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6-05/800.34 Writ of Possession (Real Property)

6-05/900.00 Fee Waiver (Forma Pauperis)

6-05/910.00 Fee Deposit Schedule

References

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CCP – Code of Civil Procedure	PC – Penal Code
CCP – Code of Civil Procedure	PROB – Probate Code
CRC – California Rules of Court	RTC – Revenue and Taxation Code
GC – Government Code	UIC – Unemployment Insurance Code
LAB – Labor Code	WIC – Welfare and Institutions Code

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Updated July 21, 2020 – edited November 17, 2020

• 6-05/100.00 Fee Required (enacted 1945)

GC 26720 For services performed by them sheriffs shall charge and collect the fees fixed in this article.

• 6-05/200.00 General Service Fee

In general, the fee for service of process is $40, not found and cancellation. The fee to cancel or not found an earnings withholding order is limited to $35 because the service fee is only $35.

There shall be no additional fee for substitute service when substitute service is authorized.

In any case where property has been levied upon and, pursuant to the levy, a copy of the writ of execution and a notice of levy are required by statute to be served either personally or by mail upon the judgment

debtor or other person, no fee shall be charged for that service. Consequently, an additional fee shall not be charged when a copy of the writ of execution/attachment and notice are required to be served on any third person or judgment debtor/defendant pursuant to the requirements of the levy, unless a separate fee is delineated by other statute.

In a case where the levying officer attempted to require a separate fee for serving a notice of filing claim of exemption on the creditor, the court stated in disallowing the fee:

“Where a statute is susceptible of two constructions, one leading to mischief or absurdity, and the other consistent with justice and common sense, the latter must be adopted. As we view the statutory provisions relied upon by the respondent, the unreasonableness of respondent’s interpretation is obvious. To require payment of a fee as a prerequisite to accepting a properly executed claim of exemption could result in an arbitrary frustration of the total purpose of the statutory scheme requiring satisfaction in the writ process out of the debtor’s “non-exempt’ property. We view the whole of the execution process as a reasonably constructed statutory process. It is clear that the claim of exemption is an integral part of the writ process. The levying officer when requested to commence the levy by the creditor is required to secure his fee in the manner prescribed by the Government Code.” (Lampley v. Alvares, 50 CA 3d 124)

GC 26720.9 Notwithstanding any other provision of law, the amounts set forth in Sections 26721, 26721.1, 26725, 26728, 26734, 26742, and 26743 shall be thirty-five dollars ($40).

GC 26721 Service fee process or notice is GC 26720.9

GC 26736 The fee for cancellation of the service or execution of any process or notice prior to its completion shall be thirty-five dollars ($40). The fee provided by this section shall not be charged where a charge is made pursuant to any other section of this article in attempting to serve or execute the process or notice.

GC 26738 The fee for making a not-found return on a summons, affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, writ of possession, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found at the address specified is thirty-five dollars ($35).

The County Counsel of Orange County, by a written opinion dated January 31, 1974, held that GC 26738 must be interpreted to read that if the officer cannot, within the exercise of due diligence and within a reasonable period of time, find the person to be served under circumstances which would reasonably permit the service to be made, a not found return should be made, and the statutory fee should be charged. (Similar opinion of Los Angeles County Counsel dated December 21, 1981)

GC 26742 The fee for executing and delivering any other instrument shall be the amount described in Section 26720.9.

• • 6-05/200.10 Sheriffâ€™s Civil Automation/Equipment Funds

GC 26731 Eighteen dollars ($18) of any fee collected by the sheriff' s civil division or marshal under Sections 26721, 26722, 26725, 26726, 26728, 26730, 26733.5, 26734, 26736, 26738, 26742, 26743, 26744, and 26750 of the Government Code shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

GC 26746.1 a) A twenty-dollar ($20) fee shall be assessed by the sheriff or marshal for certification of correction on each citation that requires inspection for proof of correction of any violation pursuant to Section 40616 of the Vehicle Code.

