possession of real property;
  - 5.5 The court case number;
  - 5.6 One box checked indicating whether the case is limited or unlimited;



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 5.7 Item #1 directed to San Bernardino County;
- 5.8 The name of the judgment creditor or assignee of record and the coinciding box checked (item #3);
- 5.9 The name of the judgment debtor and last known address (item #4). If there are additional occupants, the “additional judgment debtor on next page” shall be checked;
- 5.10 The judgment date (item #5);
- 5.11 If applicable, item #6 shall be checked if there is a renewal date;
- 5.12 If any person has requested a notice of sale under the writ, #7 shall be checked. If so, their name and address shall be listed in item #22 on the following page of the writ;
- 5.13 #9 shall be checked for information on personal property to be delivered under a Writ of Possession. The following page of the writ will contain the information;
- 5.14 The amount of the judgment shall read, “possession only” in item #11;
- 5.15 The fee for issuance of the writ shall be listed in item #17;
- 5.16 Original court seal;
- 5.17 The writ issuance date (shall be less than 180 days after issuance);
- 5.18 The original signature of the court clerk or judge;
- 5.19 Item #24 shall be checked stating why the judgment was entered;
- 5.20 Item #24(a) shall be checked indicating the judgment is for the possession of real property and the date the complaint was filed;
- 5.21 In item #24(a) 1 or 2 shall be checked;
  - 5.21.1 (1) specifies the Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46;
  - 5.21.2 (2) specifies the Prejudgment Claim of Right to Possession was not served in complaint with CCP 415.46. When checked, either (a) the daily rental value on the date the complaint was filed or (b) “to be set by court” shall also be checked;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 5.22 The description of the property shall be notated under #24(e);
  - 5.23 The Writ of Possession – Real Property shall be on the most current version of California Judicial Council form EJ-130.
- 6.0 Contents of a Writ of Sale – CCP 714.020
- 6.1 The name, address and phone number of the judgment creditor or attorney;
  - 6.2 The name and address of the court;
  - 6.3 Case title;
  - 6.4 One box checked indicating the type of writ being issued – sale;
  - 6.5 The court case number;
  - 6.6 One box checked indicating whether the case is limited or unlimited;
  - 6.7 Item #1 directed to San Bernardino County;
  - 6.8 The name of the judgment creditor or assignee of record and the coinciding box checked (item #3);
  - 6.9 The name or type of legal entity in the judgment if not a natural person and the last known address (item #4);
  - 6.10 The judgment date (item #5);
  - 6.11 If applicable, item #6 shall be checked if there is a renewal date;
  - 6.12 If any person has requested a notice of sale under the writ, #7 shall be checked. If so, their name and address shall be listed in item #22 on the following page of the writ;
  - 6.13 #9 shall be checked for information on real property to be sold under a Writ of Sale. The following page of the writ will contain the information;
  - 6.14 The amount of the judgment (item #11);
  - 6.15 Any costs after judgment per CCP 685.090 (item #12);
  - 6.16 The subtotal amount of adding lines 11 and 12 (item #13);

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 6.17 Any credits to principal (after credit to interest) shall be listed in #14;
  - 6.18 The principal remaining due; subtracting line 14 from 13 (item #15);
  - 6.19 Any accrued interest remaining due per CCP 685.050(b) shall be checked under item #16;
  - 6.20 The fee for issuance of the writ (item #17);
  - 6.21 Item #18 shall be the total amount of the judgment (adding lines 15, 16 and 17);
  - 6.22 #19(a) a daily interest rate from the date of the writ or a zero-dollar amount;
  - 6.23 Original court seal;
  - 6.24 The writ issuance date (shall be less than 180 days after issuance);
  - 6.25 The original signature of the court clerk or judge;
  - 6.26 Item #24 shall be checked stating that the judgment is under a Writ of Sale;
  - 6.27 C or D shall be checked under item #24 specifying if the Writ of Sale is of personal or real property;
  - 6.28 #24e shall contain a description of the property and the Assessor's Parcel Number (APN);
  - 6.29 The Writ of Sale shall be on the most current version of California Judicial Council form EJ-130
- 7.0 Electronic Writs – CCP 687.010
- 7.1 A Writ of Execution for money, possession, or sale of personal or real property may be issued by the court as an electronic record. Additional requirements must be met when in receipt of an electronic writ. The following information shall be included in the instructions, as stated in the writ:
  - 7.2 Writ issuance date;
  - 7.3 Name of each judgment creditor and judgment debtor;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 7.4 Amount of the total judgment for money, description of the property subject to a judgment for possession or sale, or both the amount and the description;
- 7.5 Statement indicating the accompanying writ is one of the following:
  - 7.5.1 An original writ, or a copy of the original writ issued by the court as an electronic record, not already in the possession of the levying officer;
  - 7.5.2 A copy of the original writ already in possession of the levying officer;
- 8.0 Miscellaneous Writ Requirements
  - 8.1 Any correction, addition, deletion or interlineation must be initialed by the court clerk or judge.
  - 8.2 If the judgment debtor is other than a natural person, the legal entity must be included as part of the name.
  - 8.3 Additional names of the judgment debtor pursuant to an Affidavit of Identity must be added to the debtor's name on the writ.
  - 8.4 Attachments to the writ must have the court seal unless the attachment is referenced in the writ itself.
  - 8.5 Whenever box 10 on the Writ of Execution is checked, indicating it has been issued on a sister-state judgment, a court-filed copy of the proof of service upon the debtor of the sister-state judgment is required.
- 9.0 Renewal of Judgment – CCP 683.020, 683.030, 683.120, 683.130
  - 9.1 A judgment creditor may apply for renewal of the money judgment at any time before the expiration of the 10-year period of enforceability. They may be renewed indefinitely for the 10-year period, but the judgment creditor must apply for additional renewals before the 10-year period expires (CCP 683.020, 683.030, 683.120, 683.130).
  - 9.2 When an application for renewal of judgment is received in office, the team leader shall update the file under the writ with the renewal date.
  - 9.3 The application for renewal of judgment shall contain the following:

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 9.3.1 Name, address, and phone number of judgement creditor or attorney;
- 9.3.2 The name and address of the court;
- 9.3.3 Case title;
- 9.3.4 The court case number;
- 9.3.5 One box checked identifying the party requesting the renewal; either the judgment creditor or assignee of record;
- 9.3.6 The applicant's name and address shall be stated in item #1;
- 9.3.7 Item #2 shall contain the judgment debtor's name and last known address;
- 9.3.8 Original judgment information is listed in item #3 – case number, entered date, recorded date and county, and the instrument number;
- 9.3.9 #4 shall be checked if the judgment was previously renewed and shall specify each case number and date;
- 9.3.10 Item #5 a-h shall contain the numerical values for the renewal amount;
- 9.3.11 Differentiating the renewal for either possession or for sale shall be identified and checked in item #6;
- 9.3.12 #6 a-c shall include the term of judgment as entered, renewed and unsatisfied;
- 9.3.13 The date, the declarant's printed name and signature;
- 9.3.14 The original court seal;
- 9.3.15 The original signature of the court clerk or judge and the date;
- 9.3.16 The Writ of Sale shall be on the most current version of California Judicial Council form EJ-109.

10.0 Restricted Writ (Sister-State Judgment) – CCP 1710.15-1710.65

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 10.1 A Restricted Writ is identified by the court by marking item #10 on the writ. It may not be issued or enforced until at least 30 days after the judgment creditor serves notice of entry of judgment to the judgment debtor. The lien period is the same as an unrestricted writ – 10 years.
- 10.2 Prior to distributing funds or selling property, the levying officer shall receive the court stamped and sealed application for entry of judgment on a sister-state judgment. Additionally, either a certified copy of the proof of service of notice of entry of judgment is attached or an affidavit from the judgment creditor state that no Notice of Appeal or Request of Stay of Execution has been received and no Motion to Vacate Judgment has been filed.
- 10.3 The Application for Entry of on Sister-State judgment shall include the following:
- 10.3.1 Name, address and phone number of the judgment creditor or attorney,
- 10.3.2 The name and address of the court,
- 10.3.3 Case title,
- 10.3.4 One box checked indicating the type of application for entry of judgment; either issuance of Writ of Execution or other enforcement;
- 10.3.5 The court case number;
- 10.3.6 Item #1 shall contain the name and address of the judgment creditor;
- 10.3.7 The judgment debtor's name shall be listed in item #2 and either "a" (as an individual), "b" (as a corporation of) or "d" a partnership and their last known address;
- 10.3.8 Item #3 shall include the name of the sister-state, the court and judgment entered date;
- 10.3.9 Item #4 indicate an authenticated copy of the sister-state judgment is attached to the application. The annual interest rate and the law of the sister-state establishing the rate shall be stated;
- 10.3.10 The dollar amounts for the judgment shall be entered in item #5 item #6, a or b shall be selected identifying the means in which

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

the judgment creditor applied for issuance of the writ prior to service of notice of entry of judgment;

10.3.11 A wet signature and printed name of the judgment creditor or attorney;

10.3.12 The original court seal;

10.3.13 The original signature of the court clerk or judge and the date.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Restraining Orders**

**NUMBER: 160**

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**POLICY:** Once a Restraining Order packet has been reviewed by staff and determined to contain a move-out order, it shall be given to a supervisor or team leader for immediate review. The Restraining Order shall then be processed as soon as possible and within 30 minutes of the review.

All Restraining Order packets shall be recorded in the respective log book after the trip ticket has been generated.

If service of process is to be made at the Victorville office, the accepting team member shall immediately call the San Bernardino office about the order. When service of process is to be made at a detention center, generally the team leader will email the packet to the respective Duty Officer or Core Rover. Service packets requiring delivery to Glen Helen Rehabilitation Center or Central Detention Center shall be emailed only by a supervisor.

**NOTE:** Only out-of-state protection orders will be accepted via fax, email or other electronic means.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; Penal Code; Family Code; Government Code; California Rules of the Court

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**PROCEDURE:**

11.0 Requirements

11.1 Address for service must be in San Bernardino County.

1.1.2 The Sheriff's Civil Enforcement Unit does not research, query or provide respondent's addresses.

1.2 Original instructions directed to the Sheriff; address of attorney or petitioner; signed by the attorney of record or petitioner in Pro Per (CCP 262).

1.2.1 The name of the respondent on the instructions must match the name on the court documents

1.2.2 The instructions must conform to SBCSD Form CIV-001

1.2.2.1 Name of party asking for protection;

1.2.2.2 Name of party to be restrained;



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.2.2.3 All documents within packet to be served;
- 1.2.2.4 Court name and address;
- 1.2.2.5 Court case number;
- 1.2.2.6 Requestor's printed name, original signature and date.

1.3 Appropriate fees for service

- 1.3.1 Payment shall be in cash, cashier's check, money order, or pre-printed check in advance (Gov't Code 24350, Gov't Code 24353).
- 1.3.2 Generally, a Fee Waiver filed with the court of jurisdiction shall be signed by a Judicial Officer or court clerk and/or have an original stamped court seal. The fee waiver shall have a matching case number to that of the court order/documents.
- 1.3.3 Fees are waived if the order directs the Sheriff to serve the documents for free (Gov't Code 6103.2/CCP 527.6) (Rule 958, Rules of the Court).
- 1.3.4 If the respondent is a minor (under the age of 12), there shall be no fee for the additional service packet for the parent/guardian.

1.4 Documents for service must be valid on their face (CCP 262.1), and include:

- 1.4.1 Name of the petitioner or attorney;
- 1.4.2 Name of restrained person;
- 1.4.3 Name and address of the court of jurisdiction;
- 1.4.4 Court case number;
- 1.4.5 Court hearing date and time (except for Order After Hearing);
- 1.4.6 Court clerk's original certification (may be absent when an order is denied or partially granted/partially denied);
- 1.4.7 Court's file stamp.

12.0 Mandatory Documents for Service of Temporary Restraining Order

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 12.1 Domestic Violence – A filed and stamped copy of DV-100; a filed, stamped and certified copy of DV-109; a filed, stamped and certified copy of DV-110 (required only if TRO is granted), DV120-INFO and DV-120, if item 9(c) on DV110 is checked; any other documents ordered to be served under 5(e) on DV109. All other documents are optional.
  - 2.2 Elder and Dependent Adult Abuse – A filed and stamped copy of EA100; a filed, stamped and certified copy of EA109; a filed, stamped and certified copy of EA110 (required only if TRO is granted), EA120-INFO and EA120, if item 8(c) on EA110 is checked; any other documents ordered to be served under 5(f) on EA109. All other documents are optional.
  - 2.3 Civil Harassment – A filed and stamped copy of CH100; a filed, stamped and certified copy of CH109; a filed, stamped and certified copy of CH110 (required only if TRO is granted), CH120-INFO and CH120, if item 7(c) on CH110 is checked. Print forms not included in the packet; any other documents ordered to be served under 5(f) on CH109. All other documents are optional.
  - 2.4 Workplace Violence – A filed and stamped copy of WV100; a filed, stamped and certified copy of WV109; a filed, stamped and certified copy of WV110 (required only if TRO is granted), WV120-INFO and WV120, if item 8(c) on WV110 is checked; any other documents ordered to be served by the court under 6(f) on WV109. All other documents are optional.
  - 2.5 Private Post-Secondary School Violence – A filed and stamped copy of SV100; a filed, stamped and certified copy of SV109; a filed, stamped and certified copy of SV110 (required only if TRO is granted, SV120-INFO and SV120, if 8(c) on SV110 is checked; any other documents ordered to be served by the court under 6(f) on SV109. All other documents are optional.
  - 2.6 Gun Violence – A filed and stamped copy of GV100; a filed, stamped and certified copy of GV109; a filed and stamped copy of GV110 (required only if TRO is granted) GV120-INFO and GV120; any other documents ordered to be served by the court under 5(f) on GV109. All other documents are optional.
  - 2.7 Juvenile Violence – A copy of JV245; a certified copy of JV250. If 8(c) on JV250 is checked. All other documents are optional.
- 13.0 Move-Out Order (when applicable)
- 13.1 Ask the petitioner if the respondent is presently at the move out address. If so, inform the supervisor or designee.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 13.2 A supervisor shall be notified after confirming all documents are complete.
  - 3.3 If an attempt will not be made on the same day as receipt, the field supervisor or designee will relay the information to the team member to tell the customer when the service will be attempted.
  - 3.4 Generally, two units will serve all residential move-out orders. This applies if the restrained person is at the residence where he/she is being ordered to move from.
  - 3.5 Note: The Sheriff's Department is not being directed to remove the respondent but serving the paperwork and advising of the order. If after the order has been served and the respondent refuses to leave the premises, the deputy may have grounds to cite, arrest, or long-form a criminal report to the District Attorney's Office.
- 14.0 Mandatory Documents for Service for Order on Request to Continue Hearing
- 4.1 If the Sheriff's Department did not serve the original orders prior to the court hearing, the prior packet shall be included in the new service packet containing the Request to Continue Hearing.
    - 4.1.1 Domestic Violence – A filed, stamped and certified copy of DV116 and all documents ordered to be served under item 9. If item 7(b) or (c) is checked, the TRO attached must be a filed, stamped and certified copy.
    - 4.1.2 Elder Abuse – A filed, stamped and certified copy of EA116 and all documents ordered to be served under item 9. If item 7(b)(1) or (b)(2) is checked, the TRO attached must be a filed, stamped and certified copy.
    - 4.1.3 Civil Harassment – A filed, stamped and certified copy of CH116 and all documents ordered to be served under item 9. If item 7(b)(1) or (b)(2) is checked, the TRO attached must be a filed, stamped and certified copy.
    - 4.1.4 Workplace Violence – A filed, stamped and certified copy of WV116 and all documents ordered to be served under item 9. If item 7(b)(1) or (b)(2) is checked, the TRO attached must be a filed, stamped and certified copy.
    - 4.1.5 Private Post-Secondary School Violence – A filed, stamped and certified copy of SV116 and all documents ordered to be served

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

under item 9. If item 7(b)(1) or b (2) is checked, the TRO must be a filed, stamped and certified copy.

4.1.6 Gun Violence – A filed, stamped and certified copy of GV116 and all documents listed in item 6. The TRO attached must be a filed, stamped and certified copy.

