



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-130
For business meeting on: May 15, 2020

Title Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions	Agenda Item Type Action Required
Rules, Forms, Standards, or Statutes Affected Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; approve forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159	Effective Date September 1, 2020
Recommended by Civil and Small Claims Advisory Committee Hon. Ann I. Jones, Chair	Date of Report April 20, 2020
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Executive Summary

The Civil and Small Claims Advisory Committee proposes that the Judicial Council revise four enforcement of judgment forms and approve four new forms to implement the provisions of Senate Bill 616, which recently amended several laws regarding exemptions to enforcement of civil money judgments. The amendments have two primary purposes: extending the time for making and opposing claims of exemption, and creating a new automatic exemption for deposit accounts. The amendments also create a new automatic exemption for Federal Emergency Management Agency funds provided to a judgment debtor, as well as a “hardship exemption” for deposit accounts.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2020:

1. Approve *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157), *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-

157-INFO), *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158), and *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) to implement the new ex parte process established in section 704.220(e) of the Code of Civil Procedure.

2. Revise *Writ of Execution* (form EJ-130), *Notice of Levy* (form EJ-150), *Exemptions From the Enforcement of Judgments* (form EJ-155), and *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) to reflect new provisions enacted in Senate Bill 616 and modify existing statutory citations as appropriate, and to authorize the committee to correct the amount of the automatic exemption for deposit accounts, set by the California Consumer Price Index for All Consumers, on form EJ-156 before the form's effective date.

The new and revised forms are attached at pages 16–32.

Relevant Previous Council Action

The Judicial Council first approved *Writ of Execution* (form EJ-130) in January 1978 and the form has been revised several times since then, most recently in 2018. *Notice of Levy* (form EJ-150) was most recently revised in 2014. *Exemptions From the Enforcement of Judgments* (form EJ-155) was adopted in 1983 to implement Code of Civil Procedure¹ section 681.030(c), which requires that the council prepare a form listing each state and federal exemption from enforcement of a money judgment against a natural person, and was most recently revised in 2018. *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) is revised by the council at three-year intervals pursuant to section 703.150(d) and (e) to adjust the dollar amounts of several exemptions provided in sections 703.140(b) (for cases under title 11 of the United States Code) and 704.010 et seq. (for other cases) to reflect changes in the California Consumer Price Index for All Consumers (CCPI).² Form EJ-156 was recently revised effective April 1, 2019, but must be revised again at this time to include the dollar amount of the new automatic deposit account exemption created by section 704.220.³

¹ All statutory references herein are to the Code of Civil Procedure unless otherwise noted.

² In 2004, the Judicial Council authorized the Administrative Office of the Courts to prepare a list of the amounts of certain exemptions from enforcement of judgments and to periodically update the list as required by statute. Pursuant to this authorization, a list entitled *Current Dollar Amounts of Exemptions From Enforcement of Judgments* was prepared and posted on the California Courts website in April 2004. The list contained the dollar amounts of exemptions effective as of April 1, 2004, and indicated that further adjustments would be made every three years. As statutorily mandated, the exemption amounts on the list were adjusted in 2007, 2010, 2013, 2016, and 2019. The council, rather than the Administrative Director, began approving the revisions to the form in 2013.

³ As discussed further below, unlike the other amounts listed on form EJ-156 which are to be adjusted triennially, the amount of the new automatic exemption for a deposit account under section 704.220(a) is to be adjusted *annually* effective July 1 by the Department of Social Services pursuant to Welfare and Institutions Code section 11453 to reflect the minimum basic standard of adequate care for a family of four as established by section 11452. Thus, going forward, form EJ-156 will need to be revised annually to reflect changes in the amount of the automatic exemption due to changes in the CCPI.

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends the following proposed revisions to existing forms and the adoption of new forms to implement the provisions of Senate Bill 616.⁴

Change in time frame for making or opposing claims of exemption (revised form EJ-150)

SB 616 amends section 703.520(a) of the Code of Civil Procedure, effective September 1, 2020, to provide that a judgment debtor may make a claim of exemption by filing it with the levying officer within 15 days after the date the notice of levy has been served, or within 20 days if service is by mail. (Under current law, the time frame is within 10 days or 15 days if service is by mail.) This section has also been amended to provide that the date of filing is either (1) the date the levying officer receives the claim; or (2) the postmark date, if the claim was given a tracking number and mailed by the U.S. Postal Service or another common carrier. The proposed *Notice of Levy* (form EJ-150) has been revised to reflect these changes.⁵

New exemptions to enforcement of civil money judgments

SB 616 creates two new automatic exemptions: section 704.220 creates an automatic exemption for deposit accounts generally, and section 704.230 creates an automatic exemption for money provided to the judgment debtor by the Federal Emergency Management Agency. The statute directs the council to adopt or revise forms to implement the new provisions regarding the automatic exemption for deposit accounts.⁶ SB 616 also creates a “hardship exemption” for money in a judgment debtor’s deposit account that is not otherwise exempt “to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.”⁷

Existence and amount of new exemptions (revised forms EJ-155 and EJ-156)

The Judicial Council is required to maintain a list of the state and federal exemptions from enforcement of a money judgment, with citations to the relevant statute and information on how to find the amount of the exemptions.⁸ This list is set out in *Exemptions From the Enforcement of Judgments* (form EJ-155). The committee proposes revising form EJ-155 to reflect the new laws by adding “Deposit Accounts (generally)” and “Deposit Accounts (hardship)” with appropriate citations under the existing category for deposit accounts, which has, until now, been limited to

⁴ Sen. Bill 616 (Stats. 2019, ch. 552),

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB616.

⁵ See form EJ-150, page 2, item 3 of the “Information for Judgment Debtor” section. Other clarifying changes have been made to item 3 based on public comments received, and these additional changes to form EJ-150 are discussed below. Parallel amendments were made to the statutory provisions relating to the judgment creditor’s opposition (if any) to the claim of exemption (see § 703.550), but because information about such opposition is not included on any Judicial Council forms, no revisions are needed to reflect those statutory changes.

⁶ § 704.220(g).

⁷ § 704.225.

⁸ § 681.030(c).

specific types of accounts for which exemptions have been available. An item has also been added to this form for the new exemption for money provided to the judgment debtor by the Federal Emergency Management Agency.⁹ Form EJ-155 is also being revised, postcirculation, to correct citations for certain federal exemptions that have changed over the years¹⁰ and to add the exemptions for Supplemental Security Income (both generally under the federal code and when held in direct deposit accounts under state law), and for directly deposited public benefits that were inadvertently omitted previously.¹¹

The dollar amounts of certain exemptions are set out in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). By statute, the Judicial Council is responsible for adjusting the dollar amounts of these exemptions in April of every third year based on changes in the CCPI and for publishing the revised amounts.¹² Although the new automatic deposit account exemption will, by the terms of the statute, be adjusted annually by the Department of Social Services,¹³ rather than triennially by the council, the committee proposes adding the amount of the new automatic deposit account exemption to form EJ-156, along with an explanation that this exemption amount will be adjusted annually. The current amount of the exemption is \$1,724.¹⁴ However, changes to the CCPI are scheduled to be made effective July 2020, before proposed revised form EJ-156 becomes final in September. These changes will likely affect the current dollar amount of the automatic exemption for deposit accounts currently included on proposed revised form EJ-156. The Civil and Small Claims Advisory Committee therefore requests that the council authorize the committee to correct the amount of this exemption on form EJ-156 as needed for consistency with section 704.220(a) after council

⁹ This is the only proposed form revision relating to new section 704.230.

¹⁰ For example, Lighthouse Keepers Widows Benefits are now titled Lighthouse Keepers Surviving Spouses Benefits, and the code citations for exemptions for Veterans Benefits, Veterans Medal of Honor Benefits, and Railroad Retirement Benefits have all been revised.

¹¹ There has also been one item deleted from the form, a reference to Code of Civil Procedure section 704.210, which simply states that property that is not subject to enforcement of judgment is exempt without making a claim. That section does not itself provide for an exemption, and thus need not be on this list.

¹² § 703.150; see also form EJ-156.

¹³ The amount of the new deposit account exemption is not stated as a dollar amount, but defined in section 704.220(a) as:

an amount equal to or less than the minimum basic standard of adequate care for a family of four for Region 1, established by Section 11452 of the Welfare and Institutions Code and as annually adjusted by the State Department of Social Services pursuant to Section 11453 of the Welfare and Institutions Code.

Welfare and Institutions Code section 11453 provides that the amounts in section 11452 are to be adjusted annually, effective July 1, by the Department of Social Services.

¹⁴ See Dept. of Social Services, All County Letter No. 19-47 (issued May 15, 2019), available at <http://www.cdss.ca.gov/Portals/9/ACL/2019/19-47.pdf?ver=2019-05-15-133708-453>.

approval and before the form is published and distributed to the public. Form EJ-156 will need to be revised annually after that point.

A new footnote has also been added to form EJ-156, stating that although the new automatic exemption does not preclude or reduce any other exemption applicable to deposit accounts, if the exemption amount for the deposit account applicable under other automatic exemptions—such as those applicable for direct deposit of social security benefits or public benefits—is greater under the other exemptions, then those apply instead of this one.¹⁵

Exceptions to the deposit account exemption (revised form EJ-130)

Although the new deposit account exemption is automatic and does not require a party to make a claim for the exemption to be applied by a financial institution, the exemption does not apply in all cases. Enforcement of judgments for wages owed, child or spousal support, or liability to the state government are not subject to the exemption.¹⁶ In order to ensure that financial institutions are aware of whether a levy is based on a judgment to which this exemption does or does not apply, the new law amends section 699.520 to mandate that the content of a writ of execution now include information as to whether the underlying judgment is for wages owed or child or spousal support.¹⁷

This information has been added to the revised *Writ of Execution* (form EJ-130; see the instruction following item 5 and new item 22). The instruction is on the front of the form (the complete item could not fit there) so that it will be seen when a party completing the form would otherwise only complete the first page.

Notice of Levy (form EJ-150)

Senate Bill 616 expressly requires that a levy against a deposit account include a written description of the requirements of new section 704.220.¹⁸ The information provided on the back of the revised *Notice of Levy* (form EJ-150) has been expanded to include this information, as follows:

- Information for Judgment Debtor—New item 2 notes that there are automatic exemptions that financial institutions should apply to a deposit account before providing funds to a levying officer, and directs the reader below for more information.
- Information for Person Other Than Judgment Debtor—New item 2 provides a similar advisement to those who have received the levy, stating that financial institutions are

¹⁵ § 704.220(b).

¹⁶ § 704.220(c).

¹⁷ The new law does not mandate that the writ of execution include whether the underlying action is based on a state claim. Because the state has a separate set of levy forms that, by their use, will indicate to the financial institution that the underlying judgment is for liability to the state, identifying whether the exemption applies to such judgments should not be a problem.

¹⁸ § 704.220(d).

required to apply applicable exemptions to deposit accounts. Item 3 also now specifies that a Memorandum of Garnishee must be completed within 10 days.

- Information About Deposit Accounts—This section has been added to:
 - Describe the new automatic exemption and list the exceptions thereto, noting that no claim is required (§ 704.220(a));
 - Note that if there are other applicable automatic exemptions, the larger of the exemptions should be applied (§ 704.220(b)) and give examples of such other exemptions; and
 - Advise both judgment debtor and judgment creditor that if they want to designate to which of multiple accounts the automatic exemption should apply, they should file an ex parte application with the court, as provided in section 704.220(e). It also advises that they do so promptly, because nothing in the new section requires the financial institution to delay in determining to which of multiple accounts to apply the exemption.

In addition, an item identical to new item 22 on the *Writ of Execution* (form EJ-130) has also been added to form EJ-150 (see new item 2), to communicate clearly to the financial institution that receives the levy whether the judgment is excepted from the automatic exemption for deposit accounts.

New ex parte application process (new forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

Senate Bill 616 adds provisions for determining to which deposit account the new automatic exemption should be applied in situations where a judgment debtor has more than one deposit account. Subparagraph (e)(2) of section 704.220 addresses the situation where a judgment debtor has multiple accounts at a single financial institution, while subparagraph (e)(3) addresses the situation where a judgment debtor has multiple accounts at two or more financial institutions. If the former (multiple accounts in a single institution), either party *may* apply for a determination as to how and to which account the exemption should be applied. If the latter (multiple accounts in multiple financial institutions), the judgment creditor *must*, and the judgment debtor *may*, apply for a determination as to how and to which account the exemption should be applied. If no order is served on a financial institution designating the specific account, each institution is to apply the exemption.

The statute provides that the parties may obtain a determination by filing “an ex parte application . . . for a hearing to establish how and to which account the exemption should be applied.” This language is somewhat unclear because generally a party either (1) makes an ex parte application for an order and no hearing is held, or (2) moves for an order with a noticed hearing date. The committee understands the statute to create a new process allowing either a hearing on shortened time or a true ex parte order, with no further hearing, if the circumstances warrant (i.e., the applicant can show irreparable harm to the property being levied if immediate action is not

taken).¹⁹ The committee recommends new forms to implement this new process, and the proposed forms reflect its understanding of the process.

Form EJ-157

The proposed *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) is to be signed under penalty of perjury, and includes the following:

- Check boxes at the top to indicate whether the application is being made for an ex parte order or for a hearing on shortened time at which the court can make the requested designation;
- A pointer to the new information sheet (form EJ-157-INFO), noting that it describes the notice requirements;
- A statement explaining why the party is making the application;
- Identification of the writ of execution and notice of levy that the application pertains to, and instructions to attach copies or provide an explanation as to why a copy is not attached;
- Designation of how and to which account(s) the applicant is requesting that the exemption be applied; and
- The factual basis for the request that an order be issued without any further hearing, if there is such a request.

Form EJ-157-INFO

Because the committee expects self-represented parties to be among those making the applications, a detailed *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157-INFO) has been created along with the new proposed forms. The instructions are intended to help a party understand the requirements of an ex parte application, in general, as well as the new application, in particular. The party is directed to check with the court regarding scheduling of ex parte applications and any applicable local rules, and to review the statewide rules of court relating to ex parte applications—particularly rules 3.1203 through 3.1207 governing notice, service, and appearance. The rules are also summarized in the instructions. The instruction sheet also includes a warning that a judgment debtor applicant should act promptly, because nothing in the new law instructs a financial institution to defer complying with a notice of levy to await a court order.

Form EJ-158

Because the requirements of notice and service of ex parte applications are complex, the proposal includes a *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158). This form is based on a similar Judicial Council form declaration regarding notice and service of ex parte applications in family law

¹⁹ The applicant need not show irreparable harm or immediate danger to file the application because the new statute expressly allows for an ex parte application. (See Cal. Rules of Court, rule 3.1202(c).) But because the new statute provides for a hearing on the application, a factual showing is necessary if a party is seeking to avoid the hearing.

cases (form FL-303). It contains all of the content required for notice and service in compliance with rules 3.1203 and 3.1204.

Form EJ-159

The proposed new forms also include an *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) designed to be used by the court for several alternative rulings:

- To deny the application;
- To set a hearing on shortened time, with an item for setting the hearing, plus items for time for service and time for filing any opposition;
- To rule on the application ex parte without a further hearing; or
- To rule on the application after the hearing.

Each type of ruling is a separate item (see items 3, 4, 5, and 6), with a check box to indicate which ruling the court is making. If the court were making a substantive ruling (checking item 5 or 6), the court would then proceed to items 7 (findings) and 8 (designating the account or accounts to which the exemption is to apply).