(b) All proceeds of the fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

(c) Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

• • 6-05/200.20 Sheriffâ€™s Vehicle Replacement and Equipment Fund

GC 26746 a) In addition to any other fees required by law, a processing fee of twelve dollars ($12) shall be assessed for each disbursement of money collected under a writ of attachment, execution, possession, or sale, but excluding any action by the local child support agency for the establishment or enforcement of a child support obligation. The fee shall be collected from the judgment debtor in addition to, and in the same manner as, the moneys collected under the writ. All proceeds of this fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the depositor.

(b) The special fund shall be expended to supplement the county's cost for vehicle fleet replacement and

equipment, maintenance, and civil process operations, including data systems and consultant services.

(c) A processing fee shall not be charged pursuant to this section if the only disbursement is the return of the judgment creditor's deposit for costs.

• 6-05/300.00 Advanced Fee Deposit

The levying officer is required by statute to collect fees in advance prior to performing any services. Whenever drayage and/or storage of a large amount of property is required, a written estimate of the costs should be obtained prior to performing any levy to insure that a sufficient amount of money is on deposit to cover such costs. The plaintiff s attorney should be informed of the estimate prior to the levy. (GC 6100, CCP 488.050 CCP 685.100)

If the advanced fee provided is in the form of a check, please refer to section 6-05/500.00. Pursuant to GC 6157 (c), The Sheriff's Instructions requesting the service of process shall not be attempted until such time the check is actually paid (clears the bank).

• • 6-05/300.10 State of California or Other Political Subdivisions

Generally under GC 6103, government entities are not required to pay or deposit any fee for the filing of any document or paper or for the performance of any official service. This section specifically does not apply to the State Compensation Insurance Fund or where a public officer is acting with reference to private assets or obligations which have come under the officer's jurisdiction by virtue of his/her office (such officer is generally denominated as the Public Administrator), or where it is specifically provided otherwise. Many government agencies will quote GC 6103 to exempt them from providing a service fee for the service of civil process.

However, GC 6103.2 indicates that GC 6103 does not apply if the service is required upon all persons or entities within the private sector except where prohibited by other provisions of law, i.e. those specifically identified in statutes: Labor Commissioner and the district attorney's office for the establishment or enforcement of a child support obligation.

Fees for service of process for a government agency which are not charged pursuant to GC 6103,

shall be included in the officer's return and whenever a judgment is recovered in the action or proceeding, the clerk entering the judgment shall include as a part of such judgment any fee amounts for an official service rendered by the clerk of the court, amounts ordered by the court and the fee for the

service of process which would have been paid but for Section 6103, designating it as such. When an amount equal to such fees is collected upon that judgment, those amounts shall be due and payable to the serving officer. (GC 6103.5)

• • 6-05/300.20 State Warrant for Collection

Advance fees shall be required for levies under state warrants for collection. (UIC 1786, RTC 6777, RTC 19233)

• • 6-05/300.30 6-05/300.30 Witness Fees

Generally, there are no witness fees in criminal cases. However, the court may provide for fees under special circumstances. (PC 1329)

Witness fees for civil subpoenas, including affidavit, are dictated by Government Code**.** The Sheriff's Department should not be concerned over witness fees unless the litigant separately provides for it. Service should be made on the witness whether or not witness fees are provided. If fees are provided, a separate check made payable to the witness should be attached to the subpoena served on the witness. There is no additional charge for providing the service, but it should be indicated on the Proof of Service.

GC 68093 Superior Court $35 per day, plus $0.20 per mile.

• • • 5-05/300.31 Witness Fees for Peace Officers/Government Employees

Witness fees for a civil subpoena for any employee of a city, county, city and county, special district, redevelopment agency, or any other political subdivision of the state is two hundred seventy-five dollars **($275**) for each day that the employee is required to remain in attendance pursuant to the subpoena. (GC 68096.1)

GC 6103 does not apply to payment or reimbursement of witness fees pursuant to a subpoena because officers do not testify in civil cases as part of their official service. (53 Ops. Atty. Gen. 322 – links only available after 1979)

• 6-05/400.00 Exceptions to Advanced Fee Deposit

This section delineates the cases wherein the levying officer may not demand and receive an advance fee deposit. In each case, however, there are provisions, under certain circumstances, for the fees to be collected at a later time. As a consequence, even though a fee is not in fact received, all returns of service should include the statutory fee amount.