4.1.7 Juvenile Violence – A copy of JV251 and all documents ordered to be served under item 7. If item 7(b) is checked, the TRO must be a filed and stamped copy.

15.0 Time for Service

15.1 Domestic Violence: As directed by court order or 5 days prior to the hearing, as ordered by the court (Family Code 243/CCP 527.6(g))

15.2 Elder and Dependent Adult Abuse: As directed by court order

15.3 Civil Harassment: Five days before the hearing, unless the court orders otherwise (Rule 363 – Civil Harassment, Rules of the Court) (CCP 527.6(g))

15.4 Workplace Violence: As directed by court order

15.5 Private Post-Secondary School Violence: As directed by court order

15.6 Gun Violence: As directed by court order

15.7 Juvenile Violence: As directed by court order

16.0 Minor as the Respondent

16.1 If the respondent is a minor under the age of 12, a trip ticket shall be generated for both the minor and the parent or legal guardian. Each trip ticket shall have a complete document service packet attached. One packet will be for the minor and another for parent or legal guardian (CCP 527.6).

17.0 Mandatory Documents for Restraining Order After Hearing (only if respondent was not present in court)

17.1 If service is requested by the petitioner, the order shall be served in accordance with "service" orders issued by the judge and notated on the Restraining Order After Hearing. The order shall direct service to be performed in person or by mail.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 17.2 If the petitioner requests to have the Order After Hearing served and it is not a requirement made by the court, the petitioner shall be charged for a miscellaneous, single service and charged a \$40.00 fee.
  - 17.2.1 Domestic Violence – A filed, stamped and certified copy of DV130 and all documents ordered to be served under item 27
  - 7.2.2 Elder Abuse – A filed, stamped and certified copy of EA130 and the number of pages attached (if any) to the order under item 17
  - 7.2.3 Civil Harassment – A filed, stamped and certified copy of CH130 and the number of pages attached (if any) to the order under item 15
  - 7.2.4 Workplace Violence – A filed, stamped and certified copy of WV130 and the number of pages attached (if any) to the order under item 15
  - 7.2.5 Private Post-Secondary School Violence – A filed, stamped and certified copy of SV130 and the number of pages attached (if any) to the order under item 15
  - 7.2.6 Gun Violence – A filed, stamped and certified copy of GV130 and GV600, if checked under item 7(b) and the number of pages attached (if any) to the order under item 8
  - 7.2.7 Juvenile Violence – A filed, stamped and certified copy of JV255
- 9.0 Move-Out Order Applicable on an Order After Hearing
  - 8.1 Refer to Section 3.0 – 3.4
- 9.0 Court Ordered Cancellation
  - 9.1 Cancellations and modifications shall be in the form of a certified court order (CCP 527.6).
  - 9.2 Scan the court order into the file.
  - 9.3 Make action note in Civil Serve – “Per court order, TRO cancelled by court and field units notified.”
  - 9.4 Notify the sergeant and/or field deputy with the case information regarding the cancellation.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 9.5 Charge-off the trip ticket as, “cancelled by court.”
  - 9.6 Generate two short-form proofs of service – one for the requestor and one for the originating court.
  - 9.7 Mail proofs of service.
- 10.0 Petitioner Cancellation
- 10.1 Generally, cancellations from the petitioner shall be in the form of a written request and shall be accepted in person.
  - 10.2 Photo identification from the petitioner shall be provided with the written request and shall be verified by the accepting clerk. A photocopy of the identification is not required. The exception shall be cancellations received from out-of-state; a copy of identification shall be attached with the written request and shall be accepted electronically.
  - 10.3 Scan the written cancellation into the case file.
  - 10.4 Make an action note into Civil Serve case file – “Per petitioner’s written request, TRO cancelled, and field units notified.”
  - 10.5 Notify the assigned deputy with the case information regarding the cancellation.
  - 10.6 Charge off the trip ticket as, “cancelled by petitioner.”
  - 10.7 Generate two short-form proofs of service – one for the requestor and one for the originating court.
  - 10.8 Mail proofs of service.
- 11.0 Out of State Protection Orders shall include:
- 11.1 Address for service in San Bernardino County;
  - 11.2 Original instructions directed to the Sheriff including the address of the attorney/petitioner, court requestor and be signed by the attorney of record or petitioner in Pro Per (CCP 262);
  - 11.3 Name of the respondent on the instruction matching the name on the court documents;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 11.4 The instructions must conform to SBCSD Form CIV-001 (refer to section 1.2.2).
- 11.5 Appropriate fees for service
  - 11.5.1 Generally, payment shall be made in cash, cashier's check, money order or preprinted check in advance (Gov't Code 24350, Gov't Code 24353).
  - 11.5.2 Orders of protection from out of state shall have no charge.
  - 11.5.3 If the out-of-state order does not have a protection order (only a notice of court hearing), a \$40.00 service fee may be collected.
  - 11.5.4 Should the attorney, petitioner or court request a notarized proof of service or affidavit of due diligence, a \$15 notary fee shall be charged (Gov't Code 8211).
- 11.6 Documents for service must be valid on their face (CCP 262.1)
  - 11.6.1 Name of the petitioner, attorney or court requestor;
  - 11.6.2 Name of restrained person;
  - 11.6.3 Name and address of the court jurisdiction;
  - 11.6.4 Court case number;
  - 11.6.5 Court hearing date and time;
  - 11.6.6 Court clerk's certification or court file stamp.
- 11.7 Sufficient time for service
  - 11.7.1 Protection orders shall be served in the same manner as in-state orders (refer to section 5.0) or as prescribed in the court documents
- 12.0 Respondent's Response to the Restraining Order
  - 12.1 Address for service shall be in San Bernardino County
  - 12.2 A court filed and stamped copy of the response paperwork (must be filed with the court prior to service) (Family Code 6200 et. seq.)

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 12.3 Original instructions directed to the Sheriff, address of the requestor and signature of the requestor (CCP 262).
  - 12.3.1 The instructions must conform to SBCSD Form CIV-001
    - 12.3.1.1 Names of both parties;
    - 12.3.1.2 Name of party to be in which the response is directed;
    - 12.3.1.3 All documents within packet to be served;
    - 12.3.1.4 Court name and address;
    - 12.3.1.5 Court case number;
    - 12.3.1.6 Requestor's printed name, signature and date.
- 12.4 There shall be no fee for filing a response to a restraining order (CCP 527(x)).
- 12.5 The method of service for response paperwork shall be made by mail.
- 13.0 Serving Restraining Orders in Office
  - 13.1 Upon serving a restraining order in the Sheriff's Civil Office, the team member shall request a form of identification from the respondent.
  - 13.2 Once the respondent's identification has been verified and is confirmed with the matching court documents, the team member shall locate the restraining order packet in the office/field or reprint from Civil Serve.
  - 13.3 The team member shall serve the restraining orders to the respondent and advise the nature of the court documents, the hearing date/time and location of the Superior Courthouse.
  - 13.4 Once service is complete the team member shall notify the assigned deputy that service was completed at the office.
  - 13.5 The serving team member shall forward the completed trip ticket to the assigned team leader to update CLETS with the service.
- 14.0 California Law Enforcement Telecommunication System (CLETS) Updating



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 14.1 After successful completion of all granted and partially granted/partially denied restraining orders shall be updated in CLETS (CCP 527.6 (q)(3)) using the Restraining Order Update mask (ROSC).
- 14.1.1 CLETS updates require a Filing Case Number (FCN) issued by the Superior Court in which the restraining order was filed and granted.
- 14.2 Any granted and partially granted/partially denied restraining orders issued from Los Angeles County will not be found in CLETS. They will require contact with Los Angeles County to enter the restraining order into the California Restraining and Protective Order System (CARPOS) through CLETS.
- 14.2.1 A copy of the completed proof of service shall be faxed to the Los Angeles County Superior Court CLETS Unit the same day the service was completed.
- 14.2.2 The team leader or assigned deputy is responsible to ensure Los Angeles County entered the service through Restraining Order Inquiry (ROSI). Once the entry has been located, CLETS shall be updated.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Change of Address**

**NUMBER: 170**

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**POLICY:** The business office routinely receives notice of change of address for the attorney, creditor, debtor or garnishee. A change of address received from the attorney, creditor or debtor shall be in writing. It may be received by FAX, mail or in person. The office may also receive change of address information from an Employer's Return, a debtor's filed Claim of Exemption or from the U.S. Post Office on a returned item. In all cases the information shall be updated in Civil Serve.

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**REFERENCE:** In House/Office Procedure

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**PROCEDURE:**

1.0 Requirements

- 1.1 An active case within the division;
- 1.2 Written and signed instructions from the attorney, judgment creditor, judgment debtor or garnishee requesting a change of address;
- 1.3 A Claim of Exemption filed by the judgment debtor with a different address than provided originally by the attorney/judgment creditor;
- 1.4 Notice from the employer at the time of filing the Employer's Return with the levying office;
- 1.5 Returned U.S. Post Office returned mail with a new forwarding address.

2.0 Actions Taken

- 2.1 The new address shall be updated in the respective party field.
- 2.2 The old address shall remain on file and the new address shall be checked as primary in the address screen.
- 2.3 Copy of the new address request or U.S. Post Office returned item label shall be scanned in the Correspondence section of the file.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Civil Bench Warrants**

**NUMBER: 180**

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**POLICY:** This procedure establishes the steps to be taken by deputies when serving Civil Bench Warrants.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

- 1.0 Service of a Civil Bench Warrant (CBW) shall be conducted in the following manner:
  - 1.1 Generally, the deputy will issue a citation to the defendant using the Department standard TR-130 form.
    - 1.1.1 Complete the citation with the information from defendant and from the warrant.
    - 1.1.2 If the warrant is from another county, and there is not a court date or time to appear in court indicated on the instructions or warrant, the citation shall not be served and the CBW shall be returned to processing clerk to forward to issuing court for corrections.
    - 1.1.3 Have defendant sign the citation and give the yellow copy to defendant.
  - 1.2 The deputy may take a defendant directly to the court.
    - 2.2.1 The court will have the final decision as to accepting defendants with forthwith warrants. If the court will not accept a defendant on a forthwith warrant, the deputy will issue the defendant a citation (CCP 1993.1(b-d)).
  - 2.3 At the direction of a Court Services sworn supervisor, the deputy may book the defendant/debtor into the county jail (CCP 1993.1(f)(1-4)).
    - 2.3.1 Any person arrested pursuant to CCP 1993 shall be released from custody if he or she cannot be brought before the court within 12 hours of arrest. The person shall not be arrested if the court will not be in session during the 12-hour period following the arrest (CCP 1993(7)).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Criminal Subpoena**

**NUMBER: 190**

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**POLICY:** This procedure establishes the steps to be taken by field staff when serving civil subpoenas.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; Penal Code

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**PROCEDURE:**

- 2.0 Refer to the California State Sheriff's Association's Civil Procedural Manual for the procedure of serving a criminal subpoena.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Third-Party Claims**

**NUMBER: 200**

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**POLICY:** A third-party claim is a remedy whereby a person, who is not a party to the action, may assert a superior claim of ownership or right to possession, or security interest or lien on property under levy in the action. All claims must be processed within 5 days of receipt.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

1.0 Requirements for receiving the claim

- 1.1 A third-party claim shall be time-stamped upon receipt in the office;
- 1.2 Each claim shall be matched with the associated levy file and be reviewed to determine if it is proper as to form, and the property claimed is under levy (CCP 720.110);
- 1.3 Be an original claim, with two copies;
- 1.4 Apply to property under levy at the time of receipt of the claim and before we do any of the following:
  - 1.4.1 Sell the property (if sold prior to, the claim will be ineffective);
  - 1.4.2 Deliver possession of the property to the attorney/judgment creditor;
  - 1.4.3 Pay proceeds of collection to the attorney/judgment creditor.
- 1.5 The person making the claim may not be a named defendant/judgment debtor in the action.
- 1.6 There is no time limit for filing a third-party claim if it is received after the levy and before funds/items have been given to the attorney/judgment creditor (CCP 720.120).

2.0 Contents of the claim (There is no judicial form for filing a third-party claim)

- 2.1 The third-party claim shall be signed under penalty of perjury (CCP 2015.5).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.2 The claim shall include:
  - 2.2.1 The name and address of the claimant and an address in this state for service by mail;
  - 2.2.2 The statement, "The claim is for ownership of property pursuant to CCP 720.110." or, "This claim is for security interest of lien pursuant to CCP 720.230."
  - 2.2.3 A description of the property;
  - 2.2.4 A description of the interest claimed, including a statement of the facts upon which the claim is based (CCP 720.130), or, a detailed description of the security interest or lien claimed, including a statement of facts upon which it is based (CCP 720.230);
  - 2.2.5 An estimate of the market value (CCP 720.130) or total sums due and interest (CCP 720.230);
  - 2.2.6 A copy of any writing upon which the claim is based shall be attached to the claim (CCP 720.130); or for security interests, a copy of the security agreement and any financing statement shall be attached to the third-party claim. In the case of a lien, a copy of the writing upon which the claim is based shall be attached to the third-party claim (CCP 720.230).
- 3.0 Processing duties upon receipt of a third-party claim (CCP 720.120, 720.220)
  - 3.1 Promptly time- stamp the third-party claim;
  - 3.2 Verify third-party claim is valid on its face;
  - 3.3 Notify a supervisor if a sale is imminent;
  - 3.4 Generate the, "Notice of Filing Third Party Claim;"
  - 3.5 Within five days after receiving the claim, mail or personally deliver both the judgment creditor and the judgment debtor the following (CCP 684.120(a)):
    - 3.5.1 A copy of the claim and any attachments;
    - 3.5.2 A completed, "Notice of Filing Third Party Claim" form;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.5.3 A statement whether the third person filed an undertaking with the claim pursuant to CCP 720.610, et. seq.

4.0 No opposition/objection to the third-party claim

4.1 In cases where the third party has not filed an undertaking to release with our office, and the creditor fails to file an undertaking against the claim, or in the case of a security interest, the creditor fails to deposit the amount due on the lien within the 10 days from the date of service, the property shall be released in accordance with CCP 699.060, unless it is to be held under another lien or unless otherwise ordered by the court (CCP 720.170, 720.270);

4.2 If the creditor is a public entity exempt from giving an undertaking, the public entity is required to file a notice with our office that the public entity opposes the third-party claim. When filed, the notice has the same effect as if an undertaking was filed. (CCP 720.260 (d)).

5.0 Receipt of opposition and/or undertaking/bond

(Note: In lieu of an undertaking, the creditor may deposit the amount to satisfy the security interest.)

5.1 The creditor shall respond within 10 days from the date the third-party claim was served on the judgment creditor. If the service was by mail, add 5 days if within California, 10 days if mailed out of state or 20 days if mailed out of the country (CCP 684.120).

5.1.1 The receiving team member shall ensure the undertaking is proper as to form and amount as well as under the proper code sections (CCP 720.120, 720.220) and that it indemnifies the third-party claimant. The team member shall time-stamp the undertaking, affidavit of proof of service and all related documents;

5.1.2 The team member shall mail or personally deliver to each party a copy of the Notice of Opposition and a copy of the Undertaking/Bond (if applicable);

5.1.3 Calendar 15 days from the date of mailing as a deadline to receive the Notice of Opposition or Undertaking;

5.1.4 If the creditor or the third party does not file an objection or opposition to the sufficiency of the undertaking (either by a Notice of Hearing or Undertaking to release), our office shall execute the writ as required by CCP 720.160(1).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 6.0 Undertaking to release property by third-party claimant (CCP 720.610-720.660)
  - 6.1 Promptly time-stamp the undertaking and all related documents;
  - 6.2 Mail or personally deliver a copy of the Third-Party Claim form and a copy of the undertaking to both the creditor and the debtor stating that the property will be released unless the creditor objects to the undertaking within 10 days after service of this notice (CCP 720.640);
  - 6.3 Calendar 10 days from the date the undertaking was filed, if the service was conducted through mail (add 5 days, if mailed within California, 10 days if mailed out of state, or 20 days if mailed out of country);
  - 6.4 If the creditor does not object the third party's undertaking promptly after the expiration of the time allowed for objecting to the undertaking, the property shall be released. If the creditor has objected to the undertaking and has filed with our office a copy of the motion, the property will not be released without an order from the court after the hearing (CCP 720.660).
  
