Wage Garnishments

Our office requires wage garnishments to be served by Registered Process Servers (RPS) per Code of Civil Procedure 699.080 and 706.108. Prior to the garnishment, the RPS must open a file with our office and deposit with the Sheriff.

Documents required:

- A copy of the Writ of Execution (Form EJ 130)
- A copy of the Original Application for Earnings Withholding order (Form WG-001)
- A copy of the Earnings Withholding Order (Form WG-002)
- Required Fees

When opening a file with our office, the RPS must have in his/her possession the Garnishment packet which consists of the following:

- Original Writ of Execution-Money Judgment (EJ-130) to be returned with the proof of service
- Copy of the Writ of Execution-Money Judgment (EJ-130)
- Original Earnings Withholding Order
- Instructions to the Employer Form
- Employer's Return Form.

Letter of Instructions:

 The Application for Earnings Withholding Order is required in replacement of the letter of Instructions.

Time of service:

• Writ of Execution has an expiration date of 180 days after issuance.

Method of Levy

The service of garnishment on the debtor's employer. The employer is required to withhold and remit a percentage of the debtor's employer. The employer is required to withhold and remit a percentage of the debtor's wages to the Sheriff as required by law (Code of Civil Procedure 706.010 thru 706.154) towards satisfying the money judgment.

Fee for this service is:

\$30.00 per service (\$30.00 if the RPS is unable to serve or it service is cancelled)

Writ Return:

A return detailing the Sheriff's actions is prepared by the Civil Unit which accompanies the original writ of Execution and the RPS's affidavit of service when instructed by the judgment creditor or the judgment creditor's attorney or when the writ has expired. (6 months from the date issued)

Registered process servers checklist for our office		
\$30.00 Fee for each employer served		
Application of Earnings Withholding order to be signed and dated by the judgment creditor's		
attorney or the judgment creditor (if the judgment creditor does not have an attorney.		
Original Writ of Execution		
Copy of the Writ of Execution		
Earnings Withholding Order		

Registered process servers checklist for service		
	Original Writ of Execution (to be returned along with the affidavit of service)	
	Copy of the Writ of Execution	
	Earnings Withholding Order	
	Instructions to the Employer	
	Employee's Return	

Writ of Execution:

http://www.courts.ca.gov/documents/ej130.pdf

Application for Earnings Withholding Order:

http://www.courts.ca.gov/documents/wg001.pdf

Earnings Withholding Order

http://www.courts.ca.gov/documents/wg002.pdf

Some information that may be helpful:

The judgment debtor has 10 days to oppose the bank levy before the sheriff sends the money to the creditor. The debtor has to file a *Claim of Exemption* (Form WG-006) and Financial statement (Form WG-007). If they do, you have the right to oppose it. The court then may have a hearing to decide whether to turn all or some of the money over to you as the creditor or let the judgment debtor keep it. Learn more about non-wage garnishments and other levies and filing and opposing a Claim of Exemption.