In all cases where a levy is made against personal property and such property, whether money or otherwise, comes into the levying officer's possession, the officer should deduct the appropriate fees from money received or, in the case of other personal property, not release the property until the fees have been paid by the defendant/judgment debtor or other party to whom the property is otherwise required to be released. CCP 488.100 and 687.050 give the levying officer a special lien, dependent upon possession, on personal property levied upon in the amount of the levying officer's costs for which an advance has not been made.

In any case where the advance fee deposit is not required, it is only waived to the extent of the levying officer's fee for service. If other costs are going to necessarily be incurred by the levying officer, such as keeper fees, storage or drayage charges, etc., an advance fee deposit is required to cover such costs.

• • 6-05/400.10 Juvenile Court Proceedings

WIC 212 There shall be no fee for filing a petition under this chapter nor shall any fees be charged by any public officer for his services in filing or serving papers or for the performance of any duty enjoined upon him by this chapter, except where the sheriff transports a person to a state institution. If the judge of the juvenile court orders that a ward or dependent child go to a state institution without being accompanied by an officer or that a ward or dependent child be taken to an institution by the probation officer of the county or parole officer of the institution or by some other suitable person, all expenses necessarily incurred therefor shall be allowed and paid in the same manner and from the same funds as such expenses would be allowed and paid were such transportation effected by the sheriff.

• • 6-05/400.20 Labor Commissioner

The Labor Commissioner is the Chief, Division of Labor Standards Enforcement of the

Department of Industrial Relations. (LABOR 79, 82) (enacted 1976)

LAB 101 No court costs of any nature shall be payable by the division, in any civil action to which the division is a party. Any sheriff or marshal requested by the Labor Commissioner or a deputy or representative of the Labor Commissioner shall serve the summons in the action upon any person within the jurisdiction of the sheriff or marshal or levy under a writ of attachment or execution in the action upon the property of any defendant without cost to the division except for keeper's fees, service fees, and storage charges.

LAB 102 The sheriff or marshal shall specify when the summons or process is returned, what costs he or she would ordinarily have been entitled to for such service, and those costs and the other regular court costs that would have accrued if the action was not by the Labor Commissioner shall be made a part of any judgment recovered by the Labor Commissioner and shall be paid by the Labor Commissioner if sufficient money is collected over and above the wages, penalties, or demands actually due the claimants.

• • 6-05/400.30 Local Child Support Agency/District Attorney in Child or Spousal Support

The district attorney shall be exempt from the payment of any fees or costs, including fees for service of process and filing fees, in any action or proceeding brought for the establishment or enforcement of a child or spousal support obligation.

Each county is now responsible for the service of process regarding support issues. However, Los Angeles County Sheriff's Department no longer handles this type of process as a fee cannot charged. Federal and state law may provide for funds for the service of support cases if the agency enters into a contract for such services. Refer any service requests regarding child support to the local county child support agency.

GC 6103.9 (a) Notwithstanding any other provision of law, except as provided in this section, the local child support agency and the district attorney shall be exempt from the payment of any fees, including fees for service of process and filing fees, in any action or proceeding brought for the establishment of a child support obligation or the enforcement of a child or spousal support obligation.

(b) A court or county may be reimbursed for those direct costs related to the establishment of a child support obligation or the enforcement of a child or spousal support obligation which have been agreed to pursuant to a plan of cooperation. Any reimbursement pursuant to a plan of cooperation shall not include any amount which is payable as a filing fee.

(c) For purposes of this section, a "plan of cooperation" includes an agreement entered into by a court and the Administrative Office of the Courts of the California Judicial Council which provides for reimbursement for the cost of providing clerical and administrative support furnished by the court.

• • 6-05/400.40 Orders Restraining Violence and Stalking

A pre-paid fee deposit is not charged to serve the following orders:

a. Protective order, temporary restraining order or injunction issued in a civil harassment action based upon stalking

b. Protective order, temporary restraining order or injunction issued in a civil harassment action based upon a credible threat of violence resulting from a threat of sexual assault

c. Protective order, temporary restraining order or injunction issued in an action pursuant to the Domestic Violence Prevention Act

d. Notice of Hearing (no Temporary orders issued) alleging anything listed in a, b, or c. (Los Angeles Superior Court only)