- 7.0 Receipt of Objection and Undertaking
  - 7.1 Upon receipt of the notice of opposition, all documents shall be time stamped;
  - 7.2 A Sheriff's letter for each party in the action shall be prepared and mailed (i.e. if the creditor filed the notice of opposition, a notice would be given to the debtor and the third party);
  - 7.3 Prepare and mail or deliver to each party the following:
    - 7.3.1 The original third-party claim generated from Civil Serve;
    - 7.3.2 A copy of the objection to the sufficiency of the undertaking;
    - 7.3.3 A copy of the undertaking/bond;
  - 7.4 Calendar 15 days from the date of mailing of this notice;
  - 7.5 If no further documents from the creditor or the third party are received or failure to serve a motion objecting to the undertaking, the property shall be released to the debtor.
  
- 8.0 Receipt of the Notice of Hearing



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 8.1 Not later than 15 days after the third-party claim is filed with our office or 15 days after filing the undertaking, either the creditor or the third person may petition the court for a hearing to determine the validity of the third-party claim and the proper disposition of the property that is subject to the claim (CCP 720.120, 720.220, 720.310, 720.610);
- 8.2 Promptly after receipt of the notice of the hearing on the third-party claim, our office shall file/forward the following time-stamped papers with the court:
  - 8.2.1 The original third-party claim;
  - 8.2.2 The original opposition to the third-party claim and undertaking/bond;
  - 8.2.3 A copy of the notice of hearing;
- 8.3 Receipt of the Order After Hearing
  - 8.3.1 Upon receipt of the order, ensure that it is a certified order and time stamp the copy;
  - 8.3.2 Proceed according to the court order;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Safe Deposit Box Levies**

**NUMBER: 220**

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**POLICY:** After serving a bank levy, the bank may respond that they are holding a safe deposit box belonging to the judgment debtor. If our office receives this type of response from the bank, a team member shall mail a notice to the judgment creditor, in which they have 15 days from the date of mailing to provide to our office with an additional deposit and further instruction to levy on the safe deposit box. The team member shall also mail a form to the judgment debtor requesting the safe deposit box key be provided to avoid any additional expenses of a locksmith. Once the key is received, or at the expiration of 3 court days from the date of request, the levy shall be scheduled with the bank.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure; Government Code

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**PROCEDURE:**

- 1.0 Levying upon property in a safe deposit box (CCP 700.150)
  - 1.1 Generate and prepare a service packet to levy upon property in a safe deposit box. A trip ticket shall be generated, and the following documents shall be attached:
    - 1.1.1 Notice of levy (copy for the garnishee);
    - 1.1.2 Copy of the Writ of Execution (for the garnishee);
    - 1.1.3 Notice of levy (copy for the judgment debtor);
    - 1.1.4 Copy of the Writ of Execution (for the judgment debtor);
    - 1.1.5 A list of exemption if the judgment debtor is a natural person (copy for the judgment debtor).
  - 1.2 A team member shall personally serve a copy of the Writ of Execution and the notice of levy on the financial institution with which the safe deposit box is maintained.
  - 1.3 At the time of levy or promptly thereafter, a team member shall personally or by mail, serve a copy of the Writ of Execution and the notice of levy on any third person in whose name the safe deposit box stands.
- 2.0 Receipt of Memorandum of Garnishee

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.1 Upon receipt of a garnishee's memorandum from the financial institution, indicating a safe deposit box is under levy, a team member shall promptly mail a written notice to the judgment creditor demanding additional fees as required by Gov't Code 26723, plus the costs to open the safe deposit box and seize and store the contents.
  - 2.1.1 If the judgment creditor does not pay the required fee, plus costs, within three business days (plus the extended time for service by mail (CCP 1013 (a))), our office shall release the levy on the safe deposit box.
  - 2.1.2 If funds are received from the judgment creditor, our office may give the person in whose name the safe deposit box stands an opportunity to open the safe deposit box to permit the removal pursuant to the levy of the property levied upon or provide a key.
- 3.0 Arranging the day/time of the safe deposit box levy
  - 3.1 A team member shall call the bank and arrange a date and time for the levy to take place. The judgment creditor shall have at least three court days' notice of the date and time a team member will open the safe deposit box and seize the contents. The judgment creditor shall be entitled to be present at that time (CCP 700.150 (f)).
  - 3.2 If no key has been provided by the judgment debtor or third party, the financial institution shall arrange for a locksmith and provide a quote to the levying officer to prepare a check for fees.
  - 3.3 The judgment creditor's attorney shall be given the opportunity to be present at the time of levy. The attorney can provide further instructions to release property not desirable.
  - 3.4 On the date of the levy, the deputy shall bring the following items:
    - 3.4.1 Safe deposit box levy packet;
    - 3.4.2 Inventory sheets;
    - 3.4.3 Safe deposit key (if provided by the judgment debtor);
    - 3.4.4 Check for the locksmith, if applicable;
    - 3.4.5 Money documentation log;
    - 3.4.6 Official county receipt book;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.4.7 Plastic bank bags;

3.4.8 Any other helpful tools (case pay off sheets, clipboard, inventory tags, sharpie pens, digital camera).

4.0 At the time of levy

4.1 The deputy shall serve the safe deposit box levy packet to the bank officer and complete the trip ticket.

4.2 Inventory all items in the safe deposit box.

4.2.1 Items of personal nature with no resale value shall not be seized (birth certificates, passports, personal letters, etc.).

4.2.2 The deputy shall prepare two separate inventory logs; one for items seized and the second for items released. If the attorney is present, request their signature and date the copies of both inventory sheets. The bank is permitted to make copies of our inventory sheets.

4.2.3 All cash shall be counted in the presence of a second person (deputy or bank officer).

4.2.4 A supervisor shall be notified of a cash levy.

4.2.5 An official county receipt (carbon copy) must be written for any cash seized from the safe deposit box.

4.2.6 The money shall be sealed in a separate plastic bank bag with the yellow copy of the receipt enclosed. The original white copy shall be mailed to the judgment debtor.

4.2.7 All other items seized shall be sealed in plastic bank bags that are labeled with the Civil Serve file number.

5.0 Completing the levy

5.1 Mail any required notice of levy mailings by the end of shift

5.1.1 Mailings shall include a copy of the inventory sheet(s).

5.1.2 All non-cash items shall be stored in a secure manner, generally the office safe.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 5.1.3 Non-cash items shall be sold later. The sale is to be conducted be according to the guidelines provided in the California State Sheriffs' Association's Civil Procedural Manual.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Opening of Safe-Deposit Box**

**NUMBER: 230**

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**POLICY:** This procedure establishes the steps to be followed by our office after the financial institution provides proof that a safe-deposit box is held under levy.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure; Government Code

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**PROCEDURE:**

1.0 Requirements

1.1 Memorandum of Garnishee stating the existence of a safe-deposit box standing in the name of the judgment debtor (CCP 701.030)

2.0 Receipt of the Memorandum of Garnishee

2.1 A team member shall promptly mail a written notice (request for fees) to the attorney/judgment creditor demanding an additional fee, plus the costs to open the safe-deposit box and to seize and store the contents (Gov't Code 26723).

3.0 If the additional fees are not received within three business days plus the extended time for mailing (5 days within California, 10 days outside of California), a Release of Levy shall be sent to the financial institution (CCP 1013(a)).

4.0 Upon receipt of an additional deposit

4.1 Post the deposit to the ledger;

4.2 Mail the Request for Safe-Deposit Key form to the debtor;

4.2.1 The deputy may first give the person in whose name the safe-deposit box stands an opportunity to open the safe-deposit box to permit removal pursuant to the levy of the property levied upon. (CCP 700.150 (e)).

4.3 Our office shall give the judgment creditor at least three court-days' notice of the date and time our deputy conducts the levy (CCP 700.150(f)).

5.0 Field Personnel

5.1 A supervisor or designee shall be present when levying on a safe deposit box.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Wage Garnishment-Earnings Withholding Order (EWO)      NUMBER: 250**

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**POLICY:** The Wage Garnishment Law sets forth mandatory procedures to affect a levy upon earnings of a debtor. A Writ of Execution (money judgment) is processed by our office to serve upon an employer to withhold the wages of an employee (judgment debtor) at the rate of twenty-five percent of the individual's disposable earnings.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

- 3.0 Requirements to process earnings withhold orders (EWO)
  - 3.1 Shall only be accepted on California Judicial Council forms;
  - 3.2 Original Writ of Execution issued by the court (an electronic writ shall be accepted when accompanied by an Electronic Writ Statement form pursuant to CCP 687.010(e));
  - 3.3 Original WG-001 Application for Earning Withholding Order;
  - 3.4 WG-035 social security number (if applicable);
  - 3.5 A fee shall be provided at time of service (Govt Code 26750).
- 4.0 Researching EWO's
  - 4.1 Refer to section 130, Front Counter Duties
- 5.0 Registered Process Servers (RPS) (aka Private Process Server) guidelines and actions (CCP 706.108)
  - 5.1 Refer to section 130, Front Counter Duties;
  - 5.2 The EWO team is responsible for processing all RPS services;
  - 5.3 When staffing permits, odd and even desks shall process RPS services according to the last digit of the case number;
  - 5.4 The Central Collections desk shall assist processing RPS services when workload and staffing require it.
- 6.0 Multiple EWO's for the same debtor (CCP 706.023)

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 4.1. If we receive an EWO for and existing judgment debtor, at the same place of employment, the front counter team shall process the new file per policy, and mark the file as, "Ineffective at time of service."

**7.0 Claim of Exemptions**

- 7.1 A judgment debtor may claim an exemption if no prior hearing has been held with respect to the EWO, or there has been a material change in circumstances since the time of the last hearing on the garnishments.
- 7.2 Upon filing the Claim of Exemption, promptly send the judgment creditor a copy of the Claim of Exemption, a copy of the financial statement and a Notice of Claim of Exemption.
- 7.2.1 A judgment creditor who desires to contest a Claim of Exemption shall, within 10 days after the date of the mailing, file a notice of opposition (NOO) with our office. The judgment creditor is entitled to a hearing on the Claim of Exemption.
- 7.2.2 If the notice of motion is filed, the hearing on the motion for determining the Claim of Exemption shall be heard no later than 30 days from the date the motion was filed.
- 7.2.3 After receipt of the Notice of Hearing (NOH) and before the date set for hearing, a team member shall file the Claim of Exemption and the NOO with the court.
- 7.2.4 Once the 10 days have expired and a NOO/NOH have not been received in our office, a team member shall search the San Bernardino County Superior Court Open Access website to determine if the documents were filed directly with the court.
- 7.2.5 If it is determined the NOO/NOH was filed with the court and not by our office, the team member shall notify the court in writing that we did not receive the opposition and the hearing shall be vacated.
- 7.2.6 If the NOO/NOH was not received within 10 days, a team member shall serve a notice to the employer that the garnishment was terminated.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Employer's Return to Earnings Withholding Order**

**NUMBER: 260**

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**POLICY:** Once an Earnings Withholding Order (EWO) has been served, the employer is obligated to respond to our office by completing the Employer's Return (California Judicial Form WG-005). This form indicates the judgment debtor's employment status. This procedure establishes the steps to be followed by team members when processing Employer's Returns.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

**3.0 Requirements**

- 3.1 A valid and successfully served Earnings Withholding Order (EWO) levy.
- 3.2 The date received on the order shall be filled out on #1.
- 3.3 Box A or B on #2 shall be checked to indicate whether the judgment debtor is employed. If employed, the return shall state the debtor's last pay period's gross earnings.
- 3.4 Item #3 indicates how frequently the judgment debtor is paid (i.e. every two weeks, bi-weekly, monthly, etc.).
- 3.5 The #4 box shall be checked if the issued EWO has a higher priority than any order listed under item #5.
- 3.6 Boxes shall be checked under #5 (if applicable) if the employer has received another order and if it holds a higher priority.
- 3.7 The #6 box shall be checked if the order is not effective (CCP 706.104 – If the EWO is ineffective, the employer shall state in the Employer's Return that the order will not be complied with for this reason and shall return the order to the levying officer with the employer's return).
- 3.8 If the employer has no other orders in effect, #'s 4, 5, & 6 shall not be checked.
- 3.9 The signature of the declarant representing the employer (typically Payroll or Human Resources) shall be included as well as their printed name.

**4.0 Notice of Action Taken**

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

4.1 If the requirements listed above are not met, the team member shall generate a Request for Employer Return through Civil Serve and mail or fax the written request.

5.0 Mailing

3.1 Once the Employer's Return has been processed and noted in Civil Serve, the Return shall be mailed to the judgment creditor.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Garnishment Payments**

**NUMBER: 270**

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**POLICY:** All garnishment payments shall be posted within 72-hours of receipt. Cash payments shall be posted the day received.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
Government Code

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**PROCEDURE:**

1.0 Single levy and Earnings Withholding Order (EWO) payments

1.1 Check Validity

1.1.1 The check must be signed with a wet signature, facsimile stamp or any symbol recognized by the banking institution.

1.1.2 The whole dollar amount must match the numerical amount on the check.

1.1.3 No checks shall be accepted unless payable to the order of the Sheriff.

1.1.4 Checks over 180 days from the issue date shall not be accepted.

1.1.5 Personal checks shall be accepted pursuant to Gov't Code 6157. Exceptions from this rule include not accepting personal checks for the release of property under levy or the release of the levy, unless specifically approved by the judgment creditor/attorney.

1.2 Researching Payments

1.2.1 All checks shall be queried in Civil Serve by case number, full name of the judgment debtor and by social security number.

1.2.2 All comments shall be viewed prior to posting any payment to the case (i.e. file ineffective at time of service, pending bankruptcy, prior order exists, etc.)

1.3 Single checks shall be entered daily.

2.0 Multiple debtors on one payment check

2.1 Multi-debtor checks shall be posted individually.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.2 Verify the totals on the Daily Reconciliation form prior to finalizing and cashing out.
  - 2.2.1 If the ending balance is \$0, finalize the transaction
  - 2.2.2 If the total of all payments does not balance with total on the multi-check, compare each transaction. Correct errors.
  - 2.2.3 Report all discrepancies that cannot be reconciled to a supervisor
  
- 3.0 Cashing out
  - 3.1 When cashing out, generate two copies of the *Receipts Entered by User* in Civil Serve.
  - 3.2 Print one copy of the *Daily Reconciliation* form to submit to accounting along with the one copy of the *Receipts Entered by User*.
  - 3.3 Deposit the second copy of the *Receipts Entered by User* in the auditing unit's file box.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE:** Judgment Reduction

**NUMBER:** 290

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**POLICY:** The judgment creditor has the option to provide the Sheriff with information regarding the reduction of the judgment or demand amount. This information may come in the form of a letter signed by the judgment creditor/attorney or by a certified court order. In either circumstance the information shall be entered into the appropriate case file in Civil Serve.

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**REFERENCE:** California Code of Civil Procedure

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**PROCEDURE:**

1.0 Requirements

1.1 A signed letter of instructions from the judgment creditor/attorney

- 1.1.1 The instructions shall identify each case or file number affected by the reduced judgment amount.
- 1.1.2 The amount of the creditor's reduction shall be in the form of a specific dollar amount.

1.2 A certified court order

- 1.2.1 The court order shall identify each case or file number affected by the order.
- 1.2.2 The amount the judgment shall be reduced must be clear and defined by a dollar amount.

1.3 An active Writ of Execution in the Sheriff's Office

2.0 Computer Entry

2.1 Update the reduction amount in Civil Serve on the open case/file.

- 2.1.1 Ensure the date of reduction is the date in which the judgment creditor/attorney has signed the document or in which the court ordered the judgment reduction.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Evictions**

**NUMBER: 300**

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**POLICY:** The Civil Enforcement Unit shall conduct evictions in accordance with state and federal law.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

1.0 Posting the Notice of Eviction.

1.1 Review the Notice of Eviction and Notice of Restoration packets to verify all necessary documents are included and in proper form. Review the Instructions to the Sheriff to ensure all pertinent information is included, and enough information is provided for officer safety.