Policy implications

Because the proposal is intended only to implement new section 704.220 by developing new forms, as mandated in that law, and revise existing enforcement of judgment forms to reflect the amendments to other statutes made in SB 616, no policy implications relating to this proposal were raised during the comment period or related committee discussions.

Comments

The proposal was circulated for public comment between December 13, 2019, and February 11, 2020, as part of the regular winter comment cycle, and the committee received nine comments. Five commenters agreed with the proposal if modified, including one individual,²⁰ two professional organizations (Orange County Bar Association (OCBA) and Public Law Center (PLC)), one court (Superior Court of San Diego County), and one internal body (Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (JRS)). Four commenters did not indicate a position on the proposal but provided substantive comments, including two divisions of a superior court (Superior Court of Orange County's Family Law and Juvenile Court and Civil and Appellate Division Management and Analyst Team), a professional organization (California Association of Judgment Professionals (CAJP)), and a group of professional organizations commenting collectively (East Bay Community Law Center, Bet Tzedek, Public Counsel, and UCI Law (EBCLC)). A chart with the

²⁰ Because the individual commenter's comments do not appear to relate to this proposal, the committee believes they may have been intended for a different proposal before the council this cycle, or perhaps as general public comments to the council.

full text of the comments received and the committee's responses is attached at pages 33–79. The main comments and the committee's responses thereto are discussed below.

Writ of Execution (form EJ-130)

Comments relating to the proposed revisions to form EJ-130 primarily addressed minor formatting and word change suggestions intended to improve the consistency and clarity of the form, and the committee agreed with most of these suggestions. In particular, based on public comment, the committee further revised form EJ-130 to (1) conform the format and wording of the caption to other similar forms; (2) change the reference in the caption from “Plaintiff:” and “Defendant:” to “Plaintiff/Petitioner:” and “Defendant/Respondent:” on this and all of the revised and new forms to account for family law and other types of cases; (3) correct typographical issues relating to statutory citations (item 19b) and update cross-references to other items (item 24c, 25a(4), 25b, 25e); and (4) add a text box in item 22c.

However, some suggestions relating to form EJ-130 were not incorporated. For example, CAJP suggested that new items be inserted after items 4 and 22 to reference additional names on an “affidavit of identity,” and that item 24c be condensed into a single sentence and require the use of an attachment. The committee decided not to implement these more substantive suggested revisions to form EJ-130 at this time, though it may consider them in the future.

Notice of Levy (form EJ-150)

As above, several of the comments relating to the proposed revisions to form EJ-150 were directed to minor formatting and word change suggestions intended to improve the consistency and clarity of the form, and the committee incorporated many of these suggestions. In particular, the committee further revised form EJ-150 based on public comment to: (1) conform the format and wording of the caption to other similar forms, (2) add a text box in item 2, (3) remove the term “(defendant)” from item 3 of the “Information About Deposit Accounts” section on page 2, and (4) make other minor suggested word changes throughout.

However, the committee declined to incorporate other suggested revisions to form EJ-150. For example, on page 1, CAJP suggested that item 1b be modified to refer to a new “Attachment 1b” but the committee declined to implement this suggestion because it would be more than a technical change and could require a request for further public comment, though it may be considered in the future. The committee also declined to implement suggestions that items 3 and 4 on page 1, and items 2 and 3 of the “Information About Deposit Accounts” section on page 2, be revised to include specific statutory references, as this level of statutory specificity is not typical on a form of this type.

EBCLC made some specific suggestions to the “Information for Judgment Debtor” section on page two of form EJ-150 intended to make the form less confusing for debtors. The committee agreed with the suggestion that the new item in this section—circulated for comment as item 3, referencing the new automatic exemptions that financial institutions are to apply—be moved above existing item 2, and that various word changes be made to existing item 2.

However, the committee concluded that the new item in the “Information for Judgment Debtors” section does not require the additional further revision suggested by EBCLC. The suggested language appears to be similar but more verbose than the language of the item as circulated for comment, and may also be duplicative of the new “Information About Deposit Accounts” section at the bottom of the page.

Moreover, PLC suggested adding an item addressing the newly created “hardship exemption” of section 704.225 to the “Information About Deposit Accounts” section at the bottom of form EJ-150, page 2, such as: “A debtor may also claim that the funds in a deposit account are exempt from levy because such levy would cause the debtor a hardship under § 704.225.” The committee decided not to add this item because nonautomatic exemptions such as this one are already addressed in the “Information for Judgment Debtor” section above.

Exemptions From The Enforcement of Judgments (form EJ-155)

There were very few comments specific to the revisions to form EJ-155. The committee incorporated a suggestion to revise the fourth sentence to refer to a claim of exemption form received “with the Notice of Levy” packet, rather than “from the levying officer,” to reduce any confusion about where one may obtain a claim of exemption form. The committee also incorporated suggestions that the new “hardship exemption” created by section 704.225 also be listed under “Deposit Accounts.”

Current Dollar Amounts of Exemptions From Enforcement of Judgments (form EJ-156)

There were very few comments specific to the revisions to form EJ-156. The committee agreed with a suggestion to add the following phrase to the first sentence of page 1: “for cases under Title 11 of the U.S. Code (i.e., Bankruptcy)” for clarity, and revised the sentence accordingly. In response to a comment from CAJP, the committee also revised the second sentence of page 2 to provide further specificity about how the amount of the automatic deposit account exemption is calculated by adding: “pursuant to Welf. & Inst. Code, § 11453 to reflect the minimum basic standard of adequate care for a family of four as established by § 11452.*”

However, the committee decided not to further revise form EJ-156 to include a reference to the “hardship exemption” of section 704.225, as suggested by two commenters. This form is the published list of exemptions in the article beginning with section 704.010 that have dollar amounts that are adjusted every three years.²¹ Because the hardship exemption does not have a set dollar amount, it would be inappropriate to include it on form EJ-156.

Ex Parte Application for Order on Deposit Account Exemption (form EJ-157)

Comments relating to proposed new form EJ-157 were directed primarily to minor formatting and word change suggestions intended to improve the consistency and clarity of the form, and the committee accepted most of these suggestions. Among others, the committee agreed with suggestions to (1) conform the format and wording of the caption to other similar forms; (2) change the reference in the caption from “Plaintiff:” and “Defendant:” to “Plaintiff/Petitioner:”

²¹ § 703.150.

and “Defendant/Respondent:”; (3) remove parenthetical references to “plaintiff” and “defendant” in item 1, as those terms are inapplicable in some cases; (4) update a cross-reference in item 4; (5) remove the unnecessary space in the “Declaration by Applicant” section; and (6) add the word “original” to judgment creditor under the signature line.

Additionally, the committee gave significant consideration to comments by PLC and EBCLC that some debtors may not have copies of the *Writ of Execution* and *Notice of Levy*, and thus form EJ-157 should only require that a copy of these documents be attached “if possible” or “if available,” and a litigant’s best efforts to obtain these documents should be sufficient. While the committee is sympathetic to this possibility, copies of these documents may very likely be necessary for a court to fully and fairly evaluate the ex parte application, and presumably most litigants have or will be able to obtain copies. Therefore, the committee declined to revise the proposed new form to eliminate the request that the Writ of Execution and Notice of Levy be attached, as suggested, but instead modified the form to allow for a litigant to provide an explanation as to why the writ or notice of levy is not attached.

Additionally, OCBA commented that the fact that the automatic deposit account exemption is per debtor and not per account should be stated more clearly on the face of form EJ-157 itself. The committee declined to further revise the form as suggested because item 1 of the instructions for this form, form EJ-157-INFO, explicitly states that the exemption “is per judgment debtor, and not per account.”

Instructions for Ex Parte Application for Order on Deposit Account Exemption (form EJ-157-INFO)

The only comments specific to proposed new form EJ-157-INFO relate to items 1 and 2. The suggestions for item 2 are clarifying word changes with which the committee agrees.

The committee also considered several more substantive comments relating to item 1 of form EJ-157-INFO. As circulated for comment, item 1 stated:

1. **Applicable Law.** Code of Civil Procedure section 704.220 provides that financial institutions must apply an automatic exemption when served a *Notice of Levy* on a judgment debtor’s deposit account, if the underlying judgment is not based on wages owed or child or spousal support. The exemption (the amount of which can be found on form EJ-156) is per judgment debtor, not per account. If the judgment debtor has multiple deposit accounts, either the judgment debtor or judgment creditor may make an ex parte application to a court for an order designating how and to which deposit account the automatic exemption is to be applied. (See Code Civ. Proc., § 704.220(e).)

The Public Law Center suggested that item 1 be revised to reflect that a financial institution must automatically withhold the exempted amount, but without a specific order from the court the financial institution will choose which account to protect. EBCLC similarly suggested that item 1 be split into separate sentences, with a new item that reads: “If you have only one bank account,

your bank will automatically exempt the amount protected under the law. If you have more than one bank account, use this form to ask the court to tell your bank how to apply the exemption. If you do not, you will still receive the exemption but your bank will decide to which account(s) it applies.” And JRS proposed that a sentence be added to the end of item 1 to read: “The judgment creditor must make this application if there are multiple deposit accounts at different institutions.”

Additionally, both before this proposal was circulated and in connection with the public comments, the committee considered whether it is appropriate for the new ex parte application and order to allow for the automatic exemption for deposit accounts created by section 704.220 to be allocated among multiple accounts at either a single or multiple financial institutions. The statute is somewhat confusing as to exactly what kind of order a judgment debtor with multiple accounts may obtain. While it is clear that either party may obtain an order determining *to which* account the exemption should apply,²² it is less clear whether a judgment debtor may obtain an order that the exemption be spread *among* multiple accounts at either a single or multiple financial institutions. The legislative history on this issue is contradictory,²³ but section 704.220(e) specifically states that “the exemption applies per debtor, not per account” and courts are to determine “*how and to which* account the exemption should be applied” (italics added).

In light of this lack of clarity, the Invitation to Comment on this proposal specifically asked for input on this issue, and commenters expressed differing opinions based on varying understandings of the new statute. For example, the Superior Court of San Diego County and PLC commented that allocation across multiple accounts should be allowed, with PLC noting that there could be reasons why a debtor would want to maintain a certain minimum balance in a particular account (for example, to avoid bank fees) and the debtor should be able to apply to have the exemption allocated across accounts to protect minimum balances. In contrast, the Orange County Bar Association opined that allocation might be permissible for multiple accounts at a single financial institution, but not for multiple accounts across multiple institutions. Orange County’s Civil and Appellate Division Management and Analyst Team commented that allocation across accounts could create confusion, and JRS indicated that it is not necessary or a good idea to allow for allocation among multiple accounts at multiple banks, and it would make more sense to have the bank make the election since the exemption is automatic and the bank knows the relevant account balances.

Having carefully considered the unclear statutory language, contradictory legislative history, and public comments supporting varying understanding of the new law, the committee concluded that the statute should be understood as allowing for the automatic deposit account exemption to

²² § 704.220(e)(2)–(3).

²³ An Assembly Floor Analysis dated September 6, 2019, summarizes the bill as, among other things, providing a procedure for seeking a court order allocating the exemption among multiple accounts. On the other hand, a Senate Floor Analysis dated September 10, 2019, states on page 3 that the new law “limits the automatic exemption to one bank account per debtor.” Both reports are available at http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200SB616.

be allocated among multiple accounts at either a single or multiple financial institutions. The committee ultimately determined that the best way to implement the new law is to allow courts to decide whether to allocate the automatic exemption among multiple accounts as part of the ex parte process, and the forms proposed by the committee therefore allow for designation of the exemption to be spread among accounts or applied to a single account.

To clarify applicable law and implement the spirit of the public comments seeking further specificity, the committee has revised item 1 of form EJ-157-INFO to read:

1. **Applicable Law.** Code of Civil Procedure section 704.220 provides that financial institutions **must** apply an automatic exemption when served a *Notice of Levy* on a judgment debtor’s deposit account, if the underlying judgment is not based on wages owed or child or spousal support. The exemption (amount found of which can be found on form EJ-156) is per judgment debtor, not per account. The exemption is automatically applied; the judgment debtor does not need to take any action for the exempted amount to be protected.

2. **Multiple Accounts.**

- If the judgment debtor has multiple deposit accounts at a single bank, either the judgment debtor or judgment creditor may make an ex parte application for an order designating how and to which account the exemption applies. The bank must automatically withhold the exempted amount, but without a specific court order it will choose to which account the exemption applies. (Code Civ. Proc. § 704.220(e)(2).)
- If the judgment debtor has multiple deposit accounts at multiple financial institutions, the judgment creditor must and the judgment debtor may make this application. (Code Civ. Proc. § 704.220(e)(3).)

Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption (form EJ-158)

The only comments relating specifically to proposed new form EJ-158 were directed to minor formatting and word change suggestions intended to improve the consistency and clarity of the form, and the committee implemented these suggested revisions. In particular, the committee agreed with suggestions to (1) conform the format and wording of the caption to other similar forms; (2) change the reference in the caption from “Plaintiff:” and “Defendant:” to “Plaintiff/Petitioner:” and “Defendant/Respondent:”; and (3) include reference to the “original” judgment creditor, “assignee of record,” and “assignee of record’s attorney.”

Order on Application for Designation of Deposit Account Exemption (form EJ-159)

The only comments relating specifically to form EJ-159 were directed to minor formatting and word change suggestions intended to improve the consistency and clarity of the form, and the committee agreed with these suggestions. In particular, the committee agreed with suggestions to

(1) conform the format and wording of the caption to other similar forms; (2) change the reference in the caption from “Plaintiff:” and “Defendant:” to “Plaintiff/Petitioner:” and “Defendant/Respondent:”; (3) include reference to the “original” judgment creditor, “assignee of record,” and “assignee of record’s attorney”; and (4) fix a typographical error in item 3c.

Alternatives considered

Because, as of September 1, 2020, current forms EJ-130, EJ-150, EJ-155, and EJ-156 would be out of compliance with law if not revised, the committee did not consider the alternative of not revising those forms. In addition, because the new statute expressly mandates the council to revise or adopt forms to implement the provisions in new section 704.220, the committee did not consider not developing the new proposed forms. The committee did, however, consider alternatives while developing the new forms.

In addition to those issues discussed above in connection with the public comments, the committee considered whether it would be helpful or appropriate to add an optional request for stay of enforcement of judgment while the application for designation of which deposit account to apply the exemption to is pending. The invitation to comment specifically requested input on this issue, and comments were received both in favor of and against an optional request for a stay of enforcement of judgment. For example, OCBA, the Superior Court of Orange County Family Law and Juvenile Court, and the Superior Court of Orange County Civil and Appellate Division Management and Analyst Team each commented that a process that would allow for a stay of enforcement would be helpful while the ex parte application is proceeding.