CCP 527.6 (cited in part) (z) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall not be a fee for the service of process by a sheriff or marshal of a protective or restraining order to be issued, if either of the following conditions apply:

(A)The protective or restraining order issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B)The protective or restraining order issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

GC 6103.2 (cited in part) (4) The requirement for prepayment of a fee deposit does not apply to orders or injunctions described in paragraph (1) of subdivision (x) of Section 527.6, paragraph (1) of subdivision (w) of Section 527.8, or paragraph (1) of subdivision (w) of Section 527.85 of the Code of Civil Procedure, Division 10 (commencing with Section 6200) of the Family Code (Prevention of Domestic Violence), Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code (Gun Violence Restraining Orders), and Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code (Elder Abuse and Dependent Adult Civil Protection Act).

However, a sheriff or marshal may submit a billing to the superior court for payment of fees in the manner prescribed by the Judicial Council irrespective of the in fee waiver status of any party under Rules 3.50 to 3.58, inclusive, of the California Rules of Court. The fees for service, cancellation of service, and making a not found return may not exceed the amounts provided in GC 26721, 26736, and 26738, respectively, and are subject to the provisions of GC 26731.

• 6-05/500.00 Acceptance of Checks for Fees

Manual of Policy and Procedure (MPP) 3-05/060.05 (cited in part)

As provided for in Government Code section 6157 and County Code section 5.02.010, all County officers are authorized to accept negotiable, instruments (checks) in payment of any fee, license, permit, fine or payment of any obligation owing to the County.

The following procedures are established concerning acceptance of checks:

- Bail/fine payments shall be made by cash, cashier's check or surety bond only. Personal checks or money orders shall not be accepted;
- Trust deposits shall be made by cash, money order or cashier's check. Personal checks shall be accepted; and
- All other obligations, fees, etc., can be paid by cash, money order, cashiers' check or personal check.

The County has established the following guidelines for acceptance of checks:

- Checks can only be accepted for the amount owed to the County and only if the payer furnished satisfactory proof of residence in California and if the check is drawn on a banking institution in California. (Out-of-state checks received through the mail should be accepted);
- The maker's Social Security number and a valid California Driver's License are required to accept a check. The Social Security number and the driver's license number and expiration date should be written on the face (preferably) of the check. DO NOT ACCEPT EXPIRED IDENTIFICATION;
- If a driver's license is not available, some other type of identification (not a credit card), preferably with a picture of the payer, indicating the name and address (DMV ID card, employer ID card, etc.) should be required. An identifying in-house number (e.g., case file number, parcel number, account number) and the initials of the cashier accepting the check should be written on the face of the check. This latter information will help facilitate follow-up if the check is subsequently returned due to non-sufficient funds;
- Check must be made payable to a County department or Los Angeles County. If the payer's name, address and telephone number are not preprinted on the check, this information must be obtained from the payer; written on the back of the check; and the name and address substantiated by identification;
- If a check is made payable to an employee and the payer is available, have the check rewritten. If the payer is not available or refuses to rewrite the check, restrictively endorse the check;
- All checks should be restrictively endorsed as soon as accepted. DO NOT WAIT TO RESTRICTIVELY ENDORSE CHECKS UNTIL THE DEPOSIT IS MADE. Deposit checks and other types of collections daily;
- Two-party checks (i.e., the payee is other than a County department or Los Angeles County) cannot be accepted; and
- Postdated checks should not be accepted unless received in the mail. Those received in the mail should be deposited with daily collections.

• 6-05/600.00 Returned Check Fee

GC 54985 authorizes a county to increase certain fees authorized by statute to an amount which would cover the actual cost of providing the services for which such fees are charged.

Specifically, GC 6157 authorizes the Board of Supervisors to provide for a returned check fee currently set at $33. (Los Angeles County Code 4.10.010)

Manual of Policy and Procedure (MPP) 3-05/060.05 (cited in part)

The County Code requires the County to impose a charge for all NSF checks that are paid within 30 days of written demand. Units which accept checks and are responsible for a bank account to which the check was deposited, or make deposits directly to the Treasurer-Tax Collector, shall be responsible to handle NSF checks as follows:

- Ensure that no additional services are rendered until the NSF check is made good;
- A charge shall be instituted for all returned checks. A sign shall be posted indicating that any checks returned by the bank will have a charge added to and become part of the total obligation due to the County;
- The Unit receiving NSF checks from the bank shall immediately notify the payer by written demand, via Certified mail, to recover any funds connected with an NSF check. Contact Fiscal Administration for the letter format. Only accept cash, or cashier's check, for payment. Obtain a Certified Mail Receipt (PS Form 3800) from the Post Office; and
- If the 30-day repayment period expires without payment, immediately forward the NSF check and a copy of the demand letter and Certified Mail Receipt to Fiscal Administration.