1.1.1 If the Prejudgment Claim of Right to Possession was not served, a copy of a Claim of Right to Possession form shall be attached to the Notice of Eviction service packet.

1.2 The date of eviction on the Notice of Eviction shall be no less than 5 days from the date of posting unless the writ specifies no eviction (lockout) may occur prior to a later date.

1.3 Attempt to make personal service on an occupant of the property. If personal service cannot be made on the first attempt, post the Notice of Eviction and mail a copy to the address of the property.

1.4 Complete the Notice of Eviction trip ticket and place it in the appropriate trip ticket completion tray prior to the end of shift.

2.0 Completing the eviction.

2.1 Generally, absent extenuating circumstances, evictions shall be completed with a minimum of two deputies.

2.1.1 Any safety concerns should be identified and addressed prior to the eviction. When concerns are identified, every effort shall be made to have the agent sign the forced entry consent on the instructions form.

2.1.2 When forced entry is anticipated, the following shall be completed:

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

1. Necessary investigation to identify all subjects residing at the residence;
  2. Operational plan;
  3. Notification to LA Clear and the respective dispatch, along with a courtesy notification to the jurisdiction's agency/station's watch commander;
  4. DR shall be drawn, and a detailed report of the incident shall be completed along with photographs of the damage.
- 2.2 Upon arrival, the deputies should make a visual check of the property for officer safety purposes.
- 2.3 Comply with knock and notice.
- 2.3.1 If someone answers the door, order all persons to immediately vacate the location.
- 2.3.2 If no one answers, have the onsite agent provide a method of entry to all buildings on the premises through a door, i.e., key or locksmith.
- 2.3.3 Prior to entry, the deputies shall announce their presence, "San Bernardino County Sheriff's Department."
- 2.3.4 The deputies shall also announce, "San Bernardino County Sheriff's Department" prior to entering any room.
- 2.4 Deputies shall conduct a thorough search of the property for any persons. Have the agent remain off the property until this is completed.
- 2.5 A Copy of the Eviction Restoration is provided to the agent.
- 2.6 "NO TRESPASSING" sign is posted at the location.
- 2.7 Complete the Notice of Restoration trip ticket to include the name/ signature of the agent. Place the trip ticket in the appropriate trip ticket completion tray prior to the end of shift.
- 3.0 Locksmith/Agent unable to open door.
- 3.1 It is the creditor's/agent's responsibility to provide access to the location at the time of the scheduled eviction. If access cannot be made within a

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

timely manner, the deputy shall advise the creditor/agent that they will have to deliver new instructions and fees to repost the property to proceed with the eviction. The process will be closed unsuccessful.

4.0 No show by creditor/agent.

4.1 If the creditor/agent does not show up at the time scheduled for the eviction, the process will be charged as unsuccessful. The eviction will not be rescheduled, and the writ will be returned to the court.

5.0 Requests for postponements.

5.1 Deputies shall avoid postponing evictions. It is the responsibility of the creditor to be present at the eviction, at the date and time previously set. Generally, the creditor does not have the option to postpone an eviction.

5.1.1 The deputy may, with good cause, stop or postpone an eviction.

6.0 Cancellations.

6.1 All cancellations must be in writing signed by the attorney of record or creditor in pro per. An agent cannot sign cancellation instructions.

6.1.1 A faxed cancellation signed by the attorney of record or creditor in pro per is acceptable.

6.2 Until the cancellation is received, the deputy shall continue with scheduling and enforcement of the eviction.

6.3 When a cancellation is received, the writ shall be returned to the court. We shall not hold onto a writ. The creditor must obtain a new writ.

7.0 Owner/agents taking possession of real property prior to deputies arriving

7.1 Owners/agents who enter the property prior to deputies arriving, do so at their own risk and are subject to trespassing laws. Even though an owner/agent had entered the property, the deputy shall complete the eviction upon the request of the owner/agent.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

**POLICY:** This procedure establishes the steps office team members shall take when processing evictions. All court orders shall be reviewed for completeness upon receipt. Evictions with a, "No Lockout Prior to" stipulation shall not be accepted any sooner than 30 days prior to the date the lockout may occur.

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**REFERENCE:** California Code of Civil Procedure; California State Sheriff's Association's Civil Procedural Manual; California Department of Consumer Affairs, California Tenant Guide; Government Code

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**PROCEDURE:**

1.0 Requirements

- 1.1 Original stamped and sealed Writ of Possession (Real Property).
- 1.2 Original written and signed instructions directed to the Sheriff. Instructions must be on Sheriff's Instruction form CIV-002, and include:
  - 1.2.1 The address for service must be in San Bernardino County;
  - 1.2.2 The name, address and original signature of the attorney of record or the judgment creditor;
  - 1.2.3 The name of the judgment debtor shall match the name on the court documents;
  - 1.2.4 The assessor's parcel number (APN) and parcel map of the location shall be required if the property is a parcel or vacant land.
- 1.3 Appropriate fees for service (Chapter 17 Fee Schedule)
  - 1.3.1 A deposit fee of \$145.00 shall be collected prior to processing the service (Gov't Code 26750);
  - 1.3.2 Payment shall be payable by cash, cashier's check, money order, or pre-printed check;
  - 1.3.3 A Fee Waiver filed by the court of jurisdiction and signed by a Judicial Officer or court clerk. The fee waiver must have a matching court case number. The waiver is valid for 60 days after the judgment date;
  - 1.3.4 Enough time for service – the Writ of Possession shall be less than 180 days from the date of issuance.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.0 Request for lock-out date and time
  - 2.1 Information shall not be provided by phone.
  - 2.2 Signed and dated requests from the judgment creditor's attorney shall be made in writing on letterhead. If in pro per, the judgment creditor shall provide a written request with a copy of their photo I.D.
  - 2.3 Information requests are acceptable by fax. All fax requests shall be date/time stamped upon receipt.
  - 2.4 Lock-out dates and times shall be provided to the verified attorney or judgment creditor by email, fax, or phone.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Claim of Right to Possession**

**NUMBER: 310**

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**POLICY:** A Claim of Right to Possession is a means by which a party not named in the Writ of Possession can assert their claim to the Real Property. A person making a claim may not do so verbally. The claimant shall deposit a completed claim form in person, with identification, to the Civil Enforcement Office or at the premises at the time of eviction.

When a claim of right is filed, it stays the eviction. Our office shall not take any further action until a certified copy of the minute order is received. There is no charge for filing the Claim of Right to Possession.

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**REFERENCE:** California Code of Civil Procedure; California State Sheriff's Association's Civil Procedural Manual

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**PROCEDURE:**

18.0 Requirements

- 18.1 Prior to accepting a Claim of Right to Possession, the Civil Enforcement Unit shall be in possession of the Writ of Execution for Possession of Real Property as well as the original, signed Sheriff's instructions from the plaintiff/attorney.
- 18.2 The accepting team member shall check the writ and ensure one of the following is checked:
  - 1.2.1 Box 24a (2), indicating the Prejudgment Claim of Right was not served in compliance with CCP 415.46; or
  - 1.1.3 Box 24a (3), indicating the unlawful detainer resulted from a foreclosure sale of a rental housing unit (CCP 415.46, 1174.3(a)(2)).
- 1.3 A completed Claim of Right to Possession form shall contain the following:
  - 1.3.1 Name and address of the claimant;
  - 1.3.2 Name and address of the court;
  - 1.3.3 Case title;
  - 1.3.4 Case number;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.3.5 Item #1 – name of the person filing the claim (this cannot be a named debtor on the writ);
  - 1.3.6 Item #2 – claimant’s residential address;
  - 1.3.7 Item #3 – address of the property subject to the claim (eviction address);
  - 1.3.8 Item #4 – date the complaint was filed (must match the date reflected on line 24a of the writ);
  - 1.3.9 Item #10 – amount of court filing fee or phrase, “Contact court;”
  - 1.3.10 Item #12 – item a or b checked;
  - 1.3.11 Item #13 –at least one box checked;
  - 1.3.12 Date, printed name and signature of the claimant.
- 1.4 Document shall be presented in person with an original picture I.D. and claimant must be at least 18-years-old. If no I.D. is provided, the claim shall not be accepted.
- 19.0 Acceptance of Claim
- 19.1 Verify document to ensure the claim form is complete.
  - 19.2 Verify the person filing is not a named debtor.
  - 19.3 When the I.D. is provided, make a copy and attach it to the claim form. If the claimant cannot provide proper picture identification, reject the claim.
  - 19.4 Indicate the date, time and by whom the claim was received in the space provided on the claim form.
  - 19.5 Provide the claimant a photocopy of the claim.
- 20.0 Processing of Claim
- 20.1 Claim accepted in our office shall be:
    - 20.1.1 Time and date stamped;
    - 20.1.2 Given to eviction team to process without delay

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 20.1.2.1 The team member shall scan the claim into Civil Serve.
- 20.1.2.2 Call the plaintiff/attorney and advise them a Claim of Right to Possession was filed.
- 20.1.2.3 Locate the service packet from the scheduled restoration files and remove.
- 20.1.2.4 Forward the original claim to the court through interoffice mail.

20.2 Claim accepted in the field shall be:

- 20.2.1 Accepted by the deputy. The deputy shall complete a receipt for the claim and provide the claimant the yellow carbon copy.
- 20.2.2 Upon returning to the office, the deputy shall provide the eviction clerk with the white copy of the receipt of claim and the completed judicial form, "Claim of Right to Possession and Notice of Hearing" submitted by the claimant.
- 20.2.3 An office team member shall scan both documents into Civil Serve.
- 20.2.4 Forward the original claim and the copy of receipt to the court through interoffice mail.

21.0 After Court Hearing

- 21.1 The court shall forward a certified copy of the order to the eviction team indicating the disposition of the claim.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Bankruptcy-Writ of Possession-Eviction**

**NUMBER: 320**

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**POLICY:** Bankruptcies are court orders that affect enforcement of service.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; Title 11 of the United States code (11 USC); Federal Rules of Bankruptcy Procedure

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**PROCEDURE:**

6.0 Requirements

6.1 Copy of the notice of bankruptcy filing which shall include:

6.1.1 The name of judgment debtor or any person (tenant) that is either renting or leasing the property, regardless of having any stake in ownership, may submit a bankruptcy filing;

1.1.2 The property address where the lockout is to take place;

1.1.3 The bankruptcy number issued from Bankruptcy Court;

1.1.4 The bankruptcy filing date;

1.1.5 The date of the meeting of creditors;

1.1.6 The name and address of the Trustee, if applicable;

1.1.7 Filing may be accepted by fax, email, mail, or in person;

1.1.8 All documents shall be date and time-stamped upon receipt.

6.2 Certified copies of bankruptcy petitions, lift orders, or other bankruptcy documents are not required. If verbal notice is provided, verification shall be made by accessing the Bankruptcy Court's website.

7.0 Writ of Possession for Real Property (Non-Residential)

7.1 Notify deputy of bankruptcy filing. The team member shall contact the creditor/attorney.

7.2 The eviction may proceed upon receipt of signed instructions from the creditor/attorney stating the following: The real property described in the Writ of Possession in nonresidential property under a lease which has,

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

under the stated term, expired, and, pursuant to 11 USC 362(b)(10) is an exception to the automatic stay.

**8.0 Writ of Possession for Real Property (Residential)**

8.1 Notify deputy of bankruptcy filing. A team member shall contact the creditor/attorney.

8.2 If the judgment was obtained prior to the filing of the petition, the lock-out may continue. However, the automatic stay will apply for 30 days after the petition if (1) the debtor certified in the petition a right to cure a default and (2) the debtor deposits with the bankruptcy court any rent that would become due during the 30 days after the filing of the petition. The automatic stay may be extended if the debtor files a further certification within 30 days after the petition that the debtor has cured the default and the court finds the landlord's certification to be untrue.

8.3 The eviction may proceed upon receipt of signed instructions from the creditor/attorney stating the following: The real property described in the Writ of Possession is residential property and pursuant to 11 USC 362(b) (22) is an exception to automatic stay.

**9.0 Writ of Possession for Real Property (Endangerment/Drug Activity)**

9.1 Notify a supervisor of bankruptcy filing. A team member shall contact the creditor/attorney.

9.2 The eviction may proceed if the landlord seeks possession based on the endangerment of property or illegal use of controlled substances at the property. An exception to the automatic stay begins 10 days after the landlord files a certification with the court alleging endangerment or use of substances occurred within 30 days before the certification. The debtor must object to the certification within 15 days of the certification, in which case the court shall determine whether grounds for the exception exist (11 USC 362(b) (23)).

4.3 The eviction may proceed upon receipt of signed instructions from the creditor/attorney stating the following: The real property described in the writ of possession is residential property and pursuant to 11 USC 362(b) (23) is an exception to automatic stay.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 10.0 Bankruptcies presented to stay evictions in the field
  - 10.1 Upon receipt of a valid bankruptcy petition by a field deputy at an eviction, all enforcement proceedings are suspended.
    - 10.1.1 Verify that judgment debtor's name, date of filing and bankruptcy case number appear on bankruptcy petition.
    - 10.1.2 If there is a question about the validity of the information provided, contact the eviction team to check the Bankruptcy Court website.
    - 10.1.3 Obtain a copy of bankruptcy petition and place it with trip ticket.
    - 10.1.4 Notify the creditor or agent present at the eviction of the receipt of the bankruptcy petition and suspension of the enforcement action.
    - 10.1.5 MDC entry, "Not Completed bankruptcy filed."
  - 10.2 The deputy shall complete the bankruptcy information on the restoration trip ticket.
    - 10.2.1 Date of Filing: Date the bankruptcy was filed per the bankruptcy petition.
    - 10.2.2 Person Filing: Name(s) on bankruptcy petition
    - 10.2.3 Deputy Notified: Date/time the deputy was notified of the bankruptcy filing.
    - 10.2.4 Attorney Notified: Date/time the attorney/creditor was notified of the bankruptcy petition.
  - 10.3 The deputy shall return the restoration packet and any bankruptcy documents to the eviction team.
  - 10.4 When the eviction team receives a lifting of the automatic stay, a dismissal of the bankruptcy, or enough instructions from the attorney/creditor to proceed, the restoration packet will be forwarded to the deputy, along with a copy of the lifting of automatic stay, dismissal, or instructions from the attorney/creditor to proceed with the lockout.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

10.4.1 If an Order Motion for Relief from Stay is received from the bankruptcy court, the order shall be reviewed to determine if any of the following exist:

5.4.1.1 "No Lockout Prior to" date.

5.4.1.2 No other bankruptcy notice shall be accepted from the same debtor to stay the eviction further.

5.4.1.3 Waiver of the automatic 14-day stay from the date the Order was issued. If there is no waiver then the lockout must wait 14 days from the date of the order to proceed with the eviction.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Cancellations and Automatic Stays - Evictions**

**NUMBER: 330**

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**POLICY:** Cancellations and stays are priority and shall be processed immediately upon receipt. A team member shall check the fax machine hourly for eviction correspondence.

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**REFERENCE:** California Code of Civil Procedure; California State Sheriff's Association's Civil Procedural Manual; Government Code

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**PROCEDURE:**

11.0 Requirements

11.1 All cancellations shall be made in writing and shall include the eviction address as it appears on the instructions. Cancellations may be received in any of the following forms:

11.1.1 A signed letter of instruction from the attorney/judgment creditor;

11.1.2 Certified court order;

11.1.3 Bankruptcy notice;

11.1.4 Claim of Right to Possession.

12.0 Processing cancellations and automatic stays

12.1 Date/time-stamp the signed letter of instructions or court order;

12.2 Determine the scheduled eviction date and time. If the eviction is scheduled for the same day, notify the assigned field deputy by phone. If unable to contact the deputy, notify a supervisor.

12.3 For future scheduled evictions, a team member shall process the cancellation.

12.3.1 If the eviction posting has not been completed, a team member shall locate the Notice to Vacate (posting packet) and remove it from field service.