In contrast, the Superior Court of San Diego County commented that adding an optional stay of enforcement of judgment to the new ex parte application and/or order forms would not be helpful or appropriate. JRS commented that a stay of enforcement of the judgment is not authorized by statute, and CAJP pointed out that such a revision is not necessary because new form EJ-159 already has a spot for “other rulings” and this would seem to encompass a stay or a temporary injunction or restraining order when a court deems it appropriate. As another alternative, PLC suggested that form EJ-160 could be revised to add a section similar to that in the claim of exemption form: this would notify the levying officer, financial institution, and creditor that the debtor is seeking a court determination as to which account the exemption should apply.²⁴

After considering the comments received on the issue, the committee decided for multiple reasons not to further revise the forms to include items addressing a potential stay of enforcement of judgment while the application is pending. First, as indicated in the comments, nothing in the new statute authorizes a stay of enforcement: no provision requires the bank to delay providing funds to the levying officer to allow for the filing of the ex parte application, nor the financial institution (or levying officer) to be given notice of an application or to take any

²⁴ The committee did not adopt this suggestion because it is beyond the scope of the proposal and nothing in the statute requires a party seeking an order to notify nonparties, and there is no requirement that a bank with notice that a debtor is seeking a court determination must delay handing over funds.

action (or delay taking any action) if such notice is provided. Second, the exemption is to be applied automatically, meaning that a judgment debtor should still have the exempted funds in a deposit account without a stay, even if the funds are not in the specific account that the judgment debtor prefers. If the judgment debtor has deposit accounts at multiple financial institutions, the exempted amount will remain in *each* account unless the judgment creditor obtains an order under section 704.220(e)(3) that the exemption be applied to a particular account. Third, if a case warrants a stay of enforcement of judgment or similar type of relief, new order form EJ-159 has a place for a court to make “other rulings” that could serve this purpose by allowing for a stay or something similar in appropriate cases.

Fiscal and Operational Impacts

Because SB 616 establishes new enforcement of judgment exemptions and creates a new ex parte application process for the deposit account exemption, the change in law will likely require additional training for clerks, judicial officers, and court legal services and self-help offices on the new and revised forms. In its comments, the Superior Court of San Diego County noted that internal procedures and case management systems would need to be updated and staff would need to be trained, but that three months from approval to effective date would be sufficient if final versions of the forms are provided 30 days in advance to give courts time to update procedures, configure local packets, and order printed stock.

The Superior Court of Orange County Civil and Appellate Division Management and Analyst Team similarly noted that new procedures would need to be developed or revised, staff trained, systems updated and tested, and estimated that this would require approximately 40 FTE hours by two employees over the course of approximately three months. JRS likewise commented that some training would be required, and workload would be increased for judicial and nonjudicial staff (and that sheriffs acting as levying officers might also be impacted). It appears from these comments that the potential implementation requirements, while not insignificant, do not present a barrier to adoption of the proposal.

Attachments and Links

1. Forms EJ-130, EJ-150, EJ-155, EJ-156, EJ-157, EJ-157-INFO, EJ-158, and EJ-159, at pages 16 to 32.
2. Chart of comments, at pages 33 to 79.
3. Link A: Sen. Bill 616,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB616
4. Link B: Bill Analysis of Sen. Bill 616,
http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200SB616

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY DRAFT 03-16-2020 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	<input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> WRIT OF POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property
<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)	

1. **To the Sheriff or Marshal of the County of:**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

9. **Writ of Possession/Writ of Sale information on next page.**

10. This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

- 11. Total judgment (as entered or renewed) \$ _____
- 12. Costs after judgment (CCP 685.090) \$ _____
- 13. Subtotal (add 11 and 12) \$ _____
- 14. Credits to principal (after credit to interest) \$ _____
- 15. Principal remaining due (subtract 14 from 13) \$ _____
- 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____
- 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ _____
- 18. **Total amount due** (add 15, 16, and 17) \$ _____

19. **Levying officer:**

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Additional judgment debtors on next page

5. **Judgment entered** on (date):
(See type of judgment in item 22.)

6. Judgment renewed on (dates):

7. **Notice of sale** under this writ:

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

[SEAL]

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

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

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

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support.
- c. other.

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

24. Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|
- | | | | |
|--|--|--|--|
| | | | |
| | | | |

c. Additional costs against certain joint debtors are itemized Below on Attachment 24c.

25. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

- a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

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

NOTICE TO PERSON SERVED

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

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO. (<i>optional</i>): _____ EMAIL ADDRESS (<i>optional</i>): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	DRAFT 03-25-2020 Not approved by the Judicial Council <i>FOR RECORDER'S USE ONLY</i> LEVYING OFFICER (<i>name and address</i>): _____ LEVYING OFFICER FILE NO.: _____ COURT CASE NO.: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
NOTICE OF LEVY under Writ of <input type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale	

TO THE PERSON NOTIFIED (*name*):

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:
 - a. Judgment debtor (name): _____
 - b. The property to be levied upon is described:
 - in the accompanying writ of possession or writ of sale.
 - as follows: _____
2. The judgment is for (*check one*):
 - wages owed. child/spousal support. other.
3. The amount necessary to satisfy the judgment creditor's judgment writ is

a. Total amount due (less partial satisfactions) from line 18 of writ (form EJ-130)	\$
b. Levy fee	\$
c. Sheriff's disbursement fee	\$
d. Recoverable costs	\$
e. Total (a through d)	\$
f. Daily interest from line 19a of writ (form EJ-130)	\$
4. You are notified as:
 - a. a judgment debtor.
 - b. a person other than the judgment debtor (*state capacity in which person is notified*): _____

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

- | | |
|--|---|
| <input type="checkbox"/> mailed on (<i>date</i>): _____ | <input type="checkbox"/> posted on (<i>date</i>): _____ |
| <input type="checkbox"/> delivered on (<i>date</i>): _____ | <input type="checkbox"/> filed on (<i>date</i>): _____ |
| | <input type="checkbox"/> recorded on (<i>date</i>): _____ |

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE) <input type="checkbox"/> Levying officer <input type="checkbox"/> Registered process server
-------------------------------	---

SHORT TITLE:

LEVYING OFFICER FILE NO.:

COURT CASE NO.:

– INFORMATION FOR JUDGMENT DEBTOR –

1. The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
2. There are automatic exemptions that financial institutions should apply to a deposit account before providing funds to the levying officer. See below for more information.
3. You may claim any available exemption for your property. A list of exemptions can be found on form EJ-155. If you wish to claim an exemption for personal property, you must do so within 15 days after this notice was delivered to you or 20 days after this notice was mailed to you by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. The date of filing is calculated as the date the claim is received by the levying officer, or the date of the postmark if the claim is mailed and assigned a tracking number by the U.S. Postal Service or another common carrier. If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
4. You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
5. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
6. If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
7. All sales at an execution sale are final; there is no right of redemption.

– INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR –

1. If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
2. If you are a financial institution, you are required to apply applicable exemptions to deposit accounts. See below.
3. You must complete the accompanying Memorandum of Garnishee within 10 days.
4. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property under sections 720.010–720.800 of the Code of Civil Procedure.
5. Make checks payable to the levying officer shown on page 1.

– INFORMATION ABOUT DEPOSIT ACCOUNTS –

1. If the levy is **not** to satisfy a judgment for wages owed, child or spousal support, or liability to the state government, financial institutions must automatically exempt money in a deposit account up to a certain dollar amount, under section 704.220 of the Code of Civil Procedure, with no claim of exemption required. See form EJ-156 for the exemption amount.
2. Other automatic exemptions may apply to deposit accounts, such as exemptions for directly deposited social security or public benefits under section 704.080. (See form EJ-156 for the exemption amounts.) Generally, the financial institution should apply the larger set of exemptions that apply to an account. See section 704.220(b).
3. If a judgment debtor has multiple accounts in one or more financial institutions, either the judgment creditor or judgment debtor may file an application in the superior court identified on the front of this form for an order as to which account the exemption should apply. (See section 704.220(e).) To get such an order, file an *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) as soon as possible. (See EJ-157-INFO for instructions.) If the judgment debtor has more than one account in a financial institution, that institution may decide how and to which account to apply the exemption, unless it is served with a court order directing how to apply the exemption.

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy in enforcing a judgment.

Exemptions are found in the United States Code (**USC**) and in the California codes, primarily the Code of Civil Procedure (**CCP**).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file the claim of exemption form that you received **with the Notice of Levy packet.**

AMOUNT OF EXEMPTIONS: For the exemption amount, please refer to the code section listed below for each type of property. The current amounts of certain exemptions are listed in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). The amounts of some of the exemptions are amended every three years and become effective immediately on April 1 under the provisions of Code of Civil Procedure section 703.150.

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
ABLE Accounts	Welf & I C § 4880(c)	Benefit Payments (<i>cont.</i>)	
Accounts (<i>See Deposit Accounts</i>)		Relocation Benefits	CCP § 704.180
Appliances	CCP § 704.020	Retirement Benefits	
Art and Heirlooms	CCP § 704.040	and Contributions:	
Automobiles	CCP § 704.010	Private	CCP § 704.115
BART District Benefits	CCP § 704.110	Public	CCP § 704.110
	Pub Util C § 28896	Segregated Benefit Funds	Ins C § 10498.5
Benefit Payments:		Social Security Benefits	42 USC § 407
BART District Benefits	CCP § 704.110	Strike Benefits	CCP § 704.120
	Pub Util C § 28896	Supplemental Security Income	42 USC § 1383
Charity	CCP § 704.170		42 USC § 407(d)
Civil Service Retirement		Transit District Retirement	
Benefits (Federal)	5 USC § 8346	Benefits (Alameda and	
County Employees		Contra Costa Counties)	CCP § 704.110
Retirement Benefits	CCP § 704.110	Pub Util C § 25337	
	Govt C § 31452	Unemployment Benefits	
Disability Insurance Benefits	CCP § 704.130	and Contributions	CCP § 704.120
Fire Service Retirement		Veterans Benefits	38 USC § 5301
Benefits	CCP § 704.110	Veterans Medal of Honor	
	Govt C § 32210	Benefits	38 USC § 1562
Fraternal Organization		Welfare Payments	CCP § 704.170
Funds Benefits	CCP § 704.130		Welf & I C § 17409
	CCP § 704.170	Workers Compensation	CCP § 704.160
Health Insurance Benefits	CCP § 704.130	Boats	CCP § 704.060
Irrigation System			CCP § 704.710
Retirement Benefits	CCP § 704.110	Books	CCP § 704.060
Judges Survivors Benefits		Building Materials (Residential)	CCP § 704.030
(Federal)	28 USC § 376(n)	Business:	
Legislators Retirement		Licenses	CCP § 695.060
Benefits	CCP § 704.110		CCP § 699.720(a)(1)
	Govt C § 9359.3	Tools of Trade	CCP § 704.060
Life Insurance Benefits:		Cars and Trucks (including	
Group	CCP § 704. 100	proceeds)	CCP § 704.010
Individual	CCP § 704. 100	Cash	CCP § 704.070
Lighthouse Keepers		Cemeteries:	
Surviving Spouses Benefits	33 USC § 775	Land Proceeds	Health & SC § 7925
Longshore & Harbor Workers		Plots	CCP § 704.200
Compensation or Benefits	33 USC § 916	Charity	CCP § 704.170
Military Benefits:		Claims, Actions and Awards:	
Retirement	10 USC § 1440	Personal Injury	CCP § 704.140
Survivors	10 USC § 1450	Worker's Compensation	CCP § 704.160
Municipal Utility District		Wrongful Death	CCP § 704.150
Retirement Benefits	CCP § 704.110	Clothing	CCP § 704.020
	Pub Util C § 12337	Condemnation Proceeds	CCP § 704.720(b)
Peace Officers Retirement		County Employees Retirement	
Benefits	CCP § 704.110	Benefits	CCP § 704.110
Pension Plans			Govt C § 31452
(and Death Benefits):		Damages (<i>See Personal Injury</i>	
Private	CCP § 704.115	and <i>Wrongful Death</i>)	
Public	CCP § 704.110	Deposit Accounts:	
Public Assistance	CCP § 704.170	Deposit Accounts (generally)	CCP § 704.220
	Welf & I C § 17409		

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Deposit Accounts (cont.)		Military Personnel—Property	50 USC § 3934
Deposit Accounts (hardship)	CCP § 704.225	Motor Vehicle (Including	
Escrow or Trust Funds	Fin C § 17410	Proceeds)	CCP § 704.010
Social Security Direct			CCP § 704.060
Deposits	CCP § 704.080	Municipal Utility District	
Direct Deposit Account:		Retirement Benefits	CCP § 704.110
Social Security	CCP § 704.080	Pub Util C § 12337	
Supplemental Security Income	CCP § 704.080	Peace Officers Retirement	
Public Benefits	CCP § 704.080	Benefits	CCP § 704.110
Disability Insurance Benefits	CCP § 704.130	Pension Plans:	Govt C § 31913
Dwelling House	CCP § 704.740	Private	CCP § 704.115
Earnings	CCP § 704.070	Public	CCP § 704.110
	CCP § 706.050	Personal Effects	CCP § 704.020
	15 USC § 1673(a)	Personal Injury Actions	
Educational Grant	Ed C § 21116	or Damages	CCP § 704.140
Employment Bonds	Lab C § 404	Prisoner's Funds	CCP § 704.090
Federal Emergency Management		Property Not Subject to	
Agency (FEMA) funds	CCP § 704.230	Enforcement of Money	
Financial Assistance:		Judgments	CCP § 704.210
Charity	CCP § 704.170	Prosthetic and Orthopedic	
Public Assistance	CCP § 704.170	Devices	CCP § 704.050
	Welf & I C § 17409	Provisions (for Residence)	CCP § 704.020
Student Aid	CCP § 704.190	Public Assistance	CCP § 704.170
Welfare (See Public Assistance)			Welf & I C § 17409
Fire Service Retirement	CCP § 704.110	Public Employees:	
	Govt C § 32210	Death Benefits	CCP § 704.110
Fraternal Organizations		Pension	CCP § 704.110
Funds and Benefits	CCP § 704.130	Retirement Benefits	CCP § 704.110
	CCP § 704.170	Vacation Credits	CCP § 704.113
Fuel for Residence	CCP § 704.020	Railroad Retirement Benefits	45 USC § 231m
Furniture	CCP § 704.020	Railroad Unemployment	
General Assignment for		Insurance	45 USC § 352(e)
Benefit of Creditors	CCP § 1801	Relocation Benefits	CCP § 704.180
Health Aids	CCP § 704.050	Retirement Benefits and	
Health Insurance Benefits	CCP § 704.130	Contributions:	
Home:		Private	CCP § 704.115
Building Materials	CCP § 704.030	Public	CCP § 704.110
Dwelling House	CCP § 704.740		Ins C § 10498.5
Homestead	CCP § 704.720	Segregated Benefit Funds	Ins C § 10498.6
	CCP § 704.730	Servicemembers Property	50 USC § 523(b)
House trailer	CCP § 704.710	Social Security	42 USC § 407
Mobilehome	CCP § 704.710	Social Security Direct Deposit	
Homestead	CCP § 704.720	Account	CCP § 704.080
	CCP § 704.730	Strike Benefits	CCP § 704.120
Household Furnishings	CCP § 704.020	Supplemental Security Income	42 USC § 1383(d)
Insurance:			42 USC § 407
Disability Insurance	CCP § 704.130	Student Aid	CCP § 704.190
Fraternal Benefit Society	CCP § 704.110	Tools of Trade	CCP § 704.060
Group Life	CCP § 704.100	Transit District Retirement	
Health Insurance Benefits	CCP § 704.130	Benefits (Alameda and Contra	
Individual	CCP § 704.100	Costa Counties)	CCP § 704.110
Insurance Proceeds—			Pub Util C § 25337
Motor Vehicle	CCP § 704.010	Travelers Check Sales Proceeds	Fin C § 1875
Irrigation System		Unemployment Benefits and	
Retirement Benefits	CCP § 704.110	Contributions	CCP § 704.120
Jewelry	CCP § 704.040	Uniforms	CCP § 704.060
Judges Survivors Benefits		Vacation Credits (Public	
(Federal)	28 USC § 376(n)	Employees)	CCP § 704.113
Legislators Retirement		Veterans Benefits	38 USC § 5301
Benefits	CCP § 704.110	Veterans Medal of Honor	
	Govt C § 9359.3	Benefits	38 USC § 1562
Licenses	CCP § 695.060	Wages	CCP § 704.070
	CCP § 720(a)(1)		CCP § 706.050
Lighthouse Keepers Surviving			CCP § 706.051
Spouses Benefit	33 USC § 775	Welfare Payments	CCP § 704.170
Longshore and Harbor Workers			Welf & I C § 17409
Compensation or Benefits	33 USC § 916	Workers Compensation	
Military Benefits:		Claims or Awards	CCP § 704.160
Retirement	10 USC § 1440	Wrongful Death Actions or	
Survivors	10 USC § 1450	Damages	CCP § 704.150

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS
Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EXEMPTIONS UNDER SECTION 703.140(b)

The following lists the current dollar amounts of exemptions from enforcement of judgment under Code of Civil Procedure section 703.140(b) used in a case under title 11 of the United States Code (bankruptcy).