Section 4.10.010, Los Angeles County Code There shall be a $33.00 charge for the processing of any check returned for insufficient funds or any other reason to a court or any county department except for any returned unpaid checks submitted for payment of secured property taxes for which fees are established by Section 2.52.085. The $33.00 charge shall be added to and become part of the underlying obligation.

• 6-05/700.00 Fee Deposit Refunds

• • 6-05/700.10 Excess Fee Deposits of $10 or Less

Pursuant to GC 29370 through 29390.1, excess fee deposits that are ten dollars ($10) or less shall be deposited into an overage fund established by resolution of the Board of Supervisors.

GC 29375.1 When an amount paid to any county officer exceeds the amount due the county for any account, and such excess does not exceed ten dollars ($10), the officer may deposit the excess in the overage fund in the county treasury. If the excess is not so deposited, it shall be refunded to the person making the payment.

• • 6-05/700.20 No Service Process

When single process is a No Service, a notice shall be sent to the litigant who requested service. The notice shall instruct the litigant that the Sheriff is holding the fee deposit pending new service instructions. If no new instructions are received from the litigant within ten (10) days of the notice, the fee deposit shall be refunded.

• 6-05/800.00 Specific Fees

• • 6-05/800.10 Arrest Warrant Arising From Order of Appearance

GC 26744 The fee for serving or executing a bench warrant arising from an order of appearance issued under Sections 491.160 or 708.170 of the Code of Civil Procedure is fifty dollars ($50).

GC 26744.5 (a) The fees for processing a warrant issued pursuant to Section 1993 of the Code of Civil Procedure shall be paid by the moving party, as follows:

(1) Forty dollars ($40) to receive and process the warrant, which shall include the issuance and mailing of a notice advising the person to be arrested of the issuance of the warrant and demanding that the person appear in court.

(2) Forty dollars ($40) to cancel the service of the warrant.

(3) Eighty-five dollars ($85) if unable to find the person at the address specified using due diligence.

(4) One hundred dollars ($100) to arrest the person, which shall include the arrest and release of the person on a promise to appear pursuant to Section 1993.2 of the Code of Civil Procedure.

(b) The in forma pauperis fee waiver provisions under Rules 3.50 to 3.58, inclusive, of the California Rules of Court shall apply to the collection of fees under this section.

• • 6-05/800.11 Book Levy on Property in Levying Officerâ€™s Possession

GC 26734 The fee for making a levy on personal property already in possession of the officer who is holding it under attachment in the same action shall be the amount described in Section 26720.9.

GC 26720.9 Notwithstanding any other law, the amounts set forth in Sections 26721, 26721.1, 26725, 26728, 26734, 26742, and 26743 shall be forty dollars ($40).

• • 6-05/800.12 Cancellation

GC 26736 The fee for cancellation of the service or execution of any process or notice, *other than a summons*, prior to its completion is forty dollars ($40). The fee provided by this section shall not be charged if a fee is charged pursuant to any other section of this article in attempting to serve or execute the process or notice.

GC 26721.2 (b) The fee for cancellation of the service of a summons prior to its completion is forty dollars ($40).

The fee to cancel the service of an earnings withholding order prior to its completion shall not exceed the fee to serve the order: thirty-five dollars ($35).

GC 26744.5 (a) (2) The fee to cancel the service of a warrant is forty dollars ($40).

• • 6-05/800.13 Copying

GC 26727 The fee for a copy of any writ, process, paper, order, or notice actually made by him or her when required or demanded is one dollar ($1) per page, except that when correct copies are furnished to him or her for use no charge shall be made for those copies.