12.3.2 If the eviction posting has been completed, a team member shall locate the notice of restoration packet and remove it from field service.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

13.0 Cancellation Fees (Gov't Code 26736)

- 13.1 When the cancellation has been made prior to posting and mailing of the notice to vacate, the attorney/judgment creditor shall be refunded \$105.
- 13.2 When the cancellation has been made after the posting and mailing of the notice to vacate, the attorney/judgment creditor shall be refunded \$20.
- 13.3 Less than 24-hour notice or same day cancellations shall not be refunded.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Writ of Execution for Real Property**

**NUMBER: 340**

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**POLICY:** This procedure establishes the steps to be followed by team members upon receipt of Sheriff's instructions and court documents pursuant to a Writ of Execution Real Property Levy.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; Government Code

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**PROCEDURE:**

3.0 Requirements

3.1 Address for service must be in San Bernardino County;

3.2 Original Writ of Execution valid on its face;

1.2.1 To provide enough time for service with the writ's 180-day expiration date to be considered before processing (CCP 699.530(b)).

3.3 Original instructions from the attorney/judgment creditor;

3.3.1 The instructions must conform to form CIV-007.

3.3.2 Assessor's parcel number (APN) and legal description must be provided (photos/maps are optional).

3.4 A deposit fee of \$1,500 shall be collected upon delivery of the above documents (Gov't Code 26750). Payment shall be in cash, cashier's check, money order, or pre-printed check (Gov't Codes 24350, 24353).

4.0 All real property levy files shall be reviewed by a supervisor prior to scheduling a sale.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Keeper Levies**

**NUMBER: 360**

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**POLICY:** A civilian contracted and/or employed by the Sheriff's Department who acts as a custodian of property under levy, is defined a keeper. A keeper is placed in a going business to collect all cash resulting from sales revenue and to maintain physical custody and control of all property. This type of levy is most often effective on businesses that maintain a cash drawer or register. Keepers may also be installed to inventory stock-in-trade, fixtures and equipment at the business. Such items may be taken into possession and be liquidated to satisfy a money judgment under a Writ of Execution. Customarily, keepers are installed for periods of 8, 12 or 24 hours. If instructions to the Sheriff request a weekend or after-hours keeper, staff will be compensated in accordance the the Department's Memorandum of Understanding (MOU). Keepers shall be installed in compliance with state and federal law.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; Government Code; Revenue and Tax Code

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**PROCEDURE:**

1.0 Requirements

- 1.1 The service address must be in San Bernardino County.
- 1.2 Original Writ of Execution or Attachment must be valid on its face
- 1.3 A signed letter of instructions from the attorney/judgment creditor utilizing form CIV-006. The instructions shall contain the following information:
  - 1.3.1 Name and address of the business to be levied upon – including business hours and days (CCP 684.130);
  - 1.3.2 Judgment debtor(s) name – if multiple, indicate which judgment debtor(s) owns the going business;
- 1.4 A \$240.00 deposit shall be collected prior to processing the service (Gov't Code 26750).

2.0 Writ of Execution – Money Judgment (CCP 699.520, 700.030)

- 2.1 Upon receipt of the keeper service documents, a team member shall check and review the packet to ensure it is accurate and complete. The packet shall include:
  - 2.1.1 Letter of instructions with a wet signature;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

2.1.2 Original Writ of Execution (money judgment) issued by the court, stamped and sealed;

2.1.3 \$240 shall be collected at the time of service (Gov't Code 26750). Fee waivers shall not be accepted.

3.0 Court document processing

3.1 Preceding the acceptance of the service documents and processing, a team member shall generate the following contents of the keeper service packet:

3.1.1 Trip ticket;

3.1.2 Keeper packet;

3.1.2.1 Copy of the Writ of Execution;

3.1.2.2 Notification of account status;

3.1.2.3 Keeper inventory log;

3.1.2.4 Keeper envelope with pay off;

3.1.2.5 Account status reflecting the date of the keeper service.

3.1.3 Business service packet

3.1.3.1 Notice of levy (garnishee's copy);

3.1.3.2 Copy of the Writ of Execution.

3.1.4 Judgment debtor mailing packet

3.1.4.1 Notice of levy per CCP 700.010;

3.1.4.2 Copy of the Writ of Execution;

3.1.4.3 A list of exemptions if the judgment debtor is a natural person.

3.2 A team member shall review the keeper packet with a supervisor for completeness and accuracy.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 3.3 With a supervisor's approval, a team member shall schedule the date and time for the levy and notify the keeper of their assignment. As a courtesy, the attorney/judgment creditor shall be notified of the date and time of the levy.
- 4.0 Confirm the business
- 4.1 Upon arrival, the deputy shall verify the name, address and location is correct and matches court documents. The judgment debtor(s) listed on the Writ of Execution and the DBA (doing business as) must match that on the business license. A business license is only valid for the person in whose name it was issued and for the transaction of business designated therein (Revenue and Tax Code 6067).
- 4.1.1 Upon a not-found business (including a business license that does not match that of the judgment debtor listed on the Writ of Execution), per Gov't Code 26725 and notwithstanding any other fee charged, a keeper shall receive \$60 pursuant to Gov't Code 26738, and the levying officer prepares a not-found return.
- 4.2 Confirm the business hours.
- 4.3 Determine the type/needs of the business.
- 5.0 Keeper installation
- 5.1 If all requirements in section 4.0 are met, the keeper installation shall commence.
- 5.2 On the date of the keeper installation, a team member shall mail the notice of levy, a copy of the Writ of Execution and a list of exemptions to the judgment debtor.
- 5.3 The assigned deputy and keeper shall contact the judgment debtor or person in charge of the business, and personally serve the notice of levy. A brief explanation of the levy process shall be provided, and the recipient's name and capacity shall be recorded.
- 5.3.1 No credit card or debit card transactions shall be permitted during keeper hours. All sales shall be made in cash or check. For the duration of the keeper, payments for supplies, inventories or payroll are not permitted. Such payment may resume after the keeper time has expired.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 5.3.2 All checks accepted for payment shall be made payable to the name of the judgment debtor as shown on the Writ of Execution.
- 5.4 The deputy shall make a demand for the total amount of the judgment plus costs.
- 5.5 If the judgment debtor elects to pay the judgment in full at the time of the notice of levy, they shall submit the full payment amount, including fees, in the form of cash, certified check or money order (made payable to San Bernardino County Sheriff). Personal checks from the judgment debtor shall not be accepted unless instructed by the judgment creditor/attorney.
- 5.6 If a judgment payment has not been received at the time of levy, the keeper shall proceed and take inventory of the assets on the premises to prevent removal of property, and only at the request of the judgment creditor/attorney.
- 5.6.1 At the time of keeper installation, the deputy shall collect all cash receptacles including safes if they exist (a deputy may not force open the safe if the judgment debtor denies access). All cash is to be counted, less loose change. Anything over \$125 is to be removed from the cash drawer(s) and a receipt shall be issued for the seized funds. Both the deputy and the judgment debtor shall sign the receipt acknowledging the amount seized. An adequate amount of cash shall be left in the drawer for a "bank." The temporary receipt shall be maintained by the judgment debtor in the cash drawer so that it may be surrendered to the deputy at the conclusion of the keeper. The dollar amount seized shall also be noted on the trip ticket.
- 5.6.2 As a courtesy, the judgment creditor shall be notified once the keeper has been installed.
- 5.6.3 The deputy shall advise the judgment debtor that after the placement of the keeper, they are allotted 30 minutes to pay the judgment in full and they shall not be charged with the entire keeper fee. If they are unable to pay within 30 minutes, the full amount payment fee for the keeper shall be charged.
- 5.6.4 While the levy is in progress, all incoming monies shall be collected by the keeper and logged for the duration of hours specified by the attorney/judgment creditor's instructions. If the judgment was satisfied within a shorter timeframe, the keeper shall notify the deputy to return to the business.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

5.6.5 The deputy shall check on the keeper at least once during the keeper period, preferably halfway through the requested timeframe. At that time, the deputy shall check the cash drawer(s) and seize any monies over \$125 and issue a receipt.

5.7 If the judgment debtor/business owner elects to close the business for the duration of the keeper hours, the keeper shall remain in place until the expiration of the time as requested by the attorney/judgment creditor.

6.0 Releasing the Keeper

6.1 At the conclusion of the keeper levy (time expiration or judgment satisfaction), the deputy shall return to the premises to release the keeper from their duties and to seize all funds collected.

6.1.1 The keeper and the deputy shall count the money with the judgment debtor or his representative present and issue a receipt for the day's collection. If money was seized at the commencement of the levy, the prior receipt shall be added to the day's total.

6.1.2 Only the amount required to satisfy the judgment shall be seized from the business and placed in custody of the Sheriff.

6.1.3 The judgment debtor/garnishee shall sign the final receipt acknowledging the amount of money seized from the business during the keeper hours.

6.1.4 The assigned deputy shall promptly return to the office with the money seized and recount the amount with a team member assigned to the case. The team member shall also collect the logs from the deputy.

6.1.5 The team member shall immediately deliver the money seized to accounting for storage.

7.0 Writ of Attachment (CCP 488.325, 488.395, 488.405)

7.1 Upon receipt of keeper levy process under a Writ of Attachment, a team member shall review the packet for accuracy. The packet shall include:

7.1.1 Letter of instructions with a wet signature;

7.1.2 Original Writ of Attachment (prejudgment) issued by the court, stamped and sealed. The writ shall include the amount to be

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

secured by the attachment and a description of the property to be levied upon to satisfy the judgment (CCP 488.010).

- 7.1.3 Notice of attachment shall be served with the writ (CCP 488.305);
- 7.1.4 Copy of the order for issuance of the Writ of Attachment, required by a notation on the notice of attachment;
- 7.1.5 The right to attach order. The order for issuance shall be contained on the same document. It shall be in the form of the order issued after hearing or an ex parte order. The contents shall include:
  - 1. The type of judgment debtor and court's findings;
  - 2. The amount of undertaking required from the judgment creditor before a writ will be issued;
  - 3. Plaintiff's name;
  - 4. Judgment debtor's name and amount of writ and the property subject to levy;
- 7.1.6 A copy of the summons and complaint shall be included and served to the defendant (CCP 488.02);
- 7.1.7 \$240.00 shall be paid at the time of service (Gov't Code 26750). Fee waivers shall not be accepted.

**8.0 Confirm the business**

- 8.1 Upon arrival, the deputy shall verify the name, address and location is correct and matches court documents. The judgment debtor(s) listed on the Writ of Execution and the DBA (doing business as) must match that on the business license. A business license is only valid for the person in whose name it was issued and for the transaction of business designated therein (Revenue and Tax Code 6067).
  - 8.1.1 Upon a not-found business (including a business license that does not match that of the judgment debtor listed on the Writ of Execution), per Gov't Code 26725 and notwithstanding any other fee charged, a keeper shall receive \$60 pursuant to Gov't Code 26738, and the deputy prepares a not-found return.
- 8.2 Confirm the business hours

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 8.3 Determine the type and quantity of property to be seized.
- 8.4 Determine the type of business and establish any special handling accommodations.
  - 8.4.1 Examples: animal boarding, medical or farming equipment, livestock, jewelry appraisal, perishables, alcohol, etc.;
  - 8.4.2 Calculate the number of keepers needed;
  - 8.4.3 After surveying the amount and type of property to be seized, obtain written moving and storage estimates with the aid of a supervisor.
- 9.0 Scheduling the Writ of Attachment keeper
  - 9.1 A team member shall review the keeper packet (refer to section 3.0 and 7.0 accordingly) with a supervisor or designee for completeness and accuracy.
  - 9.2 The deposit from the attorney/judgment creditor shall be examined at the time of review to determine if additional funds are required. A supervisor shall require, as a prerequisite to seizing property, enough money to pay the expenses of taking and seizing the property for a period not to exceed 15 days (CCP 488.050).
    - 9.2.1 If further detention of the property is required, the supervisor shall make a written or oral demand for further deposits to cover estimated expenses for a period not to exceed 30 days (Gov't Code 26748).
    - 9.2.2 A written demand shall be mailed, emailed or delivered.
    - 9.2.3 When a demand has been executed, the creditor shall have 3 business days from the date of the demand to furnish the additional funds. If the money has not been paid within the time specified, the deputy shall release the property to the person from whom it was seized (CCP 488.730).
  - 9.3 With a supervisor's approval, a team member shall schedule the date and time for the levy and notify the keeper of their assignment. As a courtesy, the attorney/judgment creditor shall be notified of the date and time of the levy.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 9.4 Notify the moving company and storage facility of the date and time you will contact them for response if needed.
- 10.0 Keeper installation
- 10.1 If all requirements in subsections 7, 8 and 9 have been met, the keeper installation shall commence.
- 10.2 On the date of the keeper installation, a team member shall mail the notice of levy, a copy of the Writ of Attachment, and a list of exemptions to the judgment debtor.
- 10.3 The assigned deputy and keeper shall contact the judgment debtor or person in charge of the business and personally serve the notice of levy under Writ of Attachment. A brief explanation of the levy process shall be provided, and the recipient's name and capacity shall be recorded.
- 10.4 As a courtesy, the creditor shall be notified once the keeper has been installed.
- 10.5 The deputy or keeper shall make a complete and detailed inventory of the property attached. Only the property authorized by the attachment law may be levied upon (CCP 488.300-488.485).
- 10.6 The moving and storage companies shall be notified after the levy has been served and property located.
- 10.7 Per CCP 488.090, deputies shall take property into their custody and he may remove it to a place of safekeeping. Movers shall begin the process of relocating the property to the approved storage facility.
- 10.8 All fees shall be collected according to Gov't Code 26750, to maintain the custody of property under levy for each day custody is maintained.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Till Tap Levy**

**NUMBER: 370**

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**POLICY:** The purpose of a Till Tap levy is to satisfy a money judgment on a Writ of Execution. A Till Tap levy is completed by a deputy making a demand on the judgment debtor's business for all cash and checks on hand.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**REQUIREMENTS**

1.0 Original Writ of Execution

- 1.1 Name and address of the creditor/attorney;
- 1.2 Name and address of the court;
- 1.3 Case title (who vs. who);
- 1.4 Boxes checked for the type of writ being issued, i.e., Writ of Execution/Money Judgment;
- 1.5 #1 Directed to the Sheriff;
- 1.6 #3 Name of the creditor or assignee of record;
- 1.7 #4 Name and last known address of the judgment debtor;
- 1.8 #5 Judgment dates;
- 1.9 #6 Renewal dates, if applicable;
- 1.10 #7 Whether any person has requested a Notice of Sale under the writ. If so, their name & address should be listed in item #7 on the reverse side of the writ;
- 1.11 Issue date;
- 1.12 Court seal;
- 1.13 #11 Amount of judgment;
- 1.14 #18 Total amount of judgment;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.15 #19 Daily interest rate;
  - 1.16 Original signature of the court clerk or judge;
  - 1.17 Must be on the current acceptable revision of the Judicial Council form.
- 2.0 Signed instructions from the creditor/attorney. Verify the instructions include all the following information:
- 2.1 The address for service must be in San Bernardino County;
  - 2.2 Name and address of the business to be levied upon;
  - 2.3 If there are multiple debtors on the writ, the debtor's names must match exactly as on the writ;
  - 2.4 Name and address of the creditor/attorney;
  - 2.5 If the debtor is a business, the writ and instructions shall include the entity of the business (i.e., dba, corporation, partnership, limited liability partnership, etc.);
  - 2.6 Allow enough time for service. Writ must be less than 180 days old, and 10 days of that is required for processing the service.
- 3.0 Appropriate fees for service
- 3.1 Payment must be made by cash, cashier's check, money order or preprinted check. Checks shall include the name, address and telephone number of the payor.
  - 3.2 If the check is received from the plaintiff/attorney, it may be preprinted with the name only.
  - 3.3 If the check is received from a third person, 3.1 applies.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Till Tap Levy**

**NUMBER: 370**

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**POLICY:** The purpose of a Till Tap levy is to satisfy a money judgment on a Writ of Execution. A Till Tap levy is completed by a deputy making a demand on the judgment debtor's business for all cash and checks on hand.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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## **REQUIREMENTS**