These amounts are effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

<u>Code Civ. Proc., § 703.140(b)</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence,	\$ 29,275
(2)	The debtor's interest in one or more motor vehicles	\$ 5,850
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	\$ 725
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	\$ 1,750
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	\$ 1,550
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	\$ 8,725
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unmaturing life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	\$ 15,650
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury of the debtor or an individual of whom the debtor is a dependent	\$ 29,275

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS**Code of Civil Procedure sections 703.140(b) and 704.010 et seq.****EXEMPTIONS UNDER SECTION 704.010 et seq.**

The following lists the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure.

The amount of the automatic exemption for a deposit account under section 704.220(a) is effective September 1, 2020, and unless otherwise provided by statute after that date, will be adjusted annually effective July 1 by the Department of Social Services under Welf. & Inst. Code, § 11453 to reflect the minimum basic standard of care for a family of four as established by § 11452.*

The other amounts are all effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

<u>Code Civ. Proc. Section</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage, or destruction)	\$ 3,325
704.030	Material to be applied to repair or maintenance of residence	\$ 3,500
704.040	Jewelry, heirlooms, art	\$ 8,725
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$4,850)	\$ 8,725
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$9,700)	\$ 17,450
704.220	Deposit account, generally (exemption without claim; amount per judgment debtor, section 704.220(a),(e)) ¹	\$ 1,724*
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b)) ²	
	• Public benefits, one depositor is designated payee	\$ 1,750
	• Social security benefits, one depositor is designated payee	\$ 3,500
	• Public benefits, two or more depositors are designated payees ³	\$ 2,600
	• Social security benefits, two or more depositors are designated payees ³	\$ 5,250
704.090	Inmate trust account	\$ 1,750
	Inmate trust account (restitution fine or order)	\$ 325 ⁴
704.100	Aggregate loan value of unmaturing life insurance policies	\$ 13,975

¹ This exemption does not preclude or reduce other exemptions for deposit accounts. However, if the exemption amount for the deposit account applicable under other automatic exemptions—such as those applicable for direct deposit of social security benefits or public benefits—is greater under the other exemptions, then those apply instead of this one. (Code Civ. Proc., § 704.220(b).)

² The amount of a deposit account with direct deposited funds that exceeds exemption amounts shown is also exempt to the extent it consists of payments of public benefits or social security benefits. (Code Civ. Proc., § 704.080(c).)

³ If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (Code Civ. Proc., § 704.080(b)(3) and (4).)

⁴ This amount is not subject to adjustments under Code Civ. Proc., § 703.150.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO. (<i>optional</i>): _____ EMAIL ADDRESS (<i>optional</i>): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD <input type="checkbox"/> JUDGMENT DEBTOR	<p>DRAFT</p> <p>03-19-2020</p> <p>Not approved by the Judicial Council</p> <p><i>FOR RECORDER'S USE ONLY</i></p> <p>LEVYING OFFICER (<i>name and address</i>):</p> <hr/> <p>LEVYING OFFICER FILE NO.:</p> <hr/> <p>COURT CASE NO.:</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<p>EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION</p> <p><input type="checkbox"/> Without hearing <input type="checkbox"/> Hearing on shortened time</p>	

Read *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157-INFO) before filing this application. That form describes the requirements for giving notice of this application.

1. Applicant (*check one*):

- Judgment Debtor (*name*):
 Judgment Creditor (original or assignee of record) (*name*):

applies for a court order as to how and to which of the judgment debtor's multiple deposit accounts the exemption from enforcement of a civil money judgment under Code of Civil Procedure section 704.220 should be applied.

2. This application is being made because:

- a. judgment debtor has multiple deposit accounts in one financial institution.
 b. judgment debtor has deposit accounts in multiple financial institutions.

3. A *Writ of Execution (Money Judgment)* was issued in this case on (date issued) and states that the underlying judgment is not for unpaid wages, child support, or spousal support. *Date writ issued:* _____ . (*Attach a copy or provide an explanation why not attached.*)

4. A *Notice of Levy* (form EJ-150) has been issued based on the writ in item 3 to the following financial institutions (*identify and attach copy of each notice or provide an explanation why not attached*):

Financial Institution

Date of Issuance

Check here if there is not enough space to list all current notices of levy, and continue the list on an attached sheet titled Attachment 4.

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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5. Applicant requests that the judgment debtor's deposit account exemption under Code of Civil Procedure section 704.220(a) be applied (*check one*):

- a. to deposit account number (*last four digits only*): _____ at (*financial institution*): _____
- b. spread across multiple deposit accounts as follows:

<u>Name of financial institution</u>	<u>Deposit account number</u> <i>(last four digits only)</i>	<u>Amount of exemption to be applied to account</u> <i>(Total cannot exceed total amount of exemption (See form EJ-156).)</i>
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- 6. a. This matter may be set for hearing.
- b. Applicant is seeking this order without further hearing to help prevent immediate loss to a deposit account subject to exemption or enforcement. The facts supporting this need for immediate issuance of an order are (*explain circumstances*):

Check here if there is not enough space, and continue the item on an attached sheet titled Attachment 6.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
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Declaration by Applicant

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

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
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- Original judgment creditor Judgment debtor
- Assignee of record

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

1. **Applicable Law.** Code of Civil Procedure section 704.220 provides that financial institutions **must** apply an automatic exemption when served a *Notice of Levy* on a judgment debtor's deposit account, if the underlying judgment is not based on wages owed or child or spousal support. The exemption (the amount of which can be found on form EJ-156) is per judgment debtor, not per account. The exemption is automatically applied; the judgment debtor does not need to take any action for the exempted amount to be protected.
2. **Multiple Accounts.**
 - If the judgment debtor has multiple deposit accounts at a single bank, either the judgment debtor or judgment creditor may make an ex parte application for an order designating how and to which account the exemption applies. The bank must automatically withhold the exempted amount, but without a specific court order it will choose to which account the exemption applies. (Code Civ. Proc., § 704.220(e)(2).)
 - If the judgment debtor has multiple deposit accounts at multiple financial institutions, the judgment creditor must and the judgment debtor may make this application. (Code Civ. Proc., § 704.220(e)(3).)
3. **A judgment debtor or judgment creditor applying for an order to designate a specific account or how to allocate the exemption among multiple accounts should do so as soon as receiving a notice of a levy or memorandum of garnishment as applicable, because the financial institution is required to act promptly in sending funds to the levying officer.**
4. **Rules for Making the Application.** The ex parte application must be filed in the court in which the judgment was issued. The applicant must check with that court for local rules and timing as to when and where the applicant is to appear at court to have the court consider the ex parte application. The applicant must follow the rules relating to ex parte applications that are set out in California Rules of Court, rules 3.1203–3.1207, which describe the following requirements:

Notice of the application. Notice of the ex parte application must generally be given to the other party in the case. Notice may be in person or by phone, fax, overnight mail, or email (if permitted in the case already). The party must be informed by 10:00 a.m. the day before the ex parte application is to be considered by the court, unless there is a good reason such notice could not or should not be given. How the notice was given, or why it was not, must be described in the declaration regarding notice and service (form EJ-158).

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

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

Take note of the following when completing form EJ-157:

 - The contents of the application must be provided under penalty of perjury.
 - If the applicant has good cause for why the court should act immediately, with no further hearing or briefing, the box under the title of form EJ-157 stating "Without hearing" should be checked and item 6b completed to explain why. Otherwise the box under the title for "Hearing on shortened time" and item 6a should be checked.
 - Copies of the Writ of Execution (form EJ-130) and any Notice of Levy (EJ-150) that have been issued to a financial institution must be attached to the application form.
 - Item 5 must include the specific account or accounts to which the court is being asked to order that the exemption apply. If the judgment debtor is asking that the exemption be allocated among multiple accounts, the total amount allocated may not be more than the total amount of the deposit account exemption. (See form EJ-156 for the amount.)
6. **Filing With the Court.** The completed forms should be filed with the court clerk. There will be a filing fee unless the party is eligible for a fee waiver. (If a party cannot afford the fee and has not already received a fee waiver, the party may file a *Request to Waive Court Fees* (form FW-001) with the other forms.) Take extra copies of all the forms to the court so the clerk can give back a stamped copy.

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

7. **What to Do With Order.** The court may rule on the application immediately if a delay could result in loss to a deposit account subject to exemption or enforcement, or may order that a hearing be held to consider the application and any opposition.
- Once an order is issued by the court on form EJ-159, the applicant should serve the order on all other parties in the case as soon as possible. If the order sets a hearing date, it must be served by the date in item 4b on the order.
 - If the order sets a hearing date, the applicant should appear at the hearing either in person or by phone (if by phone, notice must be given in advance to the court and other side).
 - If the order designates the deposit account or accounts to which the exemption applies, without any further hearing, the applicant should serve the financial institution and levying officer as well as the other parties. Once an order has been issued by the court, the applicant should serve the order on all other parties in the case as soon as possible.

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 03-19-2020 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
DECLARATION REGARDING NOTICE AND SERVICE FOR EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION	CASE NUMBER:

This form must be filed any time an Ex Parte Application for Order on Deposit Account Exemption Application (form EJ-157) is filed.

1. I am (specify): attorney for original judgment creditor assignee of record judgment debtor

2. I did did not give notice that papers will be submitted to the court asking a judicial officer how and to which of judgment debtor's deposit accounts the exemption under Code of Civil Procedure section 704.220 should apply, and that the court will consider the request on the date, time, and location indicated below:

a. Date: _____ Time: _____ Dept.:

b. Address of court: same as noted above other (specify): _____

3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)

a. I gave notice as described in items (1) through (5):

(1) I gave notice to (select all that apply):

- judgment debtor. judgment debtor's attorney.
 judgment creditor (or assignee of record). judgment creditor's attorney (or assignee of record's attorney).
 Other (specify): _____

(2) I gave notice on (date): _____ at: a.m. p.m.

- personally at (location): _____, California.
 by telephone using telephone no.: _____
 by fax using fax no.: _____
 by voicemail using voicemail no.: _____
 by electronic means (if permitted) (specify electronic service address of person): _____
 by overnight mail or other overnight carrier (specify address of delivery): _____

(3) I gave notice (select one):

- by 10 a.m. the court day before this ex parte appearance.
 after 10 a.m. the court day before this ex parte appearance because of the following exceptional circumstances (specify): _____

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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3. a. (4) I notified the person in 3a(1) that an order is being requested designating that the exemption under section 704.220 should be applied to the following accounts (*specify*):

(5) The person in 3a(1) responded as follows:

(6) I do do not believe that the person in 3a(1) will oppose the ex parte application.

b. **Request for waiver of notice.** I did not give notice about the ex parte application. I ask that the court waive notice to the other party for the following reasons (*identify the exceptional circumstances*):

Attachment 3b.

c. **Unable to provide notice.** I did not give notice about the ex parte application. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (*specify below*):

Attachment 3c.

4. **SERVICE OF FORMS**

a. An unfiled copy of *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) and related documents were served on:

- judgment debtor. judgment debtor's attorney.
- judgment creditor (or assignee of record). judgment creditor's attorney (or assignee of record's attorney).
- Other (*specify*):

b. Documents were served on (*date*): _____ at: a.m. p.m.
 personally at (*location*): _____, California.
 by fax using fax no.: _____
 by electronic means (*if permitted*) (*specify electronic service address of person*): _____
 by overnight mail or other overnight carrier (*specify address of delivery*): _____

c. **Documents were not served on the opposing party** because of the exceptional circumstances specified in:
 3b, above 3c, above Attachment 4c.

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

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name and address</i>): After recording, return to: TEL NO.: _____ FAX NO. (<i>optional</i>): _____ EMAIL ADDRESS (<i>optional</i>): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> JUDGMENT DEBTOR <input type="checkbox"/> ASSIGNEE OF RECORD	<p>DRAFT</p> <p>03-20-2020</p> <p>Not approved by the Judicial Council</p> <p><i>FOR RECORDER'S USE ONLY</i></p> <p>LEVYING OFFICER (<i>name and address</i>): _____</p> <p>LEVYING OFFICER FILE NO.: _____</p> <p>COURT CASE NO.: _____</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
<p>ORDER ON APPLICATION FOR DESIGNATION OF DEPOSIT ACCOUNT EXEMPTION</p>	

1. Applicant (*check one*):
 - Judgment Debtor (*name*): _____
 - Judgment Creditor (original or assignee of record) (*name*): _____
 applied ex parte for an order as to how and to which of the judgment debtor's multiple deposit accounts the exemption from enforcement of a civil money judgment under Code of Civil Procedure section 704.220 should be applied.
2. The court, having reviewed the application, makes the following ruling.
3. **Application Denied.** The court denies the application.
 - a. The application is incomplete.
 - b. The application did not meet the requirements for providing notice or service of the application.
 - c. There is no showing that judgment debtor has multiple deposit accounts subject to the deposit account exemption in section 704.220.
 - d. Other (specify): _____
4. **Order Shortening Time.** A hearing will be held on the application, as follows.
 - a. The hearing will be on the date, time, and location indicated below:

Date: _____ Time: _____ Dept.: _____ Room: _____
 Address of court: same as noted above other (*specify*): _____
 - b. Applicant must serve this order and the *Ex Parte Application* (form EJ-157) on all other parties by (*date*): _____
 - c. Any papers in opposition must be served on all other parties and filed by (*date*): _____
5. **Ex Parte Order.** The court finds that delay in ruling would result in loss or damage to deposit accounts subject to enforcement of judgment in this matter, and therefore rules ex parte to designate the account subject to exemption, as stated below.
6. **Order After Hearing.** This ruling is made after the application was heard on shortened time at
 - a. Date: _____ Time: _____ Dept.: _____ Room: _____
 - b. The following were present at the hearing:
 - Judgment debtor Judgment debtor's attorney
 - Judgment creditor (or assignee of record) Judgment creditor's attorney (or assignee of record's attorney)
 - Other (specify): _____

SHORT TITLE:	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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7. **Findings.** The court makes the following findings:

- a. The underlying judgment in this case is not based on unpaid wages or child or spousal support.
- b. A *Notice of Levy* has been issued in this case to the following financial institutions (*identify*):

Financial Institution	Date of Issuance
------------------------------	-------------------------

- c. Applicant has requested that the court designate to which among multiple deposit accounts the exemption under Code of Civil Procedure section 704.220(a) be applied, and has specified that account or accounts in the application.
- d. An alternative designation was requested by judgment debtor judgment creditor (or assignee of record)
- e. Other findings:

8. **Designation of Deposit Account.** The exemption under Code of Civil Procedure section 704.220(a) from enforcement of civil money judgment is to be applied (*check one*):

- a. to deposit account number (*last four digits only*): _____ at (*financial institution*): _____
- b. spread across multiple deposit accounts, because the exemption amount is greater than the amount in a single deposit account, as follows:

<u>Name of financial institution</u>	<u>Deposit accounts</u> <i>(last four digits only)</i>	<u>Amount of exemption to be applied</u>
---	--	---

9. **Other Rulings.**

Date: _____

Judicial Officer

W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Donna Comstock Victim of the Injustice of the Courts Paramount, California	AM	*This comment did not pertain to the proposal that circulated for comment and therefore is not included.	The committee notes the commenter’s support for the proposal if modified, though no modification is suggested in the comment; no response is required.
2.	Joint Rules Subcommittee (JRS) Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Court Executive Advisory Committee (CEAC)	AM	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload. • Impact on local or statewide justice partners. <p>1. The judgment debtor is referred to as “defendant” on the following forms:</p> <ul style="list-style-type: none"> • Form EJ-150, page 2, paragraph 3 (Information About Deposit Accounts) • Form EJ-157, paragraph 1 • Form EJ-157-INFO, paragraph 2 • Form EJ-159, paragraph 1 <p>2. judgment creditor is referred to as “plaintiff” in the following forms:</p> <ul style="list-style-type: none"> • Form EJ-157, paragraph 1 	The committee notes the commenter’s support for the proposal if modified and has considered the stated implementation requirements; no further response is required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • Form EJ-159, paragraph 1 The designations are not accurate, because although the judgment debtor is usually the defendant, and the judgment creditor is usually the plaintiff, this is not always the case. A defendant may be awarded costs and/or attorney fees as part of a defense verdict, and thus, the defendant may be the judgment creditor. 2. Form EJ-159, paragraph 3c has a typo - “section 104.220” should be “section 704.220”. 3. Add “single” in front of “financial institution” Form EJ-150, page 2, paragraph 3, last sentence (Information About Deposit Accounts). 4. Remove the “*” after \$1,724 on page 2 of Form EJ-156. 5. The explanation regarding calculation of the filing date of the claim of exemption (Form EJ-150, page 2, paragraph 2) is not as clear as the statute. 6. In answer to the request for specific comments: <ul style="list-style-type: none"> a. The forms appropriately address the stated purpose. 	<p>The committee appreciates this suggestion and has modified the forms to remove parenthetical references to the judgment debtor as “defendant” and judgment creditor as “plaintiff” on the forms as referenced in this comment.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p> <p>The committee declines to incorporate this suggestion because it understands section 704.220 to allow for allocation of the exemption across accounts at multiple financial institutions.</p> <p>The committee declines to incorporate this suggestion because the “*” relates back to note at the top of the page that ends with a “*”.</p> <p>The committee has considered this comment and modified the proposal accordingly.</p> <p>The committee appreciates the responses to the specific questions presented in the invitation to comment.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>b. It is not a good idea to allow an optional request to stay enforcement of the judgment. Such would provide the judgment debtor with more relief than the statute entitles. A stay of enforcement of the “judgment,” would prevent the judgment creditor from being able to attach non-deposit account assets or conduct post judgment discovery, including a judgment debtor exam.</p> <p>c. It is not necessary or a good idea for the application and order to allow the exemption to be allocated among multiple accounts at a single financial institution.</p> <p>EJ-150, paragraph 3, indicates “If the judgment debtor has more than one account in a [single] financial institution, that institution may decide how and to which account to apply the exemption ...”</p> <p>It makes more sense to have the financial institution make the election since the exemption is automatic, and the financial institution possesses sufficient info regarding the judgment debtor’s account balances to determine if funds exist in any accounts in excess of the automatic exemption.</p> <p>The statute provides for an automatic exemption of a set amount; it does not allow the judgment debtor to limit the judgment creditor’s ability to</p>	<p>The committee appreciates this comment on whether the forms should provide for an optional request for stay of enforcement of judgment. Having considered all of the comments on this issue, the committee concluded that the forms should not be further revised to include an optional request for a stay because this is beyond what the statute provides for and the form order allows for “other rulings” which may encompass similar relief where appropriate.</p> <p>The committee appreciates this comment disfavoring allocation across multiple accounts at a single financial institution. The committee has considered all of the comments on this issue, unclear statutory language, contradictory legislative history, and potential policy implications of various interpretations. Though there are reasonable arguments to the contrary, the committee understands the new law to allow for allocation of the deposit account exemption across multiple accounts at a single or multiple financial institutions.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>collect non-exempt funds or make it more difficult or time consuming to the judgment creditor to collect non-exempt funds.</p> <p>Other Comments</p> <p>Training will be necessary and workload for judicial and non-judicial staff will increase. County Sheriffs that act as levying officers may be impacted by the change.</p>	<p>The committee has considered the stated implementation requirements; no further response is required.</p>
3.	Orange County Bar Association by Scott B. Garner, President Newport Beach, California	AM	<p>The Orange County Bar Association believes the proposed forms appropriately address the stated purpose of implementing S.B.616 provided that the forms are further modified to conform to all provisions of S.B.616 after further comparisons to S.B.616. For instance, the provisions creating CCP §704.220(e)(1) specifically state that the “automatic exemption” (now at \$1,724) applies “per debtor” and not “per account”; however only the proposed Form EJ-157-INFO sets forth this limitation and it is no where stated on Form EJ-157 itself which will cause confusion among judicial officers, clerks, debtors, and creditors. In addition, the new CCP §704.220(e)(3) states that if a judgment debtor holds deposit accounts in multiple accounts at two or more financial institutions then the “judgment creditor shall” file an ex parte application in the superior court for a “hearing” to establish “how and to which account the exemption should be applied”; however the proposed new forms (especially EJ-157, EJ-157-INFO, and EJ-159) do not ever</p>	<p>The committee has considered this comment and concluded that direction on form EJ-157 to read the instructions before filing, coupled with the explicit statement on EJ-157-INFO item 1 that the exemption is per debtor and not per account, should provide sufficient explanation of this portion of the law.</p> <p>The committee has considered this comment and modified the proposal to make clearer that the</p>

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			<p>indicate that (1) the judgment creditor is required by statute to make the ex parte request if there are multiple deposit accounts at different institutions, (2) the ex parte request is to request a hearing not to obtain an ex parte determination (apparently), and (3) the hearing is for the purpose of determining “how and to which account the exemption should be applied” (not which “accounts” as provided as an option under EJ-159; applying the exemption to multiple accounts contradicts CCP §704.220(a),(e)(3), although the legislative history is confusing and unclear as noted by the Judicial Council).</p> <p>For the reasons stated above, it is not appropriate for the Ex Parte Application & Order to allow for the exemption to be allocated among multiple accounts among multiple institutions, but it may be so authorized for multiple accounts at a single institution. Compare CCP §704.220(e)(1) with (e)(2) and with (e)(3) – what did the legislature intend by these contradictory provisions?</p> <p>Regarding the request for comments concerning adding a request for stay of enforcement as part of the new ex parte application form, we believe the optional request would be appropriate and helpful to all parties, including the levying officers, the financial institutions, the court, and the litigants. This is a troublesome series of new statutes since they create “automatic</p>	<p>judgment creditor must make the application if there are multiple accounts.</p> <p>Though the statute is somewhat unclear, the committee understands it to allow for either an order shortening time for a hearing on the application or an ex parte order without a hearing where appropriate.</p> <p>The committee has considered this comment disfavoring allocation across multiple accounts at multiple financial institutions. The committee has considered all of the comments on this issue, unclear statutory language, contradictory legislative history, and potential policy implications of various interpretations. Though there are reasonable arguments to the contrary, the committee understands the new law to allow for allocation of the deposit account exemption across multiple accounts at a single or multiple financial institutions.</p> <p>The committee appreciates this comment on whether the forms should provide for an optional request for stay of enforcement of judgment, and has considered the suggestion that the forms should provide for this type of request. However, having considered all of the comments on this issue, the committee concluded that the forms should not be further revised to include an</p>

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			<p>exemptions” without the debtor making any application for exemption and without most creditors even knowing whether or not the judgment debtor has “multiple deposit accounts” or even has a “deposit account.”</p>	<p>optional request for a stay because this is beyond what the statute provides for and the form order allows for “other rulings” which may encompass similar relief where appropriate.</p>
4.	<p>Public Law Center By Leigh E. Ferrin Director of Litigation and Pro Bono Santa Ana, California</p>	AM	<p>Public Law Center (PLC) is a 501(c)(3) not-for-profit organization that provides free civil legal services to low-income individuals and families across Orange County. The civil legal services that we provide include consumer, family, immigration, housing, veterans, community organizations, and health law.</p> <p>PLC appreciates the opportunity to comment on Invitation W20-05 which is the modification of forms EJ-130, EJ-150, EJ-155 and EJ-156. PLC worked on SB 616 over the past few years and is grateful to the Judicial Council for its efforts in complying with the new law. PLC believes that the new protections will have a significant impact on its low-income clients who are often left with little to nothing when their bank account is cleaned out by a debt buyer or debt collector.</p> <p>It is important to note that SB 616 provides for an automatic exemption under Cal. Code Civ. Proc. Section 704.220(e)(3), and therefore it is important to clarify in the forms that debtors only need to file an ex parte application in certain limited circumstances. While EJ-157-INFO states clearly that financial institutions must apply an automatic exemption in Section 1, it might make sense to bold that and leave it</p>	<p>The committee notes the commenter’s support for the proposal if modified and recognizes the work of this organization; no response is required.</p> <p>The committee has considered this comment and modified EJ-157-INFO to incorporate the spirit of</p>

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			<p>as Section 1, and then either separate the following text into a separate paragraph, or add a section that has the next two sentences in it about when an ex parte application would be needed.</p> <p>PLC would propose the following:</p> <ol style="list-style-type: none"> 1. Automatic Exemption: Code of Civil Procedure section 704.220 provides that financial institutions must apply an automatic exemption when served a Notice of Levy on a judgment debtor’s deposit account, if the underlying judgment is not based on wages owed or child or spousal support. 2. The exemption (the amount of which can be found on form EJ-156) is per judgment debtor, not per account. If the judgment debtor has multiple deposit accounts, either the judgment debtor or judgment creditor may make an ex parte application to a court for an order designating how and to which deposit account the automatic exemption is to be applied. (See Code of Civ. Proc. §704.220(e).) 3. A judgment debtor (defendant) applying for an order to designate a specific account or how to allocate the exemption among multiple accounts should do as soon as receiving a notice of a levy, because the financial institution is required to act promptly in sending funds to the levying officer. 	<p>this and similar suggestions to provide further specificity and clarity about the new law and the debtor and creditor’s respective rights and obligations with respect to the automatic deposit account exemption.</p>

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			<p>PLC appreciates the judicial council expressing the urgency of acting to protect particular account(s) if the debtor so wishes. While PLC does not want to further complicate or confuse the issue, PLC also believes that certain language may be more confusing if not clarified. PLC proposes that the language be changed to reflect that the financial institution is required to automatically withhold the exempted amount, but that without a specific order from the court, the financial institution will choose which account to protect. The financial institution is not required to wait for a court order, so the debtor should submit the ex parte application and a claim of exemption to notify the bank that action is being taken.</p> <p>Rather than a stay of enforcement, PLC proposes adding a section to Form EJ-160 that is the same as a debtor submitting a claim of exemption to the levying officer, that notifies the levying officer, the financial institution and the creditor, that the debtor is seeking a determination from the court as to which account(s) the exemption should apply. That way the bank will not turn money over to the levying officer until further instruction is received. It would be a relatively minor fix, but the debtor would then have a mechanism by which he or she could notify the levying officer, the creditor and the financial institution that a court process was occurring, similar to what happens when a claim of exemption is</p>	<p>The committee appreciates this comment on whether the forms should provide for an optional request for stay of enforcement of judgment, and has considered the suggestion that Form EJ-160 instead be revised to provide notice to the levying officer, financial institution and creditor that the debtor is seeking a judicial determination. However, this suggestion is beyond the scope of the proposal and does not appear to be authorized by the new statute.</p>

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			<p>submitted to the levying officer and the creditor submits its opposition.</p> <p>In all situations, PLC encourages the Judicial Council to refer to a judgment debtor “submitting” the claim of exemption form to the levying officer, rather than using the word “filing.” Judgment debtors, especially those who are representing themselves and/or who primarily speak a language other than English, are often confused by the term “filing,” which implies filing with the court. Using the word “submit” or “submitting” or something similar, better removes that presumption that the forms should be filed with the Court.</p> <p>Hardship Exemption</p> <p>One very important piece of SB 616 is the hardship exemption which now applies to bank accounts. A debtor, upon receiving notice of a bank levy, may submit a claim of exemption to the levying officer stating that it would cause the debtor a hardship if his or her bank account were to be levied. The debtor will need to provide a supporting financial statement, just like in the case of claims of exemption to wage garnishment based on hardship, but very clearly is allowed to make the argument. On EJ-150, on the Information Sheet, An additional paragraph should be added under the third section, “Information About Deposit Accounts,” that states that a debtor may also claim that the funds in a deposit account are exempt from levy</p>	<p>The committee appreciates this suggestion and will take it into account in its future work.</p> <p>The committee appreciates this comment relating to the hardship exemption established by section 704.225, and has modified EJ-155 to include this additional exemption in the list under “Deposit Accounts.” However, the committee declines to add a paragraph to EJ-150 page 2 “Information About Deposit Accounts” because the “Information for Judgment Debtors” section above informs debtors of the existence of non-automatic exemptions such as the new hardship exemption and an additional paragraph would be repetitive.</p>

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			<p>because such a levy would cause the debtor a hardship under Section 704.225.</p> <p>On EJ-155, the list of applicable exemptions, the line reading “Deposit Accounts (generally) CCP §704.220” should also include CCP §704.225.</p> <p>Additionally, on EJ-156, a section should be added under the current section for 704.220 that reads:</p> <p>704.225 Deposit account, upon debtor’s claim of exemption for hardship \$5 and have the footnote 5 state: No specific exemption amount; based on debtor’s claim of exemption for hardship.</p> <p>Because Form EJ-155 is often not attached to the notice that the debtor receives, PLC suggests specifically citing to the form in which the exemptions can be found, either EJ-155 and/or EJ-156.</p> <p>Ex Parte Application</p> <p>Writ of Execution and Notice of Levy</p> <p>In our experience, the majority of debtors receive notice of the levy from the bank directly, which usually provides some type of letter on the bank’s own letterhead notifying the debtor that their bank account is or will be frozen as a result of a levy. Sometimes the bank attaches a copy of the instructions it received from the local levying officer and sometimes the</p>	<p>The committee appreciates this comment relating to the hardship exemption established by section 704.225, and has modified EJ-155 to include this additional exemption in the list under “Deposit Accounts.”</p> <p>The committee has considered this suggestion, but because form EJ-156 is a list of the “current dollar amounts” of various exemptions that are revised on a triennial schedule, whereas the hardship exemption is not a set dollar amount, the committee believes its inclusion would be misplaced on this form.</p> <p>The committee appreciates this suggestion and has modified form EJ-150 page 2 to include a specific reference to form EJ-155 (a reference to form EJ-156 is already included).</p> <p>The committee appreciates this comment indicating that some debtors may not have copies of the Writ of Execution and Notice of Levy and a litigant’s best efforts to obtain these documents should be sufficient for form EJ-157. While the committee is sympathetic to this possibility,</p>