### **4.0 Original Writ of Execution**

- 4.1 Name and address of the creditor/attorney;
- 4.2 Name and address of the court;
- 4.3 Case title (who vs. who);
- 4.4 Boxes checked for the type of writ being issued, i.e., Writ of Execution/Money Judgment;
- 4.5 #1 Directed to the Sheriff;
- 4.6 #3 Name of the creditor or assignee of record;
- 4.7 #4 Name and last known address of the judgment debtor;
- 4.8 #5 Judgment dates;
- 4.9 #6 Renewal dates, if applicable;
- 4.10 #7 Whether any person has requested a Notice of Sale under the writ. If so, their name & address should be listed in item #7 on the reverse side of the writ;
- 4.11 Issue date;
- 4.12 Court seal;
- 4.13 #11 Amount of judgment;
- 4.14 #18 Total amount of judgment;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 4.15 #19 Daily interest rate;
  - 4.16 Original signature of the court clerk or judge;
  - 4.17 Must be on the current acceptable revision of the Judicial Council form.
- 5.0 Signed instructions from the creditor/attorney. Verify the instructions include all the following information:
- 5.1 The address for service must be in San Bernardino County;
  - 5.2 Name and address of the business to be levied upon;
  - 5.3 If there are multiple debtors on the writ, the debtor's names must match exactly as on the writ;
  - 5.4 Name and address of the creditor/attorney;
  - 5.5 If the debtor is a business, the writ and instructions shall include the entity of the business (i.e., dba, corporation, partnership, limited liability partnership, etc.);
  - 5.6 Allow enough time for service. Writ must be less than 180 days old, and 10 days of that is required for processing the service.
- 6.0 Appropriate fees for service
- 6.1 Payment must be made by cash, cashier's check, money order or preprinted check. Checks shall include the name, address and telephone number of the payor.
  - 6.2 If the check is received from the plaintiff/attorney, it may be preprinted with the name only.
  - 6.3 If the check is received from a third person, 3.1 applies.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Storage of Levied Vehicles**

**NUMBER: 380**

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**POLICY:** All vehicles seized pursuant to a levy shall be entered into the Department of Justice (DOJ) system. This procedure establishes the steps to be taken by field personnel to ensure policy is enforced.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure; Sheriff's Department Manual

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**PROCEDURE:**

- 1.0 Vehicle levies and seizures
  - 1.1 Prior to taking possession of a vehicle under levy, a supervisor shall thoroughly review the case. A supervisor shall be present for the seizure;
  - 1.2 Complete the internal Auto Levy form;
  - 1.3 The deputy shall have the garage agent who received possession of the vehicle for storage sign and date the form;
  - 1.4 Provide the garage agent with the pink carbon copy of the form;
  - 1.5 Return the original (white copy) and the duplicate (yellow copy) to the office for processing;
- 2.0 Entering the stored vehicle information into California Law Enforcement Telecommunications System (CLETS)
  - 2.1 The deputy assigned to the vehicle levy shall enter the teletype into CLETS via MDC as a "Private Tow;"
  - 2.2 The CLETS entry shall exclude the name of the tow company/storage facility and only be stated in the disposition of the Sheriff's Computer Aided Dispatch (CAD) incident number;
  - 2.3 Information included on the Auto Levy form shall be used to aid in entering the teletype with detailed information. The teletype shall also include, "civil levy tow," Civil Serve file number, our office phone number, and the incident number;
  - 2.4 The "Private Tow" status will automatically be purged from the DOJ system after 30 days;
  - 2.5 The information provided in the Auto Levy form shall contain the following:

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.5.1 Date, time, court case number, case title;
  - 2.5.2 Vehicle color, year, make, model;
  - 2.5.3 License plate number, year, state;
  - 2.5.4 Vehicle Identification Number (VIN);
  - 2.5.5 Registered owner name and address as well as the legal owner's name and address;
  - 2.5.6 Mileage;
  - 2.5.7 The location from which the vehicle was towed;
  - 2.5.8 How the vehicle was transported (driven or towed);
  - 2.5.9 The name, address and phone number of the tow/storage;
  - 2.5.10 A wet signature from the garage agent accepting the vehicle;
  - 2.5.11 The storage authority Civil Procedures Code:
    - 2.5.11.1 CCP 488.090(a) - Writ of Attachment;
    - 2.5.11.2 CCP 687.030(a) - Writ of Execution;
    - 2.5.11.3 CCP 514.030(a) C & D - Writ of Possession.
  - 2.5.12 Deputy file number
  - 2.5.13 Wet signature of deputy authorizing storage of the levied vehicle.
- 3.0 Upon concluding the vehicle levy, the deputy shall compose a detailed disposition for the CAD incident and print a copy of the teletype for a team member to scan into Civil Serve.
- 4.0 The deputy shall include the following information on the completed trip ticket:
- 4.1 The name of the locksmith or keeper, if used;
  - 4.2 The CAD incident number;
  - 4.3 The date and time the teletype was sent;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

4.4 The name of the tow/storage company and their contact information.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Demand for Additional Deposit – Personal Property**

**NUMBER: 390**

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**POLICY:** If continuation of the custody of property is required, the levying officer shall demand in writing, a request for additional funds from the judgment creditor to cover estimated costs for periods not to exceed 30 days. If the judgment creditor does not submit the amount demanded within three business days after receipt of the demand, the levying officer shall release the property to the person from whom it was taken unless otherwise ordered by the court.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual;  
California Code of Civil Procedure

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**PROCEDURE:**

5.0 Requirements

5.1 An active Personal Property Levy;

5.2 At the time personal property is seized and stored, a team member shall calendar 15 days to ensure enough deposit fees are on the creditor's accounting ledger;

5.3 Costs to maintain storage for property (exceeding the original deposit).

6.0 Storage fees

2.1 Determine the amount of required fees by contacting the storage facility.

2.1.1 A written estimate shall be requested and retained in the levy file.

2.2 Prepare the *Formal Demand for Additional Deposit* notice.

2.3 Contact the creditor/attorney for the formal demand by one of the following:

2.3.1 Email

2.3.2 Facsimile

2.3.3 Mail

2.3.4 Delivery

7.0 Upon receipt of additional deposit:

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 7.1 The deposit shall be posted to the creditor's accounting ledger.
  
- 4.0 If deposit fees are not received, a team member shall release the property to the person from whom it was taken unless otherwise ordered by the court (CCP 488.730).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Bankruptcy**

**NUMBER: 400**

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**POLICY:** Bankruptcies are important actions affecting the Civil Enforcement Unit. The following procedure outlines important steps staff shall take upon receipt of bankruptcy petitions.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual; California Code of Civil Procedure; Title 11 of the United States code (11 USC); Federal Rules of Bankruptcy Procedure (FPBP)

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**PROCEDURE:**

14.0 Requirements

14.1 Copy of the Notice of Bankruptcy filing face page, or electronic filing face page;

14.2 Absent a face page, a letter from the debtor or the Bankruptcy attorney must include:

14.2.1 The name of judgment debtor;

1.2.2 The property address of where lockout is to take place;

1.2.3 The bankruptcy number issued from Bankruptcy Court;

1.2.4 The bankruptcy filing date;

1.2.5 The date of the meeting of creditors;

1.2.6 The name and address of the Trustee, if applicable.

14.3 Certified copies of bankruptcy petitions, lift orders, or other bankruptcy documents are not required. Certified copies are required for all Writs of Attachment levies. If verbal notice is provided, verification shall be made by accessing the Bankruptcy Court's website "WebPacer."

15.0 Writ of Attachment

15.1 Complete all applicable information in the Bankruptcy and submit. Do not print the notice.

2.2 Release of Attachment after lien terminates (CCP 493.040).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 2.2.1 Where a Lien of Attachment terminates pursuant to CCP 493.030, the assignee under a general assignment for the benefit of creditors, or in the case of a bankruptcy, the trustee, interim trustee, or the debtor in possession if there is no trustee, or interim trustee, may secure the release of the attached property by filing with our office a Request for Release of Attachment; stating the grounds for release, describing the property to be released executed under oath, and packaged together with a copy.
  - 2.2.1.1 In the case of an assignee, the request shall include two copies of the general assignment for the benefit of creditors.
  - 2.2.1.2 In the case of a trustee, interim trustee, or debtor in possession, the request shall include a certified copy of the petition in bankruptcy, together with a copy.
  - 2.2.1.3 If immediate release of the attachment is sought, the request shall be accompanied by an undertaking to pay the plaintiff any damages resulting from an improper release of the attachment, in the amount to be secured by the attachment, and executed by an admitted surety insurer.
- 2.3 Within five days after the filing of the Request for Release of Attachment, mail to the plaintiff:
  - 2.3.1 A copy of the Request for Release of the Attachment, including the copy of the document filed pursuant to CCP 493.040, subdivision (b) or (c).
  - 2.3.2 If an undertaking has not been given, generate CPM 14.47 (Sheriff's Notice of Intent to Release Writ of Attachment Levy Pursuant to Bankruptcy/Assignment for the Benefit of Creditors (CCP 488.730, 493.030, 494.040) and distribute copies accordingly.
  - 2.3.3 If an undertaking has been given, generate the appropriate release form reflecting the type of property attached. For all attachments filed with the Secretary of State, utilize the Notice of Attachment Lien/Termination/Amended form. Ensure a copy of the release is sent to the plaintiff.
- 2.4 Unless otherwise ordered by the court, if an undertaking has not been given, the attachment shall be released pursuant to the Request for Release of

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

Attachment after the expiration of 10 days from the date of mailing the papers referred to the plaintiff. If an undertaking has been given, the attachment shall immediately be released pursuant to the Request for Release of Attachment.

2.4.1 Where the attached property has been taken into custody, it shall be released to the person making the Request for Release of Attachment or some other person designated in the request. Where the attached property has not been taken into custody, it shall be released as provided in subdivision (c) or (d) of CCP 488.730.

2.5 Release of attached property; basis; mode (CCP 488.730)

2.5.1 If the property to be released has not been taken into custody under the levy, generate the appropriate release form and mail the original to the person who was served with a copy of the writ and a Notice of Attachment to create the lien.

2.5.2 If the property to be released was levied upon by recording or filing a copy of the writ and a Notice of Attachment, record or file the appropriate release form in the same office. If the notice of attachment was filed with the Secretary of State, utilize the Notice of Attachment Lien/Termination/Amendment form.

2.7 If a request for release is not received, uncheck the Bankruptcy box and check the Hold box. Enter the following annotation: Request for release not received. Release at the end of three-year lien expiration (Date).

2.8 Writ of Possession for Real Property (Non-Residential)

2.8.1 Notify a supervisor and provide a copy of the bankruptcy. A team member staff shall contact the creditor/attorney.

2.8.2. Complete all applicable information in the bankruptcy section of Civil Serve and submit. Do not print the notice.

2.8.3 The eviction may proceed upon receipt of signed instructions from the creditor stating the following: The real property described in the Writ of Possession in nonresidential property under a lease which has, under the stated term, expired and, pursuant to 11 USC 362(b) (10) is an exception to the automatic stay.

16.0 Writ of Possession for Real Property (Residential)



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 16.1 Notify a supervisor and provide a copy of the bankruptcy. A team member shall contact the creditor/attorney.
  - 16.2 If the judgment was obtained prior to the filing of the petition, the lock-out may continue. The automatic stay will apply for 30 days after the petition if (1) the debtor certified in the petition a right to cure a default and (2) the debtor deposits with the bankruptcy court any rent that would become due during the 30 days after the filing of the petition. The automatic stay may be extended if the debtor files a further certification within 30 days after the petition that the debtor has cured the default and the court finds the landlord's certification to be untrue.
  - 16.3 The eviction may proceed upon receipt of signed instructions from the creditor stating: The real property described in the Writ of Possession is residential property and pursuant to 11 USC 362(b) (22) is an exception to automatic stay.
- 17.0 Writ of Possession for Real Property (Endangerment/Drug Activity)
- 17.1 Notify a supervisor and provide a copy of the bankruptcy. A team member staff shall contact the creditor/attorney.
  - 17.2 The eviction may proceed if the landlord seeks possession based on the endangerment of property or illegal use of controlled substances at the property. An exception to the automatic stay begins 10 days after the landlord files a certification with the court alleging endangerment or use of substances occurred within 30 days before the certification. The debtor must object to the certification within 15 days of the certification, in which case the court shall determine whether grounds for the exception exist (11 USC 362(b)(23)).
  - 17.3 The eviction may proceed upon receipt of signed instructions from the creditor stating the following: The real property described in the Writ of Possession is residential property and pursuant to 11 USC 362(b)(23) is an exception to automatic stay.
- 18.0 Civil Bench Warrant 1993 CCP (Does not apply to a warrant for a witness or a charging contempt under 1209 CCP or 166 PC)
- 18.1 Notify the sergeant and deputy with a copy of the bankruptcy via e-mail with all bankruptcy information. The sergeant, deputy, or clerical lead shall contact the creditor/attorney.
  - 18.2 Upon receipt of the non-service trip ticket, return the warrant to court indicating on the proof of service, under remarks, the Bankruptcy Chapter,

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

case number, date of filing and the following annotation: Warrant returned to court without service pursuant to 11 USC 362(2) automatic bankruptcy stay.

- 18.3 Charge the service fee at \$0.00.
  - 18.4 Queue any remaining deposit to the creditor/attorney.
  - 18.5 Close the file.
- 19.0 Earnings Withholding Order levy served prior to the bankruptcy filing
- 19.1 Complete all applicable information in the Bankruptcy section in Civil Serve. Sheriff's Bankruptcy Notice of Procedures when monies are held. Otherwise, do not print.
  - 19.2 Prepare the Modification. Check the Other Orders box under 2c. Enter the following annotation: A Notice of Automatic Stay pursuant to Title 11 USC 362, bankruptcy, has been received. Mail the original to the employer and a copy to the creditor.
  - 19.3 Hold any funds already deposited pending
    - 19.3.1 Transfer to the trustee
    - 19.3.2 Disposition pursuant to a bankruptcy court order
    - 19.3.3 Transfer to creditor at the end of the automatic stay; or,
    - 19.3.4 Release to debtor upon the expiration of the levy lien period
- 20.0 Sheriff not in possession of monies
- 20.1 In File Maintenance, uncheck the Bankruptcy box and check the Computer Hold box. Enter the following annotation: BK/Writ return on (date). Use the end of the 6-month writ expiration date.
  - 20.2 All monies in the Sheriff's possession are stayed, regardless of when the Bankruptcy was filed. Example: EWO was served on May 1. The debtor filed a petition in bankruptcy June 1. Wages earned before June 1 would go to the trustee. If refused by the trustee, hold the funds until the earliest of: receipt of a court order; provide payment to the creditor at conclusion of automatic stay, or release to the debtor at expiration of levy lien period. Release wages earned on June 1 or later to debtor.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 20.3 Any subsequent monies received shall be returned to the employer.
- 21.0 Earnings Withholding Order levy served after Bankruptcy filing
  - 21.1 Prepare the Termination and check the termination box under 2(a). Mail the original to the employer and a copy to the creditor.
  - 21.2 All monies in the Sheriff's possession shall be refunded to the debtor.
  - 21.3 Any subsequent monies received and not posted to the ledger, shall be returned to the employer.
  - 21.4 Prepare a Writ Return and close the file.
- 22.0 Enforcement of Judgment levy (this includes Keeper, Vehicle, Till Tap, etc.) served prior to the Bankruptcy filing and monies are held, or in transit
  - 22.1 All monies in possession are stayed.
  - 22.2 Any monies/property in transit is posted to the ledger when they are received and stayed. Example: On May 1, a keeper was installed at an auto parts store and all property, including inventory, was placed under levy. The debtor filed a Chapter 7 or 11 petition on May 5. A supplier delivered a shipment of tires to the debtor on May 10. The keeper may continue to collect sale proceeds from inventory that was under levy before May 5, or the property may be moved to storage. However, the tires delivered on May 10 are protected by the stay. Tender the property levied on before May 5 to the Chapter 7 trustee or if a Chapter 11 was filed without a trustee; hold the property until the earliest of: receipt of a court order; transfer to creditor at conclusion of automatic stay; release to the debtor upon the creditor's failure to pay storage fees; or, until the expiration of the levy lien period. Release any property seized on or after May 5 to the debtor.
  - 22.3 Prepare Sheriff's Bankruptcy Notice of Procedures. Mail the original to the Bankruptcy Trustee, a copy to the creditor/attorney, and a copy to the debtor.
- 23.0 Trustee asserts interest in property held
  - 23.1 Enter the following annotation in the comment section of Civil Serve: Per BK trustee asserts interest/\$\$ to trustee.
  - 23.2 Disburse monies as debtor refund but payable to the trustee who is assigned to the case.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 23.3 Prepare the Writ Return and close the file.
- 23.4 Queue any remaining deposit to the creditor/attorney.
- 24.0 Upon receipt of instructions (Sheriff's Notice of Bankruptcy Procedures) from the creditor/attorney
  - 24.1 Enter the following annotation in the comment section of Civil Serve: Per creditor/stay expired/lien survived/lien not avoided/monies to creditor.
  - 24.2 Prepare the Writ Return and close the file.
  - 24.3 Queue any remaining deposit to the creditor/attorney.
- 25.0 Dismissal and Relief from Stay order (File-stamped)
  - 25.1 Prepare the Modification for Earnings Withholding Order. Check box, 2(c), and enter the following annotation: Garnishment reinstated. Send the original to the employer and a copy to the creditor/attorney.
  - 25.2 Disburse all monies in possession to the creditor.
  - 25.3 All monies held for execution levies released to the creditor.
  - 25.4 Resume levy/sale procedures for real and personal property levies.
  - 25.5 Resume Eviction procedures for Writ of Possession for Real Property cases.
- 14.0 Release order (File-stamped)
  - 14.1 The order shall instruct the Sheriff to whom the monies will be released.
  - 14.2 Disburse monies held to the creditor/attorney, or the debtor, per the order.
  - 14.3 Prepare the Writ Return and close the file.
  - 14.4 Queue the remaining deposit to the creditor/attorney.
- 15.0 Levy During Automatic Stay
  - 15.1 Unless otherwise specifically provided, a levy performed during the automatic stay (after filing of the petition and before a discharge, closure or dismissal) is null, void and without effect. The property should be released, unless a receipt of an order by the bankruptcy court is received

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

that lifts, modifies, or annuls... upon receipt of an order from the bankruptcy court lifting, modifying, or annulling ...the automatic stay to permit enforcement by the levying officer or a levy that would otherwise be void. For example, the court may order the stay annulled as of the date of the filing of the petition to permit an eviction to proceed without serving another 5-day notice to vacate where the original service was made during the automatic stay.