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			<p>bank does not attach a copy. Either way, the debtor almost never receives a copy of the writ of execution and notice of levy itself. Requiring the debtor to attach those documents will lead to many ex parte applications being denied as a result. PLC suggests that the language instead state that the debtor make their best efforts to obtain copies of the writ of execution and notice of levy so that they may be attached to the ex parte, but making clear that an ex parte cannot be denied solely because a debtor failed to attach such copies. In many cases, those documents are in the plaintiff’s/creditor’s possession and in the court’s possession, and the debtor is the party least able to access the documents.</p> <p>Procedural Questions</p> <p>PLC agrees with the judicial council’s interpretation that either the debtor or the creditor may request a hearing on shortened notice (or, in certain circumstances request an order without a hearing) for the court to determine how and to which accounts the exemption applies. PLC proposes that the preference be for a hearing on shortened notice, since this process results in the loss of property and many of these will be filed by self-represented litigants who may need the opportunity to be heard.</p> <p>PLC also proposes that a court may determine that an exemption be applied across accounts, or</p>	<p>copies of these documents may be necessary for a court to fully and fairly evaluate the ex parte application. Therefore, the committee declined to revise the proposed new form to eliminate the request that the Writ of Execution and Notice of Levy be attached, but instead modified the form to allow for a litigant to provide an explanation as to why the Writ or Notice of Levy is not attached.</p> <p>The committee appreciates this comment relating to the ex parte hearing process. As noted, though the statute is somewhat unclear, the committee has determined that it allows for either an order shortening time for a hearing on the application or an ex parte order without a hearing where appropriate. The forms themselves do not indicate a “preference,” and it will be up to the court in each individual case to determine whether it is appropriate to rule without a hearing.</p> <p>The committee has considered this comment favoring allocation of the automatic deposit</p>

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			to a single account. It may be that there are reasons why it is important for accounts to maintain certain minimum balances, and a debtor may want to therefore apply the exemption across two accounts to protect minimum balances in both accounts (for instance, to avoid bank fees).	account exemption across multiple accounts. The committee has considered all of the comments on this issue, unclear statutory language, contradictory legislative history, and potential policy implications of various interpretations. Though there are reasonable arguments to the contrary, the committee understands the new law to allow for allocation of the deposit account exemption across multiple accounts at a single or multiple financial institutions.
5.	Superior Court of San Diego County By Mike Roddy Executive Officer	AM	<p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Should EJ-159 have an addition box to include an option for an attachment to allow for the listing of more accounts?</p> <p>Also, should item 9 on EJ-159 include a “checkbox” for “Other Rulings” or “Additional Orders”?</p> <p>Is it appropriate for the application and order to include items allowing the exemption to be allocated among multiple accounts? If not, why? Yes.</p> <p>Would adding an optional request for stay of enforcement of judgment to the new ex parte application form be appropriate or helpful? No.</p> <p>What would the implementation requirements be for courts—for example,</p>	<p>The committee appreciates the commenter’s support for the proposal if modified and has considered the comments specific to form EJ--159. The committee notes that form EJ-159 item 8 includes a large space for a list of financial institutions and accounts, and item 9 includes a space for “other rulings.”</p> <p>The committee appreciates this comment favoring allocation of the automatic deposit account exemption across multiple accounts. Though there are reasonable arguments to the contrary, the committee understands the new law to allow for allocation of the deposit account exemption across multiple accounts at a single or multiple financial institutions.</p> <p>The committee appreciates this comment that an optional request for stay of enforcement of judgment would not be helpful or appropriate.</p>

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			<p>training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Updating internal procedures, training staff and adding filings to case management system.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final version of the forms are provided to the courts at least 30 days prior to the effective date. This will give courts sufficient time to update their procedures, configure local packets, and order printed stock.</p> <p>How well would this proposal work in courts of different sizes? It appears that the proposal would work for courts of all sizes.</p> <p>General Comments:</p> <p>EJ-157, Item 5: Replace “creditor’s” with “debtor’s”, “Applicant requests that the judgment creditor’s debtor’s deposit account exemption...”</p> <p>EJ-159, item 3c: Section referenced should be 704.220, not 104.220.</p>	<p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p>

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6.	<p>East Bay Community Law Center by Sharon Djemal Director Consumer Justice Clinic</p> <p>Jenna Miara, Directing Attorney Bet Tzedek</p> <p>Rebecca Miller, Senior Litigator Western Center on Law & Poverty</p> <p>Claire Johnson Raba Clinical Teaching Fellow, Consumer Law Clinic University of California-Irvine School of Law</p>	AM	<p>The East Bay Community Law Center, Bet Tzedek, University of California-Irvine School of Law, and Western Center on Law and Poverty are pleased to have the opportunity to comment on the Judicial Council’s proposed forms for the implementation of SB-616. As co-sponsors of SB-616 or members of a co-sponsoring organization, we are intimately familiar with the purposes of these important changes to the law; and we support your efforts to bring the forms into compliance with the new legislation. The legislation and forms are a critical step towards protecting low-income Californians.</p> <p>The proposed forms convey most of the new information, and we appreciate the painstaking efforts the Judicial Council has clearly already put into these forms. However, in some instances, the proposed forms misstate the law, exclude crucial exemptions, or are unnecessarily confusing. Our work with low-income residents convinces us that our clients and other vulnerable people across California will be best protected if the proposed forms are revised to better reflect the wording and intent of SB-616. Below, we specify the various issues we identified with the proposed forms and recommend alternative language where appropriate.</p> <p>A. <u>Proposed Form EJ-157-INFO Should Be</u></p>	The committee appreciates the commenters’ support for the proposal if modified.

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			<p><u>Revised to Clarify That Under Certain Circumstances, the Financial Institutions Will Automatically Apply the Exemption</u></p> <p>SB-616 was implemented in order to help remove the great burdens debtors face when their accounts are levied. Unfortunately, we believe that proposed form EJ-157-INFO may mislead debtors into believing that, in all circumstances, they must file an ex parte application in order to prevent their financial institution from levying their bank account.</p> <p>Specifically, EJ-157-INFO, paragraph 2, states that when a judgment debtor applies for an order to specify how to designate a specific account or how to allocate the exemption amount multiple accounts, the debtor should apply an ex parte application as soon as possible because the financial institution is required to act promptly in sending funds to the levying officer. This can be confusing for the debtor because it implies that the bank is not required to automatically apply the exemption absent a court order. The debtor only needs to file an ex parte application if the debtor wants to designate to which account the bank account(s) the bank should apply the exemption when the debtor has multiple accounts in the same institution.</p> <p>We recognize the great difficulty in creating forms that are both easily comprehensible,</p>	<p>The committee has considered this comment and modified EJ-157-INFO to incorporate the spirit of this and similar suggestions to provide further specificity and clarity about the new law and the debtor’s and creditor’s respective rights and obligations with respect to the automatic deposit account exemption.</p>

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			<p>while also distinguishing the complicated details that are not necessarily easy to convey on a form. However, we feel it is very important that this distinction clear to the debtor. In order to achieve an accurate recitation of the law, we propose that the following language replace paragraph 2 of EJ-157-INFO:</p> <ol style="list-style-type: none"> 1. Automatic exemption: California Code of Civil Procedure section 7040.220 provides that financial institutions <u>must</u> apply automatic exemption when served a notice of levy on a judgment debtor’s deposit account, if the underlying judgment is not based on wages owed or child or spousal support. 2. If you only have one bank account, your bank will automatically exempt the amount protected under the law. If you have more than one bank account, use this form to ask the court to tell your bank how to apply the exemption. If you do not, you will still receive the exemption but your financial institution will decide to which account(s) it applies. <p>B. <u>Proposed Forms Fail to Acknowledge 704.225’s Hardship Exemption and Effective Date</u></p> <p>Although SB-616 only directs the Judicial</p>	

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			<p>Council to amend or adopt forms necessary to implement CCP § 704.220, it is important that the new forms properly convey debtors’ full range of exemptions, especially those contained within SB-616. Unfortunately the proposed forms do not mention newly created exemption CCP § 704.225, the “hardship exemption.” This exemption is already in effect, as it became law on January 1, 2020. It allows a judgment debtor to exempt money in their deposit account “to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.” This gives debtors the opportunity to exempt even more money in their deposit account than the current automatic exemption amount authorized by 704.220. Essentially, the hardship exemptions allows a debtor the opportunity to argue that, even though the money in their deposit account is not otherwise exempt from collection, due to the debtor’s actual financial needs to support themselves and their dependents, the court should exempt that money needed for support from collection. This new section is not mentioned on any of the updated forms. It is imperative that all Judicial Council forms are properly updated to reflect the stand-alone hardship exemption for deposit accounts. In order to achieve this, we propose the following amendments:</p> <ol style="list-style-type: none"> 1. EJ-155, “Exemptions from the 	

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			<p>Enforcement of Judgments”, should be revised to include, on page 1, “<u>CCP § 704.225</u>” under “Deposit Accounts (generally)”;</p> <p>2. EJ-156, “Current Dollar Amounts of Exemptions from Enforcement of Judgments,” should be revised to include, on page 2, “704.225 Money in a Judgment Debtor’s Deposit Account that is not otherwise exempt, but is needed for the support of the judgment debtor and the spouse and dependents of the judgment debtor.” Since this amount varies dependent on the debtor, it might be prudent to include an asterisk for the dollar amount, which varies according to each debtor’s particular situation.</p> <p>C. <u>Proposed Forms EJ-150 and EJ-157 Fail to Properly Implement SB-616 and Contain Confusing and Misleading Statements</u></p> <p>As previously stated, SB-616 directs the Judicial Council to amend and adopt forms necessary to implement CCP § 704.220. Due to the tremendous impact that the automatic deposit account exemption is going to have on debtors; as well as the procedural changes that financial institutions will have to understand in order to carry out the mission of SB-616, it is</p>	<p>The committee appreciates this comment relating to the hardship exemption established by section 704.225, and has modified EJ-155 to include this additional exemption in the list under “Deposit Accounts.”</p> <p>The committee has considered this suggestion, but because form EJ-156 is a list of the “current dollar amounts” of various exemptions that are revised on a triennial schedule, whereas the hardship exemption is not a set dollar amount, the committee believes its inclusion would be misplaced on form EJ-156.</p>

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			<p>imperative that the forms properly convey the law in a clear and easy to understand fashion. Unfortunately, beyond the suggestions made above, proposed EJ-150 and EJ-157 contain numerous misstatements of the law and often utilize unnecessarily confusing and ambiguous language. As a result, we propose the modifications outlined below.</p> <p><i>i. Changes Needed to Comply with Statutory Language</i></p> <p>In order to make proposed EJ-150 comply with the law, the following changes must be made:</p> <p>1. On page 2, under “Information For Judgment Debtor”:</p> <p style="padding-left: 40px;">a. Paragraph 2 states “...assigned a tracking number by the US Postal Service.” Unlike the language in the form, the relevant statute, CCP § 703.520, does not limit the carrier to the US Postal Service. Instead, the statute states: “assigned a tracking number by the United States Postal Service or another common carrier...”</p> <p>Moreover, individuals filling out the form may have easier access to a common carrier that is not the US Postal Service. Thus, the form should be changed to state “...assigned a tracking number by the US Postal Service <u>or</u></p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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			<p><u>other common carrier.”</u></p> <p>In order to make proposed EJ-157 comply with the law, the following changes should be made:</p> <p>1. On page 1, paragraphs 3 and 4, the form directs the movant to attach a copy of the Writ of Execution and Notice of Levy that is at issue. Unfortunately, many debtors do not end up receiving copies of the Writ of Execution and/or Notice of Levy. In some cases, debtors file exemption documents based on incomplete secondhand information they obtained from their bank because they never received a copy of the Writ and/or Notice. The statute does not require the movant to attach the Writ or Notice to the ex parte application. Thus, this requirement is an unnecessary requirement that may lead to debtors not exercising their exemption rights simply because they do not have copies of the documents. We recognize it would be very difficult for a court to issue an order on an ex parte application without being able to review copies of the Writ and Notice, and that it is definitely preferable that these documents are attached to the ex parte application.</p> <p>Thus, we suggest that paragraph 3 of the proposed form be revised to state: “(Attach a copy, <u>if available</u>.) And that paragraph 4 be revised to state: “(identify and attach a copy of each notice, <u>if available</u>):”</p>	<p>The committee appreciates this comment indicating that some debtors may not have copies of the Writ of Execution and Notice of Levy and the suggestion that copies should only be required “if available.” While the committee is sympathetic to this possibility, copies of these documents may be necessary for a court to fully and fairly evaluate the ex parte application. Therefore, the committee declines to revise the proposed new form to eliminate the request to attach the Writ of Execution and Notice of Levy, but instead modified the form to allow for a litigant to provide an explanation as to why the Writ or Notice of Levy is not attached.</p>

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W20-05

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			<p>ii. Changes Suggested to Make Forms More User Friendly and Understandable</p> <p>In order to make EJ-150 less confusing, the following changes should be made:</p> <p>1. On page 2, under “Information For Judgment Debtor”:</p> <p>a. Paragraph 2 and 3 should be switched so it’s clear that a debtor does not need to file a claim of exemption to receive the automatic protections of SB- 616.</p> <p>b. Paragraph 2 states “A list of exemptions is attached.” Most debtors obtain Judicial Council forms electronically, where a list of exemptions is not attached. Instead of this language, the form should be revised to cite to the form that contains the list of exemptions. Specifically, the second sentence should read: “A list of exemptions is attached <u>can be found on form EJ- 155.</u>”</p> <p>c. Paragraph 2 states “...by filing a claim of exemption and one copy with levying officer as provided...” This should be corrected to read: “...by filing a claim of exemption and one copy <u>of the claim</u> with the levying officer...”</p> <p>d. Paragraph 3 states, “There are automatic exemptions that financial institutions should apply to a deposit account before providing funds to the levying officer.” Proposed language: “This notice does not mean that all of the money in your bank</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this comment and suggested modified language, but determined that the existing language is equally clear and more succinct.</p>

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			<p>account will be levied and paid to the creditor. There are legal protections that exempt (protect) your money up to a certain dollar amount. See below for more information about money in deposit accounts.”</p> <p>2. On page 2, under “Information About Deposit Accounts”:</p> <p>a. Paragraph 1 states that “there is an automatic exemption for money in a deposit account...” Since SB-616 is a new law, and financial institutions will be utilizing these forms while navigating their new legal responsibilities, it is important that financial institutions are aware that they are the entities that will be effectively applying the automatic exemption. Therefore, we suggest the sentence be reworded to state: “If the levy is not to satisfy a judgment for wages owed, child or spousal support, or liability to the state government, there is an automatic exemption for financial institutions must automatically exempt money in a deposit account up to a certain dollar amount, under section 704.220 of the Code of Civil Procedure, with no claim of exemption required.”</p> <p>b. Paragraph 1 instructs financial institutions to reference form EJ-156 for the exemption amount, but does not explain where. EJ-156 is two pages of lists, which can be daunting. In order to make clearer where financial institutions should refer for information about required exemption</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include specific statutory references, as this level of</p>