- 15.2 The service of non-levy process such as a summons and complaint, small claims claim of plaintiff, or an order for examination of judgment debtor is prohibited by the stay.
  
- 16.0 Discharge order – Levy Before Discharge
  - 16.1 Place the copy in the file. Note: A debt that has been discharged does not affect property levied on prior to the filing of the bankruptcy petition, unless the levy (judicial lien) is avoided by a specific order issued by the bankruptcy court.
  
- 17.0 Levy After Discharge
  - 17.1 Place the copy in the file. Note: The levying officer cannot determine the dischargeability of the debt. Absent a court order, proceed as per the creditor's instructions.
  
- 18.0 Case closure
  - 18.1 Upon receipt of creditor's instructions and bankruptcy court case closure notice stating the bankruptcy is closed, prepare a Notice of Action Taken addressed to the debtor, (enclose a copy of bankruptcy case closure notice) with an explanation that funds will be paid out to the creditor unless the debtor can provide evidence they have appealed their case through bankruptcy court.
  - 18.2 Calendar 45-days before disbursing monies to the creditor if no response from the debtor, or bankruptcy court order directing the sheriff of how to disburse funds.
  
- 19.0 Criteria to release property to debtor
  - 19.1 Absent a bankruptcy court order directing otherwise, levied property not delivered to the trustee shall be released to the debtor when:
    - 19.1.1 The creditor instructs the levying officer to release the property to the debtor;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 19.1.2 The creditor fails to comply with the levying officer's demand for additional fees for storage;
- 19.1.3 Release to the debtor is required by state law, e.g., court order, failure to oppose exemption, failure to post creditor's undertaking following third party claim; or,
- 19.1.4 At the expiration of the levy lien period (two years from issuance of writ).

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Request for Clerical Corrections**

**NUMBER: 410**

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**POLICY:** This procedure establishes the steps that shall be followed by field personnel after discovering the need to have corrections made in processes.

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**REFERENCE:** California State Sheriff's Association's Civil Procedural Manual

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**PROCEDURE:**

**1.0 Requirements**

- 1.1 It is the duty of field personnel to review each service for completeness when received. If errors are discovered the paperwork, the service packet shall be returned to the appropriate team for correction.
- 1.2 The corrected process shall be returned to the field for service as soon as practicable.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Sheriff's Civil Technician**

**NUMBER: 420**

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**POLICY:** Civil Technicians are responsible for conducting non-enforcement services and assisting deputies and office staff as needed. The following procedure provides the guidelines to be followed by Civil Technicians.

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**REFERENCE:** County of San Bernardino Human Resources

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**PROCEDURE:**

- 1.0 Civil Technicians shall be responsible for serving the following types of non-enforcement civil process:
  - 1.1 Forma Pauperus
  - 1.2 Civil subpoena
  - 1.3 Order for appearance of judgment debtor
  - 1.4 Earnings withholding order
  - 1.5 Third-party and Bank Levies
  - 1.6 Notice of Hearing
  - 1.7 Notices of Motion
  - 1.8 Notice to Vacate/Writ of Possession
  - 1.9 Out of state small claims process
  - 1.10 Summons and Complaint
  - 1.11 Summons and Petition
  - 1.12 Summons and Complaint/Unlawful Detainer
  - 1.13 Order to Show Cause/Family Law Court
  - 1.14 Claim of Defendant
  - 1.15 Claim of Plaintiff and Order
  - 1.16 Military affidavit



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 1.17 Notice to pay rent or quit
- 1.18 Any service approved by a supervisor
- 2.0 Civil Technicians shall not serve the following process:
  - 2.1 Criminal
  - 2.2 Order to Show Cause/Temporary Restraining Order (civil harassment, elder abuse, workplace violence orders, etc.)
  - 2.3 Civil Bench Warrant
- 4.0 Any vacate postings with bad/unfound addresses shall be charged-off and the eviction team notified to cancel the restoration.
- 5.0 After Service
  - 5.1 Units are responsible for charging-off their own trip tickets and generating and mailing proofs of service.
    - 5.1.1 Verify the information on the trip ticket matches the information posted in Civil Serve.
    - 5.1.2 Scan the trip ticket into the corresponding file.
    - 5.1.3 After uploading the ticket, generate two proofs of service or the affidavit of due diligence – one for the requestor and one for the originating court.
    - 5.1.4 Mail proofs of service or affidavit of due diligence.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE:** Services on Tribal Land

**NUMBER:** 430

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**POLICY:** This procedure establishes the guidelines for completing civil services on Indian reservations.

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**REFERENCE:** 28 U.S. Code 1360 (b); 426 U.S. 373 (1976); Public Law 280

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**PROCEDURE:**

- 1.0 A supervisor shall be notified of all services involving tribal lands prior to service.
- 2.0 County Counsel shall be notified for guidance
  - 2.1 Refer to Public Law 280 for statute guidelines

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Cash Handling**

**NUMBER: 500**

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**POLICY:** Cash handling functions occur due to fees associated with service and to funds received into the custody of the Levying Officer.

It is the policy of the Civil Enforcement Unit to process payments received from the public for any civil process transaction in a manner that protects the integrity of the Sheriff's Department and its employees and promotes public confidence. The following procedure outlines important steps office and field personnel shall take upon receipt of funds.

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**REFERENCE:** Government Code; California Code of Civil Procedure; California State Sheriff's Association's Civil Procedural Manual; Internal Cash Controls Manual; Uniform Commercial Code; Segregation of Duties Matrix for receipts

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**PROCEDURE:**

26.0 Acceptable Forms of Payment

26.1 Cash

- 26.1.1 No individual is to have complete control in the handling of cash. Specifically, no one individual's duties should include the actual handling of money, recording receipt of money, making a deposit, and the reconciliation of receipts with bank account deposits. Employees handling cash are to be assigned duties that are complementary to or checked by another employee.
- 26.1.2 All cash intake over \$100 must be verified by another team member and all payments received over \$300 must be deposited in the safe.
- 26.1.3 When cash is received at the public windows, the cash is to be counted in the presence of the payer.
- 26.1.4 Only an exact amount is to be accepted for any payment. Change shall not be made. Money shall not be put in the cash drawer until a receipt is issued.
- 26.1.5 Cash receipts should be recorded in Civil Serve immediately.
- 26.1.6 The cash receiving function of the operation shall be centralized to the extent possible. When cash is received in another civil office, a copy of the cash daily balancing paperwork with the deposit slips shall be forwarded to the central office.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

26.2 All check types and money orders.

26.2.1 Checks must be drawn on a U.S. bank. No checks from another country shall be accepted.

26.2.2 The name and address of the creditor/plaintiff/requestor or debtor/defendant must be imprinted on the check.

26.2.3 Numeric and written dollar amounts must match.

26.2.4 Checks must be signed by the payer.

26.2.5 Checks shall be dated for the day they are written. Post-dated checks shall not be accepted under any circumstance.

26.2.6 Sheriff's file number(s) shall be written on the check.

26.2.7 Any correction made by the payer must be initialed by the payer, not just crossed out and rewritten.

27.0 Payment Processing

27.1 All payments received must be linked to a specific court case or Civil Serve file number.

27.2 All remittances must be time-stamped on any applicable remittance advice or accompanying paperwork.

27.3 All monies received in payment for an enforcement order or service must be recorded by direct entry to a file in Civil Serve by a team member who did not open the mail.

27.3.1 If an execution payment cannot be posted to a file and deposited because of an incomplete check, incomplete information, court order, bankruptcy stay, attorney instruction, etc., the restrictive endorsement must be voided, and a memorandum of returned funds shall be generated along with a notation as to the reason the funds were returned to the remitter.

27.4 Execution payments received by mail shall be opened in a timely manner.

27.5 Generally, two or more employees should be present when mail is opened. Remittances by mail should be recorded in a cash receipt's log at the time the mail is opened.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

**28.0 Receipts**

- 28.1 Payments received at a public window shall be entered into Civil Serve's receipt function immediately after all requisite court paperwork and instructions are received.
- 28.2 Payments received in the field shall be documented by issuing the payer a sequentially, pre-numbered receipt. The payment shall be entered into Civil Serve by an office team member upon receipt.
- 28.3 Receipts shall include the following to create an adequate audit trail:
  - 28.3.1 Receipt number;
  - 28.3.2 Payer's name;
  - 28.3.3 Date of payment;
  - 28.3.4 Case or file number;
  - 28.3.5 Amount received;
  - 28.3.6 Name of employee receiving the payment.
- 28.4 A receipt is deemed to be cancelled if a payment made by check, money order or cashier's check is dishonored or if the currency received is counterfeit.
- 28.5 Receipts for payments received by mail shall be sent to the payer as requested if a self-addressed, stamped envelope is included with the payment.
- 28.6 A receipt control record shall be maintained for all receipt books. All unused or unissued receipts on hand must be locked in a secure place or safe.

**29.0 Returned Items**

- 29.1 The Civil Serve receipt corresponding to returned items shall be voided in a timely manner, regardless of the reason for the return, and notes added to the voided transaction.
  - 29.1.1 If the returned item was intended as a fee, service shall be suspended or cancelled, or a proof of service may be withheld pending a replacement payment. If the service is linked to a levy,

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

any levy proceeds may be subject to a Levy Officer's lien as provided by CCP §687.050.

29.1.2 If the returned item is a non-fee, the file ledger shall be reviewed to ensure a disbursement was not made against the returned item.

29.1.2.1 If it is determined a non-fee disbursement was made against a returned item, it shall be reported to a supervisor.

29.1.3 The party responsible for the returned payment shall be notified that future payments should be made by certified funds, money orders or cashier's check.

29.1.4 A standard letter will be used to notify the party responsible (maker) for the payment and any costs related to the returned item.

29.1.4.1 A letter shall be used to notify the maker for the returned payment including related costs.

29.1.4.2 The fee for each returned item, per GC §6157 and County Ordinance 4342, is \$25.00.

29.1.5 If the returned item was intended as a fee, and if the party has neither responded to our letter, nor taken corrective action to make payment within 30 days, then a copy of the check and a cover memo requesting collection shall be sent to Central Collections.

### 30.0 Voiding Transactions

30.1 Voided transactions require a lead or supervisor's approval. All voided receipts are noted in the Receipts Voided report with the reason for the void.

### 31.0 Handling Suspected Counterfeit Money

31.1 Team members shall inspect and test all \$50 and \$100 bills. Depending on volume, \$20 bills may also be tested at the discretion of the team member. All public window workstations shall be provided counterfeit detection pens. Immediately notify a supervisor if a counterfeit bill is suspected.

31.2 For additional information on counterfeit currency identification, please refer to the United States Treasury or the United States Secret Service web sites at <https://www.treasury.gov> or <https://www.secretservice.gov>.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

**32.0 Daily Balancing and Closeout**

32.1 Team members handling payments shall balance their workstations before their shift ends. Team members may not leave the premises nor transact new business until daily balancing and closeout procedures are complete.

32.2 Balancing and closeout include:

32.2.1 Complete the daily cash reconciliation statement.

32.2.2 Deliver statement and funds to the accounting team.

32.2.3 After daily balancing and closeout are completed, the team member shall deliver their cash, checks and report to the accounting team for deposit.

32.2.4 Totals for each team member cashier must be verified daily against the transaction receipt totals in Civil Serve.

32.2.5 If the daily collections are not deposited and verified on the day they are collected, they must be locked in a safe, vault or secure cabinet overnight. The deposits shall be verified and deposited the next business day.

**33.0 Shortages and Overages**

33.1 Cashiers must report all overages and shortages to their supervisors. Overages and shortages must be handled separately, never combined or netted together. A memorandum explaining the shortage or overage must be completed and signed by the responsible cashier and turned in to the appropriate supervisor for review. A copy of this memo must be attached with the daily cash reconciliation report.

33.2 Shortages or overages shall be investigated immediately and, to the extent possible, corrected.

33.3 Any unidentified overages must be deposited into the Cash Overage Fund.

**34.0 Deposits**

34.1 Cash Deposits

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

34.1.1 Cash is deposited through a manual process by preparing an authenticated deposit ticket. The accounting team member verifies the count and prepares the deposit ticket. The ticket shall contain

34.1.2 the currency denomination amounts, coin and grand total of the deposit. The count is then verified by another team member.

34.1.3 Only deputy sheriffs are authorized to make bank deposits. The deposit receipt is returned to accounting and verified against the copies of the deposit ticket.

**34.2 Check Deposits**

34.2.1 All checks received are deposited via the desktop deposit system. Checks failing to scan shall be processed and deposited manually.

34.2.2 The accounting team member shall ensure:

34.2.2.1 Checks are signed.

34.2.2.2 Checks are not post-dated.

34.2.2.3 Checks are not stale-dated.

34.2.2.4 Written amounts and numeric amounts match.

34.2.2.5 Checks contain no staples, paperclips, or post-it notes.

34.2.2.6 Any other apparent defects which may hinder clearing or image capture.

34.2.3 Each check scanned shall be verified for mismatched items, skewed images, image defects and suitability of image presentment before completing or closing out a deposit transaction or transmission. The amount, payee, name, maker of the check, date of issuance, signature and MICR code line data must be legible.

34.2.4 If there is a discrepancy between the control balance entered and the aggregate total of the items scanned, the discrepancy shall be reviewed, and items shall be checked for errors.

34.2.5 After the scanned items are deposited, a file confirmation receipt shall be generated. This receipt shall be attached to the deposits posted in SAP pending Department approval for fund distribution.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

34.2.6 If any one check or aggregate deposit equals or exceeds \$1 million,  
the Treasurer's Office shall be notified.

35.0 Storage and Retention

35.1 Original checks shall be retained in the safe for 25 calendar days after being scanned for deposit. This is done to ensure all deposits are captured and accurately reflected on the next bank statement.

35.2 After the retention period, an accounting team member shall place the checks into a security container for shredding and complete the Document Destruction Certification Form. The certificate of destruction issued by the shredding company will be kept on file along with the Document Destruction Certification Form.

35.3 Images of scanned checks are retained for two years after the settlement date of the entry.

36.0 Reconciliation

36.1 All bank deposits shall be reconciled in SAP.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

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**TITLE: Civil Disbursements**

**NUMBER: 550**

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**POLICY:** The Sheriff's Department has neither a benefit nor interest in holding property/money any longer than necessary. Disbursements shall be made in accordance with applicable statutes, court orders, rules of court and procedures as pertinent to each case. Every effort shall be taken to ensure disbursements are accurate and timely.

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**REFERENCE:** California Code Civil of Procedure; California Rules of Court; California State Sheriff's Association's Civil Procedural Manual; Government Code

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**PROCEDURE:**

- 1.0 Civil Serve interfaces with the County Auditor's accounting software SAP. Seven disbursement profiles were configured within Civil Serve and each profile has a specific function.
  - 1.1 Profile 1 – Creditor Payments
  - 1.2 Profile 2 – Debtor Refunds
  - 1.3 Profile 3 – Creditor Refunds
  - 1.4 Profile 4 – Vendor Payments
  - 1.5 Profile 5 – Check Fees
  - 1.6 Profile 6 – Service Fees
  - 1.7 Profile 7 – Recorder's Fees
  
- 2.0 Prior to disbursement, receipts must be available and subject to the following criteria:
  - 2.1 Receipts will be available after 20 days from deposit for profiles 1-5 & 7.
  - 2.2 All deposits must have cleared the bank.
  - 2.3 All deposited items must have a corresponding fund debit from the County Auditor.
  - 2.4 Receipts must have been audited to ensure they were posted to the correct files, and that the receipts contain accurate payment information.
  - 2.5 There are no pending court hearings, stays or outstanding claims warranting a 'do not remit' flag.
  
- 3.0 Profiles 1 and 2.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 3.1 Debtor funds received into the custody of the Levy Officer are usually paid to the creditor or the creditor's attorney. Occasionally funds must be returned to the debtor, paid to a trustee or third party per court order.
- 3.2 If a file appears in a pending disbursement, a review of the file must be completed to ensure that payment information is accurate and appropriate given the totality of the file information and case circumstances.
- 3.3 Review the original creditor instructions:
  - 3.3.1 Review the intended payee and address. This is particularly important for the first payment issued to the creditor because the instructions must indicate an address and payee. For EWO's this information will be contained on the EWO application, box 2(a) or (b).
  - 3.3.2 A creditor, attorney or assignee of record may elect another party to be the recipient of levy proceeds. Written and signed instructions shall be on file prior to disbursement.
  - 3.3.3 Inspect the file correspondence for:
    - 3.3.3.1 Amended instructions;
    - 3.3.3.2 Address changes;
    - 3.3.3.3 Attorney substitutions;
    - 3.3.3.4 Correspondence or notes which may materially change a pending disbursement.
  - 3.3.4 If the creditor has an attorney of record:
    - 3.3.4.1 In general, payments should be made to the attorney's office or corporate body than an individual attorney who happens to be an employee of the firm.
    - 3.3.4.2 An individual attorney may be the payee to be paid provided the instructions are explicit.
  - 3.3.5 If there is a discrepancy between the writ and instructions, generally the instructions will prevail.
  - 3.3.6 If the instructions are ambiguous, the creditor or attorney must be contacted for clarification. New written instructions may be required.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.3.7 Minor changes or substitutions are permissible provided they are immaterial within the intent of payment and delivery. Examples within this construct include the use of abbreviations, either inclusion or omission of periods or suffixes, substitutions of the word "and" for an ampersand, etc.

3.3.8 If the payee's name is not correct per the written instructions:

3.3.8.1 The correct party must be added to the file and the writ remittance updated within Civil Serve.

3.3.8.2 The posting details for any receipts on hand must also be updated to the correct party.

3.3.8.3 The payment must be reprocessed within Civil Serve's disbursement module.

3.4 Inspect the financial summary.

3.4.1 Compare the check in the disbursement to the pending items within the financial summary, including pending check fees.

3.4.2 The payee and address should match the latest documentation.

3.4.3 Each receipt is to be disbursed to the creditor separately with the following exceptions:

3.4.3.1 Receipts less than \$20 will be combined with other receipts until the available amount reaches \$20 or more.

3.4.3.1.1 If no additional receipt is on hand or if no future receipt is expected, the receipt shall be disbursed as-is without combination.

3.4.3.1.2 If the receipt is \$12.00 or less, the check fee must be waived. If the receipt is \$12.01 or more, the \$12.00 check fee must be charged.

3.4.3.2 For keeper or till tap levies where individual receipts were made for different cash and/or check amounts, the receipts should be combined into one disbursement with one fee, per levy, per day. Example, a five-day keeper levy is made where proceeds were received on day 1 and day 2. Combine receipts from day 1 into one creditor

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

disbursement. Combine receipts from day 2 into another creditor disbursement.

3.4.3.3 For bank and third-party levies, if multiple accounts were reached, where multiple receipts were issued, and if all receipts are simultaneously available at the time of a disbursement, the receipts shall be combined into one disbursement with one fee. Otherwise, disbursements should be made per receipt, as each receipt becomes available.

3.4.3.4 For sale of personal property proceeds where multiple receipts were made for different cash or cashier's check amounts, the receipts should be disbursed separately, subject to the \$20 minimum.

3.4.3.5 For sale of real property proceeds where multiple receipts were made for different cash or cashier's check amounts, the receipts should be combined into one disbursement with one fee, per property levied. In a situation where proceeds from a real property levy are to be made, the disbursement profile must be amended to include repayment of Recorder's fees.

**3.5 Splitting receipts – partial transfers or changes**

3.5.1 A creditor modification (MOD) or court order may cause a reduction in the amount paid to the creditor from the total amount of the receipt to a lesser amount as indicated within the modification or court order. A modification for an Earnings Withholding Order in effect becomes a repayment plan where the debtor pays a fixed amount until the EWO terminates.

3.5.2 The pay period listed on an employer check or remittance advice must be entered into Civil Serve and will be used to determine which receipts are subject to a split or debtor refund. If the employer fails to indicate a pay period or invoice date, the date of the check will be used to determine a creditor/debtor split.

**3.5.3 Creditor Modification (MOD)**

3.5.3.1 Receipts with pay periods prior to the MOD effective date will be paid to the creditor payee.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.5.3.2 Receipts with pay periods on or after the MOD effective date, which are also over the amount and frequency of the MOD, will be split between the creditor payee and the judgment debtor.

3.5.3.3 Percent modifications shall not be determined by the Levy Officer. If the creditor wishes to reduce the withholding amount, the creditor must provide a dollar amount.

**3.5.4 Creditor Termination (TERM)**

3.5.4.1 Receipts with pay periods prior to the TERM effective date shall be paid to the creditor payee.

3.5.4.2 Receipts with pay periods on or after the TERM effective date shall be paid to the debtor.

3.5.4.3 If the creditor termination contains verbiage such as, "Release any funds holding to the debtor." then any funds holding shall be returned to the debtor regardless of the pay period.

**3.5.5 Claim of Exemption**

3.5.5.1 If an EWO Claim of Exemption is unopposed by the creditor, the exemption file date shall be used for purposes of determining the modification or termination date as claimed, including applicable disbursements.

3.5.5.2 If a Claim of Exemption is opposed by the creditor, any disbursements shall be held pending receipt of a court order and applicable appeal periods.

3.5.5.3 If a scheduled Claim of Exemption hearing is removed from calendar by the court, the exemption will be deemed granted as filed by the debtor.

**3.5.6 Court Ordered Modification**

3.5.6.1 The effective date of the modification should be the date of the order, unless otherwise specified within the content of the order.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 3.5.6.2 If the order is ambiguous as to the disposition of funds, the court must be contacted for clarification. Hold the disbursement until an amended order clarifying the issue is received.
- 3.5.6.3 Consult a supervisor if the order is unclear or if the court refuses to amend the order.

**3.5.7 Ineffective service**

- 3.5.7.1 If a private/registered process server fails to adhere to the provisions of CCP 699.080 (b) and (d), the garnishee or employer will not necessarily be privy to the validity of a service, and therefore any funds received shall be returned to the debtor.
- 3.5.7.2 If there are multiple, same priority EWO's served on the same employer for the same debtor, the subsequent EWO's of the same priority are ineffective (CCP 706.023).
  - 3.5.7.2.1 Any receipts from the employer must be posted to the open and effective EWO.
  - 3.5.7.2.2 If the first EWO is paid in full or there is a MOD in effect, any overage must be refunded to the debtor.

**3.5.8 Statutory termination, lien period or judgment expiration.**

- 3.5.8.1 Creditor payment shall not be made if any of the following applies:
  - 3.5.8.1.1 Attachment liens are valid for three years but may be extended CCP 488.510(a).
  - 3.5.8.1.2 Judgments may be enforced for ten years after the date of entry of a money judgment CCP 683.020.
  - 3.5.8.1.3 For an EWO, one of the conditions of CCP 706.032 are applicable. File documentation must be enough to make this determination via employer correspondence. Absent such documentation, do not assume the employee's status.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.5.9 Quashed writ.

- 3.5.9.1 If a writ is quashed or recalled, any funds holding shall be returned to the debtor.
- 3.5.9.2 If a judgment was vacated but the writ was not quashed, the enforcement process shall remain in effect.

3.5.10 Bankruptcy

- 3.5.10.1 Upon notification of a bankruptcy, the Levy Officer shall stay enforcement. In practice, occasionally the Levy Officer might inadvertently receive funds when a bankruptcy was already filed. This is usually due to either (a) lack of notification of the filing by any party or (b) due to a multi-check receipt.

- 3.5.10.1.1 EWO funds with a pay period after the bankruptcy file date shall be returned to the debtor.

- 3.5.10.1.2 EWO funds received after the Levy Officer was notified of the bankruptcy shall be returned to the debtor, regardless of the pay period.

- 3.5.10.1.3 Non-EWO funds levied upon prior to the bankruptcy file date but received after the levy officer received notification of the bankruptcy shall be returned to the garnishee.

- 3.5.10.2 EWO funds with a pay period on or before the bankruptcy file date shall be held pending trustee turnover, a bankruptcy court order, or the bankruptcy stay has been lifted.

- 3.5.10.3 Non-EWO funds levied upon prior to the bankruptcy file date shall be held pending trustee turnover, a bankruptcy court order, or the bankruptcy stay has been lifted.

- 3.5.10.4 If a trustee turnover is received, or in the case of a plan confirmation in a Chapter 13 bankruptcy, any funds with a pay period on or before the bankruptcy file date shall be paid to the trustee.



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.5.10.5 After the bankruptcy stay is lifted, any funds not delivered to the trustee with a pay period on or before the bankruptcy file date are sent to the creditor.

3.5.10.6 If a creditor terminates a levy and provides explicit instructions to return any property holding to the debtor, and no trustee demand has been received, a debtor refund should be issued to the trustee. Contact County Counsel if necessary.

3.5.11 Fee waivers and unpaid fees

3.5.11.1 CCP 687.050 allows the Levy Officer a special lien for levy officer costs not paid. Ensure all fees were paid prior to disbursement to the creditor.

3.5.11.2 If funds are to be returned to the debtor due to an exemption, the special lien is subordinate to the debtor exemption per CCP 701.810(d) and (e). The special lien may apply and depends on the amount of the proceeds with respect to the determined exemption amount.

3.5.12 Correspondence indicating an address change may be pending.

3.5.12.1 Occasionally, case litigants relocate but fail to notify the Levy Officer in a timely manner.

3.5.12.2 The Postal Service will not forward county warrants despite a forwarding order.

3.5.12.3 When file notes, correspondence or returned mail suggest a change of address occurred, payments may be held in good faith for a relatively short period beyond the funds availability date to allow the litigant an opportunity to provide a change of address in writing.

3.5.12.4 Attempt to contact the litigant to obtain their current address to prevent interruption of payments.

3.5.12.5 If the litigant could not be contacted, or failed to respond, the payment shall be issued with the information on file.

3.5.13 Book Levy

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

3.5.13.1 A book levy occurs where a Levy Officer has custody or property which is subject to another levy. Example 1. A book levy may occur in a situation where a judgment creditor on one case happens to be a judgment debtor in another case. A second judgment creditor seeks to levy upon proceeds due the first creditor (the debtor on the second case) which also happens to be “on the books” of the Levy Officer. Example 2. A book levy may also occur in a situation where property was previously levied under a Writ of Attachment and later sought with a post-judgment Writ of Execution, as opposed to an order from the court directing transfer of the attachment proceeds.

4.0 Profile 3 – Creditor Refunds.

4.1 Creditor refunds are issued when the creditor deposit exceeds the levy officer's costs.

4.2 Creditor refunds should be issued as soon as practicable after all enforcement actions have been completed or when requested by the creditor. Ensure all current and anticipated costs have been satisfied prior to issuing a refund.

4.3 Consult the current fee schedule for the action type.

4.4 Creditor refunds must be issued to the creditor/attorney as indicated in the instructions.

4.5 Payments to third parties will not be made unless ordered by the court or a book levy occurred.

4.6 Pending creditor refunds may be subject to a Levy Officer Lien (CCP 687.050).

5.0 Profile 4 – Vendor Payments.

5.1 Complicated levies may necessitate the use of a vendor. Services rendered by vendors in conjunction with civil enforcement may include but are not limited to:

5.1.1 Towing;

5.1.2 Storage;

5.1.3 Locksmith services;

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 5.1.4 Publication;
  - 5.1.5 Veterinarian services;
  - 5.1.6 Disassembly/transport/storage of special equipment;
  - 5.1.7 Keeping property (Sheriff's Keeper).
- 5.2 All vendors must have a vendor code established with the County of San Bernardino, Auditor Controller Tax-Collector.
- 5.3 If a vendor does not have an established vendor code, the vendor must submit an IRS form W-9, and fiscal/accounting will request the Auditor to assign a new vendor code. After the vendor code is established, the code must be entered into the vendor entity record within Civil Serve.
- 5.4 Vendor's invoices must be received and scanned to the appropriate levy file prior to payment.
- 5.5 Receipts must be applied to fees to place the payment into a pending status.
- 5.6 Vendor payments are usually paid from creditor deposits.
- 5.7 If the creditor deposit is insufficient to pay the vendor, a supervisor shall be consulted.
- 6.0 Profile 5 – Check Fees.
- 6.1 Disbursement fees shall be charged for each creditor payment (GC 26746).
    - 6.1.1 A supervisor may waive a disbursement fee due to error or extraordinary situations.
  - 6.2 Profile 5 disbursements within Civil Serve correspond only to a profile 1 disbursement.
  - 6.3 Disbursement fees shall only be charged for type 1 disbursement profiles.
- 7.0 Profile 6 – Service Fees
- 7.1 Service fees must be posted at least once per accounting period.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES – CIVIL ENFORCEMENT UNIT  
OPERATIONS MANUAL**

- 7.2 It is recommended that a profile 6 disbursement be completed much more frequently than monthly.
- 7.3 The SAP G/L interface detail file will be required for a listing of receipts applied to Sheriff's fees.
- 7.4 Service fees are typically paid from plaintiff/creditor deposits with the following noted exceptions:
  - 7.4.1 The creditor had a fee waiver.
  - 7.4.2 The creditor deposit was returned by the bank and the creditor did not make good on the check.
  - 7.4.3 The fee is related to a restraining order where the fee would be billed to the appropriate Superior Court of California county branch.
- 8.0 Profile 7 – Recorder's Fees
  - 8.1 Complicated levies may necessitate the use of services rendered by the County Recorder. Real property subject to levy will require services of the Recorder.
  - 8.2 A profile 7 disbursement should be processed as soon as practicable after the County Recorder's invoice posts in SAP.
  - 8.3 Recorder's fees are usually paid from creditor deposits.
  - 8.4 If the creditor deposit is insufficient to pay the Recorder, a supervisor must be consulted.
  - 8.5 The SAP document number and any applicable invoice numbers must be used within the CivilServe disbursement note.