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			<p>amounts, the instructions should be rewritten to read “See form EJ-156, <u>Code Civ. Proc. Section 704.220</u>, for the exemption amount.”</p> <p>c. Paragraph 2 can similarly be rewritten to provide more specific instructions to readers: “(See form EJ-156, <u>Code Civ. Proc. Section 704.080</u>, for the exemption amounts.)”</p> <p>D. Procedural Question</p> <p>We agree with the Judicial Council’s interpretation that either the debtor or the creditor may request a hearing on shortened notice (or, in certain circumstances request an order without a hearing) for the court to determine how and to which accounts the exemption applies. We propose that the preference be for a hearing on shortened notice, since this process results in the loss of property and many of these will be filed by self-represented litigants who may need the opportunity to be heard.</p> <p>Given the expansion of protections for low-income Californians and the difference these new protections will make in their lives, it is critical that those who stand to benefit are correctly and adequately informed of their rights. Revising forms to reflect the statutory meaning and creating new forms to make accessing those rights easier is critical to the law’s success.</p> <p>In conclusion, we wish to reiterate our</p>	<p>statutory specificity would be atypical and the reference to the form itself should provide sufficient explanation.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include specific statutory references, as this level of statutory specificity would be atypical and the reference to the form itself should provide sufficient explanation.</p> <p>The committee appreciates this comment relating to the ex parte hearing process. As noted, though the statute is somewhat unclear, the committee has determined that it allows for either an order shortening time for a hearing on the application or an ex parte order without a hearing where appropriate. The forms themselves do not indicate a “preference,” and it will be up to the court in each individual case to determine whether it is appropriate to rule without a hearing.</p> <p>The committee appreciates the commenter’s perspective on the impact SB 616 may have on various stakeholders; no further response required.</p>

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			<p>appreciation for the Judicial Council’s efforts to implement SB-616. We are grateful for the Council’s work as well as for its investment of time and effort in this issue of immediate importance to our low-income clients. EBCLC, Bet Tzedek, University of California-Irvine School of Law and Western Center on Law & Poverty are grateful, too, for its invitation to comment on the proposed forms. We are confident the Council’s efforts will substantially improve the lives of thousands of Californians.</p>	
7.	<p>California Association of Judgment Professionals by Gretchen D. Lichtenberger Legislative Chairperson</p>	NI	<p>On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding the proposed revisions to the Judicial Council forms EJ-130, EJ-150, EJ-155, and EJ-156 and the adoption of forms EJ-157, EJ-157-INFO, EJ-158 and EJ-159.</p> <p><u>Comments and Suggestions:</u></p> <p>Yes, this new law is very confusing and will cause a great deal of havoc for creditors and for the courts. We have no idea yet of the full impact this poorly written law will have upon all those involved with judgment enforcement, including the courts, the clerks and the sheriffs. I could go on and on about what a mess this is going to cause because the law put the requirements for compliance on the financial institutions, which now have a huge added burden to processing levies.</p>	<p>The committee appreciates the commenter’s perspective on the impact SB 616 may have on various stakeholders; no further response required.</p>

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			<p>Judgment Creditors will have no way of knowing if the financial institutions have properly complied or not. The new law makes no provisions for whether the financial institution is suppose to freeze the money for any length of time or whether the financial institution will simply not freeze the automatically exempt amount of \$1,724.00 and allow the judgment debtor full access to said money after the levy. If the judgment debtor has multiple accounts at the same financial institution and the financial institution happens to apply the \$1,724.00 exemption to EACH account, the judgment debtor may be able to liquidate all the funds before the judgment creditor has a chance to do anything. I can see a future where the judgment creditors will go into court ex parte, no notice and get the order BEFORE doing the levy and then serving the order about allotment of the funds WITH the Notice of Levy to assure the judgment debtor doesn't abscond with the funds once they know about the levy. What a mess!!</p> <p>Anyway, here are my suggestions and comments regarding the Invitation to Comment:</p> <p>Specifically, you asked for comments regarding a stay of enforcement. A "Stay of Enforcement" would benefit and be requested for only by the judgment debtor whereas a "Temporary Injunction or Restraining Order" would benefit and be requested by the judgment creditor to prevent the financial</p>	<p>The committee appreciates this comment on whether the forms should provide for an optional request for stay of enforcement of judgment, and the suggestion that the existing space for "other rulings" on the form order may be sufficient . Having considered all of the comments on this</p>

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			<p>institution from allowing the debtor to remove funds from the deposit account until the court makes an order about the exemption. If either party goes into court quickly, the court is able to make whatever ruling is necessary to protect either side. Your new EJ-159 Order already has a spot for “Other Rulings” in item 9 where the court can order stay of enforcement or temporarily restrain the financial institution or whatever else is required. I, personally, have gone into court ex-parte on many occasions over the years to obtain an order from the court for whatever I needed to accomplish my goal. It is impossible to know all the fallout of this new law until it starts being applied and used. The pitfalls are many and only time will tell how this law will twist and turn the multiple accounts scenario.</p> <p><u>Suggestions for the Writ of Execution, EJ-130 form:</u></p> <p>1) In the caption on page 1 on top of the EJ-130, I suggest changing the wording of “Plaintiff :” to “Plaintiff/Petitioner :” and changing “Defendant :” to “Defendant/Respondent :”, so it is clear for Family Law and Probate cases. Also, the same change to the top of pages 2 & 3. I will be making this suggestion/comment for all forms in the future, as well.</p> <p>Some forms on page 2 show the “Plaintiff”</p>	<p>issue, the committee concluded that the forms should not be further revised to include an optional request for a stay because this is beyond what the statute provides for and the form order allows for “other rulings” which may encompass similar relief where appropriate.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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			<p>and the “Defendant” lines separately and autofill those lines from the entries on page 1 whereas other forms have “Short Title” on the top of page two without any autofill so said area must be typed separately. It would be nice for all forms to be consistently the same, as suggested by our Members.</p> <p>2) Another suggestion by our Members was that some forms have the upper box where the filing party’s information is type as individual lines to type into whereas some forms have one box that allows typing everything like for a letter or envelope. This second options is best because we can copy the complete name and address at one time and just paste that information into another form one time without copying each line and pasting each line separately.</p> <p>3) I would like to suggest that you move the vertical line in the caption box a little to the left so the Case Number area is slightly large to accommodate the full case number where some courts have long numbers. Also, please make the “Case Number” boxes on pages 2 and 3 slightly larger. As an alternative, please format the Case Number boxes to automatically reduce the font size if a longer number is typed into said box.</p> <p>4) Under item 4 on page 1 of the EJ-130, I suggest adding another check box with the words “Includes additional names pursuant to</p>	<p>The committee appreciates this suggestion and, where possible and appropriate, has modified the second page of the forms so that they are consistent and can autofill from the first page.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the second page of the forms so that they are internally consistent. Where this change has not been made, the suggestion will be considered for future revisions of these forms.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the formatting of the form captions to provide some additional space for the case number. Where this change has not been made, the suggestion will be considered for future revisions of these forms.</p> <p>The committee has considered the suggestion to include reference to an “affidavit of identity” but declines to make this change at this time as it is</p>

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			<p>an affidavit of identity” above the check box “Additional judgment debtors on next page”. In item 21 on page 2 of the EJ-130, I suggest the words of the check box be extended to one line across to the right side (to make space) plus I suggest adding a “(s)” to “debtor” so said sentence reads “Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address): ”. I then suggest adding a check box below the area for the debtor(s) name and address indicating below each “Includes additional names pursuant to an affidavit of identity”. If you need more space on page 3, you can change item 24c by removing the area for the creditor to itemize costs and by removing the check box for “Below” and just have check box 24c read “Additional costs against certain joint debtors are itemized on Attachment 24c”. This itemization area is rarely used. If you opt not to make this change, please change the second check box for item 24c to read “on Attachment 24c” rather than “Attachment 23c”, since you changed that item’s number.</p> <p>This change to include reference to the affidavit of identity is necessary because Code of Civil Procedure section 699.520(k) mandates this information be on the Writ of Execution. This has been a mandate for quite some time however not included on past EJ-130 forms. When using a Writ of Execution which includes additional names of the</p>	<p>beyond the scope of the proposal. The suggestion will be considered for future revision of the form. The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered the suggestion to include reference to an “affidavit of identity” but declines to make this change at this time as it is beyond the scope of the proposal. The suggestion will be considered for future revision of the form.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p>

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			<p>judgment debtor pursuant to an affidavit of identity, the judgment creditor is required to serve a copy of the affidavit of identity upon the judgment debtor [CCP §700.010(a)(4)] along with a copy of the Writ [CCP §700.010(a)(1)].</p> <p>5) Under item 22c where the check box reads “other”, presumably, there will be a text box following the word “other” to fill in clarification of why the levy would not be subject to CCP §704.220 exemption. If this wasn’t planned, I would like to make that suggestion.</p> <p>6) Under item 25, presuming you renumber this item, I suggest you change the references to “24” in item 25a(4) to read “item 25a(3)” and “item 25a(2)” at the bottom of page 2, and in item 25b to read “(itemize in 25e)” and in item 25e to read “On Attachment 25e”</p> <p>7) In item 17, I suggest adding “(GC 70626(a)(1)” after “Fee for issuance of writ”. The fee just went up to \$40.00 so this is a reminder where to find the correct amount that goes on this line.</p> <p>8) In item 18, I suggest the wording be changed from “Total” to “Total amount due” so item 18 will read “Total amount due (add 15, 16, 17)”. The reason for this change is to make the verbiage uniform on the integrated</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include this specific statutory reference, as this level of statutory specificity would be atypical.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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			<p>forms for clarity. The number that is in item 18 on the Writ of Execution EJ-130 form is the same number that goes into item 2a (now item 3a) on the Notice of Levy EJ-150 form.</p> <p>9) In item 19b, please change “CCP 699.520(i)” to “CCP 699.520(j)”. The addition of items to 699.520 several years ago caused the renumbering of the subsection for the court reimbursement costs.</p> <p>10) It would be great if somehow in item 5 it could read “Judgment entered/amended on (date):”. There is always confusion when a judgment has been amended on a date that is not “nunc pro tunc” so creditors are confused what to put in this item when a judgment is “entered” on a particular date, then “amended” on a date later. My suggestion to make this happen would be to reword the item 9 check box to one line to read “Writ of Possession/Writ of Sale information on next page” and move the item 8 check box up above the item 9 check box. Then, item 8 and item 9 would have consistent wording. This would allow a little more space on the left side of the page.</p> <p><u>Suggestions for the Notice of Levy, EJ-150 form:</u></p> <p>1) In the caption box in the upper left, I suggest you add the word “original” to</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include the word “amended” as this could also cause confusion.</p> <p>The committee appreciates the suggestion to modify the language of item 9 to make it more consistent with item 8, and has modified the proposal accordingly.</p>

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			<p>“judgment creditor”, like on the Writ of Execution EJ-130 caption; so, the second check box should read “Original Judgment Creditor”. You can move the “Assignee of Record” check box to the right, if needed.</p> <p>2) Please make sure the upper right corner of page 1 of the EJ-150 fully complies with Government Code 27361.6 to leave ample room for the Recorder.</p> <p>3) In the caption on page 1 on top of the EJ-150, I suggest changing the wording of “Plaintiff :” to “Plaintiff/Petitioner :” and changing “Defendant :” to “Defendant/Respondent :”, so it is clear for Family Law and Probate cases.</p> <p>4) In the caption area (where it shows the title of the document “Notice of Levy”), I suggest that you bring the check box for “Sale” <u>under</u> the check box for “Execution (Money Judgment), similar to how the Writ of Execution EJ-130 caption looks. This way you can move the vertical line after “Sale” to the left to create a larger box for the “Court Case No”. I suggest the “Court Case No.” box should be formatted to hold a case number like “56-2020-00889966-CU-PO-VTA”, for example. Additionally, the “Court Case No.” box on page 2 should be enlarged by making the “Short Title” box made smaller.</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and considered the requirements of the statute in formatting the form.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the formatting of the form captions to provide some additional space for the case number. Where this change has not been made, the suggestion will be considered for future revisions of these forms.</p>

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			<p>5) In item 1a, I suggest you add clarity so it will read “Judgment Debtor (name, as shown in item 4 or 21 of Writ)”. This additional language should also satisfy the requirement in CCP §699.540(e) regarding informing the person notified of names added to the Writ by affidavit of identity. Said statutory requirement says the Notice of Levy form “shall inform the person notified” of all names listed in the writ of execution.</p> <p>6) In item 1b, I suggest you add <u>before</u> the check box “as follows” to read “ in Attachment 1b or ”. In other words, I suggest you add an option to describing the property to be levied upon in item 1b by adding a check box indicating the property to be levied upon is described in an Attachment..... or as follows.</p> <p>7) In item 2, where the check box reads “other”, presumably, there will be a text box following the word “other” to fill in clarification of why the levy would not be subject to CCP §704.220 exemption. If this wasn’t planned, I would like to make that suggestion.</p> <p>8) Item 3 has obviously been renumbered by the addition of item 2. In item 3a, I suggest you remove “(less partial satisfactions)” and replace it with “(line 18 from the Writ)”. Per my suggestion for line 18 of the Writ above, I am suggesting the</p>	<p>The committee appreciates this suggestion but declines to modify the proposal in this way at this time.</p> <p>The committee appreciates this suggestion but declines to modify the proposal to create a new attachment at this time.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal to include reference to line 18 of the Writ.</p>

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			<p>verbiage is uniform among the forms. So, item 3a should read “Total amount due (line 18 from the Writ)”. This will aid judgment creditors when filling out this form.</p> <p>9) In item 3b, I suggest adding the statutory reference of GC 26720.9, so item 3b will read “Levy fee (GC 26720.9)”. This is a reminder where to find the correct amount that goes on this line.</p> <p>10) In item 3c, I suggest adding the statutory reference of GC 26746(a), so item 3c will read “Sheriff’s disbursement fee (GC 26746(a))”. This is a reminder where to find the correct amount that goes on this line.</p> <p>11) In item 3d, I suggest adding the statutory reference of CCP 685.090(c) & (d), so item 3d will read “Recoverable costs (CCP 685.090(c) & (d))”. This is a reminder where to find the correct amount that may be entered on this line.</p> <p>12) In item 3f, I suggest you add “(line 19a from the Writ)” so item 3f will read “Daily Interest (line 19a from the Writ)”. This will aid judgment creditors when filling out this form.</p> <p>13) In item 4, which has obviously been renumbered from item 3 by the addition of item 2, I suggest you add the statutory reference of “pursuant CCP 700.010 et seq”</p>	<p>The committee has considered this suggestion, but declines to further revise the form to include specific statutory references, as this level of statutory specificity would be atypical.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include specific statutory references, as this level of statutory specificity would be atypical.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include specific statutory references, as this level of statutory specificity would be atypical.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this suggestion, but declines to further revise the form to include</p>

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			<p>for clarity so item 4 will read “You are notified as (pursuant to CCP 700.010 et seq.)”. This will aid judgment creditors when filling out this form to figure out in what capacity a person is required to be served by statute.</p> <p>14) On page 2, item 2 under ‘Information for Judgment Debtor’, I suggest a slight revision to the language, as follows: “A list of exemptions is attached<u>enclosed</u>” “The date of filing is calculated as the date it the claim is received by the levying officer, or the date of the postmark if the claim is mailed and assigned a tracking number by the US-U.S. Postal Service.”</p> <p>15) On page 2, item 3 under ‘Information for Person Other Than Judgment Debtor’, I suggest a slight revision to the language, as follows: “You must complete the accompanying Memorandum of Garnishee within 10 days (CCP 701.030(a))”</p> <p>16)On page 2, item 5 under ‘Information for Person Other Than Judgment Debtor’, I suggest a slight revision to the language, as follows: “ Make checks payable to the levying officer</p>	<p>specific statutory references, as this level of statutory specificity would be atypical.</p> <p>The committee appreciates these suggested modifications to page two of form EJ-150 “Information for Judgment Debtor” at item 2. The committee has considered these and other similar suggestions and modified item 2 (now renumbered as item 3) in various ways to increase clarity.</p> <p>The committee has considered this suggestion and included the 10 day requirement, but declines to further revise the form to include a specific statutory reference, as this level of statutory specificity would be atypical.</p> <p>The committee has considered this suggestion and included the suggested reference to page 1.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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	Commenter	Position	Comment	Committee Response
			<p>shown on upper right of page 1”</p> <p>17)On page 2, item 3 under ‘Information About Deposit Accounts’, I suggest a slight revision to the language, as follows:</p> <p>“If a judgment debtor has multiple accounts in one or more financial institution, either the judgment creditor or judgment debtor (defendant) may file an application in the superior court identified in the front of this form for an order as to which account the exemption should apply.”</p> <p>The statute does not use the word “defendant” and said word is inaccurately used here. A “defendant” is an adverse party in a civil <u>action</u> [CCP §308]. After judgment is entered, the party against whom the judgment is rendered is the “judgment debtor” to the judgment [CCP §680.250], irrespective of whether said party was the Plaintiff or the Defendant in the action or proceeding. Referring to the judgment debtor as “defendant” could be confusing when a judgment is rendered against the Plaintiff, which happens routinely.</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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		<p><u>Suggestions for the Exemptions From the Enforcement of Judgments EJ-155 form:</u></p> <p>1) On page 1, in the fourth paragraph, I suggest a slight revision to the language, as follows:</p> <p style="padding-left: 40px;">“ If you believe the assets that are being levied on are exempt, file the claim of exemption form that your received from the levying officer with the Notice of Levy packet.</p> <p>Registered Process Server also serve levy packets under CCP §699.080 and are required to serve the judgment debtor with all the documents listed in CCP §700.010, therefore, the claim of exemption form may be received from an RPS. If this form says to use the claim of exemption form “from the levying officer”, the judgment debtors may call the levying officers to obtain a form from them, which is unnecessary.</p> <p>2) On page 1, at the lower left where you are adding “Deposit Accounts (generally)”, I would like to suggest alternatively you use “Deposit Accounts (minimum only)” or</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion but declines to modify the proposal as suggested</p>
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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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	Commenter	Position	Comment	Committee Response
			<p>“Deposit Accounts (limited)” or something similar.</p> <p><u>Suggestions for the Current Dollar Amounts of Exemptions From the Enforcement of Judgments EJ-156 form:</u></p> <p>1) On page 1, for the third line, I suggest a slight revision to the language, as follows:</p> <p>“EXEMPTIONS UNDER SECTION 703.140(b) USED IN A CASE UNDER TITLE 11 OF THE UNITED STATES CODE (ie. Bankruptcy)”</p> <p>Regularly, judgment debtors try to claim the amounts shown on page 1 of the EJ- 156 form on their Claim of Exemption form in a regular civil case where they are supposed to use the amounts on page 2 of said form. The addition of my suggested language to page 1 may help minimize the confusion.</p> <p><u>Suggestions for the Ex Parte Application for Order on Deposit Account EJ-157 form:</u></p> <p>1) In the caption on page 1 on top of the EJ-157 form, I suggest changing the wording of “Plaintiff :” to “Plaintiff/Petitioner :” and changing “Defendant :” to “Defendant/Respondent :”, so it is clear for Family Law and Probate Cases.</p>	<p>because the reference to “Deposit Accounts (generally)” accurately describes the exemption.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>2) In the caption box in the upper left, I suggest you add the word “original” to “judgment creditor”, like on the Writ of Execution EJ-130 caption; so, the second check box should read “Original Judgment Creditor”. You can move the “Assignee of Record” check box to the right, if needed.</p> <p>3) On page 1, where the title of the document is shown, I suggest a slight revision to the format, as follows:</p> <p>EX PARTE APPLICATION FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION Without hearing Hearing on Shortened Notice</p> <p>This format change would allow you to move the vertical line in the caption box a little to the left so the Case Number area is slightly large to accommodate the full case number where some courts have long numbers. Also, please make the “Court Case No.,” box on page 2 slightly larger by shortening the length of the “Short Title” box.</p> <p>4) On page 1, item 1, I suggest you remove the words “defendant” and “plaintiff” for the same reasons stated in item 17 for the EJ-150 form above. I suggest you leave “or assignee of record” in the parenthesis after “Judgment Creditor” because an assignee of record is, by statute, the judgment creditor [CCP§680.240]. Or you may want to replace</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the formatting of the form captions to provide some additional space for the case number. Where this change has not been made, the suggestion will be considered for future revisions of these forms.</p> <p>The committee appreciates these suggestions and has modified the proposal accordingly.</p>

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W20-05

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	Commenter	Position	Comment	Committee Response
			<p>the word “plaintiff” with “original” so inside the parenthesis reads “original or assignee of record” after “Judgment Creditor”.</p> <p>5) On page 1, item 3, I suggest a slight revision to the wording, as follows:</p> <p>“Date Issued:” should read “Date Writ Issued:”, for clarity. [I know some of my suggestions seem unnecessary however you have no idea how many questions I field from judgment creditors who don’t understand what to fill into certain lines on various judgment enforcement forms. Creditors, as well as Clerks, Sheriffs and Judges, need as much clarity and simplification as possible].</p> <p>6) On page 1, at the very bottom the check box should reference “Attachment 4” not “Attachment 3”.</p> <p>7) On page 2, item 5 should be corrected to read:</p> <p>“Applicant requests that the judgment creditor’s debtor’s deposit account exemption under Code of Civil Procedure section 704.220(a) be applied (check one)”</p> <p>8) On page 2, at the lower right, presumably the words “I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct” (BTW, “law” is missing the “s” on</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal to add an “s” and remove the fillable blank space accordingly.</p>

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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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	Commenter	Position	Comment	Committee Response
			<p>the form) will all run together as a sentence without the space as shown on the proposed EJ-157 form. I am not sure if the space was intended to be a fillable line for the declarant’s name, however if that is the case, it is not necessary because the name of the Declarant/Applicant is typed or written below the date in the lower left of page 2 next to the signature line.</p> <p><u>Suggestions for the Instructions for Ex Parte Application for Order on Deposit Account EJ-157-INFO form:</u></p> <p>1) In item 2, I suggest you remove the word “defendant” after “judgment debtor” for the same reasons stated in item 17 for the EJ-150 form above. Also, I suggest you add “or judgment creditor” to be in compliance with the wording of the statute. I suggest a slight revision to the wording, as follows:</p> <p>A judgment debtor (defendant) or a judgment creditor applying for an order to designate a specific account or how to allocate the exemption among multiple accounts should do so as soon as possible after receiving a notice of levy or after receiving the memorandum of garnishee, as applicable,.....</p> <p><u>Suggestions for the Declaration Regarding Notice and Service of Ex Parte Application for Order on Deposit Account Exemption EJ-</u></p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

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	Commenter	Position	Comment	Committee Response
			<p><u>158 form</u></p> <p>1) In the caption on page 1 on top of the EJ-158 form, I suggest changing the wording of “Plaintiff :” to “Plaintiff/Petitioner :” and changing “Defendant :” to “Defendant/Respondent :”, so it is clear for Family Law and Probate cases.</p> <p>2) I suggest box for the Case Number area be large enough to accommodate the full case number where some courts have long numbers. If this current space does not do so, may I suggest you move the vertical line to the left so the Case Number box fits long case numbers, or in the alternative set the formatting so when the longer case numbers are typed, the font size automatically reduces to fit the box. Also, please make the “Case Number” box on page 2 permits the entire longer case number otherwise please shorten the Plaintiff/Defendant box (should this box say “Short Title” to be consistent with other forms??)</p> <p>3) On page 1, item 1, I suggest a change of the words “judgment creditor” to “original judgment creditor” and adding another check box for “assignee of record”, or in the alternative the “judgment creditor” check box can read “original judgment creditor or assignee of record”.</p> <p>4) On page 1, item 3a(1), and on page 2,</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the formatting of the form captions to provide some additional space for the case number. Where this change has not been made, the suggestion will be considered for future revisions of these forms.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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W20-05

Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>item 4a. I suggest you revise the “judgment creditor” wording to include an assignee of record as follows:</p> <p>“judgment creditor (or assignee or record)” “judgment creditor’s attorney (or assignee of record’s attorney)”</p> <p><u>Suggestions for the Order Application for Designation of Deposit Account ExemptionEJ-159 form</u></p> <p>1) In the caption box in the upper left, I suggest you add the word “original” to “judgment creditor”, like on the Writ of Execution EJ-130 caption; so, the second check box should read “Original Judgment Creditor”. You can move the “Assignee of Record” check box to the right, if needed.</p> <p>2) In the caption on page 1 on top of the EJ-159 form, I suggest changing the wording of “Plaintiff :” to “Plaintiff/Petitioner :” and changing “Defendant :” to “Defendant/Respondent :”, so it is clear for Family Law and Probate cases.</p> <p>3) In the caption area where it shows the title of the document, I suggest that move the vertical line to the left to create a larger box for the “Court Case No”. I suggest the “Court Case No.” box should be formatted to hold a case number like “56-2020-00889966-CU-</p>	<p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the formatting of the form captions to provide some additional space for the case number. Where this</p>

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W20-05

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	Commenter	Position	Comment	Committee Response
			<p>PO-VTA”, for example. Additionally, the “Court Case No.” box on page 2 should be enlarged by making the “Short Title” box made smaller.</p> <p>4) On page 1, item 1, I suggest you remove the words “defendant” and “plaintiff” for the same reasons stated in item 17 for the EJ-150 form above. I suggest you leave “or assignee” in the parenthesis after “Judgment Creditor” because an assignee of record is, by statute, the judgment creditor [CCP §680.240]. Or you may want to replace the word “plaintiff” with “original” so inside the parenthesis reads “original or assignee of record” after “Judgment Creditor”.</p> <p>5) On page 1, item 3c, the statutory reference should be changed from “104.220” to “704.220”</p> <p>6) On page 1, item 6b, I suggest you revise the “judgment creditor” wording to include an assignee of record as follows:</p> <ul style="list-style-type: none"> i. “judgment creditor (or assignee or record)” ii. “judgment creditor’s attorney (or assignee of record’s attorney)” <p>7) On page 2, item 7d, I suggest you revise the “judgment creditor” wording to include an assignee of record as follows:</p>	<p>change has not been made, the suggestion will be considered for future revisions of these forms.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee appreciates this correction and has modified the proposal accordingly.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p>

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W20-05**Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions** (Revise forms EJ-130, EJ-150, EJ-155, and EJ-156; adopt forms EJ-157, EJ-157-INFO, EJ-158, and EJ-159)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>i. “judgment creditor (or assignee or record)”</p> <p>Thank you for your consideration. Should you need any further clarification or have any questions, please do not hesitate to contact me.</p>	The committee appreciates this suggestion and has modified the proposal accordingly.
8.	Fen-Ru Chen Administrative Analyst Family Law and Juvenile Court Superior Court of California, County of Orange	NI	<p>Request for Specific Comments</p> <ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose: Yes • Is it appropriate for the application and order to include items allowing the exemption to be allocated among multiple accounts, if not, why: N/A • Would adding an optional request for stay of enforcement of judgment to the new ex parte application form be appropriate for help: Yes • What would the implementation requirements be for courts, for example, training staff (positions and hours), revising procedures and process (describe), changing docket codes in case management system, or modifying case management systems: Implementation would require staff training, procedure revision, and updates to the case 	<p>The committee appreciates the commenter’s responses to the specific questions presented in the invitation to comment.</p> <p>The committee appreciates this comment indicating agreement that the forms should provide for an optional request for stay of enforcement of judgment. Having considered all of the comments on this issue, the committee concluded that the forms should not be further revised to include an optional request for a stay because this is beyond what the statute provides for and the form order allows for “other rulings” which may encompass similar relief where appropriate.</p>

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	Commenter	Position	Comment	Committee Response
			<p>management system.</p> <ul style="list-style-type: none"> • Would three (3) months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation: Yes 	<p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p>
9.	Orange County Superior Court Civil and Appellate Division Management and Analyst Team	NI	<p>Does the proposal appropriately address the stated purpose? Yes</p> <p>Is it appropriate for the application and order to include items allowing the exemption to be allocated among multiple accounts? If not, why not? No. Adopting this practice creates confusion for the party filing the exemption. Nothing provided in section 704.220 gives the financial institution a waiting period for the filing of this exemption and since the financial institution is required to act promptly, it is likely the funds would be levied before the party can respond.</p> <p>Would adding an optional request for stay of enforcement of judgment to the new ex parte application form be appropriate or helpful? Yes. With the addition of the ex parte process for stay of enforcement would be helpful while the application and order is ruled on by the court.</p>	<p>The committee appreciates the commenter’s responses to the specific questions presented in the invitation to comment.</p> <p>The committee appreciates this comment disfavoring allocation across multiple accounts. The committee has considered all of the comments on this issue, unclear statutory language, contradictory legislative history, and potential policy implications of various interpretations. Though there are reasonable arguments to the contrary, the committee understands the new law to allow for allocation of the deposit account exemption across multiple accounts at a single or multiple financial institutions.</p> <p>The committee appreciates this comment indicating agreement that the forms should provide for an optional request for stay of enforcement of judgment. Having considered all of the comments on this issue, the committee concluded that the forms should not be further revised to include an optional request for a stay because this is beyond what the statute provides for and the form order allows for “other rulings”</p>

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	Commenter	Position	Comment	Committee Response
			<p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>New and revised procedures reflecting the new section would be required. The new forms would need to be posted and distributed. Information would need to be shared with court staff and judicial officers. New filings would need to be added and tested in the case management system. Case processing staff and courtroom clerks would need to be trained. The approximate level of effort is estimated at 40 hours FTE by at least two Program Coordinator Specialists over approximately three month to test filings in the CMS, revise procedures, approve through workflow, train staff and implement.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>Modification of the exemption process as stated should have a similar impact and benefit to courts of all sizes.</p>	<p>which may encompass similar relief where appropriate.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p> <p>The committee has considered the stated implementation requirements; no further response is required.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Staff suggestions on form changes:</p> <p>EJ-150 – Notice of Levy On page 2 of 2, item 2, where it states “by filing a claim of exemption” suggest inserting the form number.</p> <p>EJ-157 Ex parte Application for Order on Deposit Account Exemption Should the header portion also indicate “Judgment Debtor” since Item 1 on the form indicates this can be filed by either Judgment Creditor or Judgment Debtor? If, not, please explain. Page 2 of 2, has two signature lines and does not indicate who is to sign the upper signature line. If it is for the submitting attorney, indicate “attorney signature”.</p> <p>EJ-158 Declaration Regard Notice and Service of Ex Parte Application for Order on Deposit The header portion is different from the other forms, there are no check boxes to indicate who is the submitting party.</p>	<p>The committee appreciates this suggestion but declines to modify the proposal in this way at this time.</p> <p>The committee appreciates this suggestion and has modified the proposal accordingly.</p> <p>The committee has considered this comment but declined to modify the form because it appears clear that the first signature line is for the person completing the form (either self-represented or an attorney), and the second signature line is for the applicant’s declaration under penalty of perjury.</p> <p>The committee appreciates this suggestion and, where possible and appropriate, has modified the forms so that they are internally consistent.</p>

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