• • 6-05/800.14 Daily Levy Fee

The fee for maintaining custody of property under levy by the use of a keeper is forty dollars ($40) for each day custody is maintained after the first day. GC 26726(b)

• • 6-05/800.15 Disbursement Processing Fee

GC 26746 (a) In addition to any other fees required by law, a processing fee of twelve dollars ($12) shall be assessed for each disbursement of money collected under a writ of attachment, execution, possession, or sale, but excluding any action by the local child support agency for the establishment or enforcement of a child support obligation. The fee shall be collected from the judgment debtor in addition to, and in the same manner as, the moneys collected under the writ. All proceeds of this fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the depositor.

(b) The special fund shall be expended to supplement the county's cost for vehicle fleet replacement and equipment, maintenance, and civil process operations, including data systems and consultant services.

(c) A processing fee shall not be charged pursuant to this section if the only disbursement is the return of the judgment creditor's deposit for costs.

• • 6-05/800.16 Earnings Withholding Order

GC 26750 (a) The fee for serving an earnings withholding order under the Wage Garnishment Law (Chapter 5 (commencing with Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure), including, but not limited to, the costs of postage or traveling, and for performing all other duties of the levying officer under that law with respect to the levy shall be thirty-five dollars ($35).

(b) Except as provided in Section 26746, the levying officer shall not charge additional fees, costs, or expenses for performing the duties under the Wage Garnishment Law (Chapter 5 (commencing with Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure).

• • 6-05/800.17 Immediate Possession of Property

GC 26722 The fee for serving, executing, or processing any writ or order where the levying officer is required to take immediate possession of the property levied upon is one hundred dollars ($100).

• • 6-05/800.18 Jury Summons

GC 26745 The fee for summoning a trial jury of 12 or less is two dollars ($2), and for each additional juror, ten cents ($0.10).

• • 6-05/800.19 Keeperâ€™s Fee

The keeper’s fee is $140 for 8 hours, or any party thereof; and $280 for more than 8 but not to exceed 12 hours. (GC 26726)

The keeper shall be paid sixty dollars ($60) when scheduled for a levy and the levy is determined to be Not Found. GC 26726 (c) Notwithstanding any other fee charged, a keeper shall receive sixty dollars ($60) when, pursuant to GC 26738, a levying officer prepares a not-found return.

• • 6-05/800.20 Executing Instrument

GC 26742 The fee for executing and delivering any other instrument shall be the amount described in

GC 26720.9. Forty dollars ($40)

• • 6-05/800.21 Notary Public

GC 8211 (cited in part) (a) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, the sum of fifteen dollars ($15) for each signature taken.

(b) For administering an oath or affirmation to one person and executing the jurat, including the seal, the sum of fifteen dollars ($15).

• • 6-05/800.22 Not Found

The fee for making a not-found return on an affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, writ of possession, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found at the address specified is thirty-five dollars ($35). GC 26738

• • 6-05/800.23 Other Charges

GC 26748 In addition to the fees provided by this article, the sheriff may collect from the litigant or person requiring his services, his actual expenses for inspection, checking, releasing, or any other handling of property under his custody, charge, or keeping pursuant to any process, writ, order, paper, or notice, and actual postal charges paid for mailing by registered mail or certified mail any notice or demand required or authorized by law to be sent by registered mail or certified mail.

• • 6-05/800.24 Personal Property Sale Notice

GC 26728 The fee for preparing and posting the initial notice of personal property sale under a writ of attachment, execution, or sale or order of court shall be the amount described in Section 26720.9. ($40)

GC 26728.1 The fee for preparing and posting additionally required notices of personal property sales is fifteen dollars ($15) each.

• • 6-05/800.25 Prejudgment Claim of Right to Possession (Unlawful Detainer)

GC 26721.1 In an action for unlawful detainer, the fee for service of a summons, complaint, and prejudgment claim of right to possession pursuant to Section 415.46 of the Code of Civil Procedure shall be the amount described in GC 26720.9 for all occupants not named in the summons. The fee is not refundable. ($40)

• • 6-05/800.26 Publication Notice

GC 26729 The fee for furnishing a notice for publication is fifteen dollars ($15).

• • 6-05/800.27 Publication Costs in Newspaper

GC 26732 The fee for publication of a notice in a newspaper is the reasonable cost of the publication.

• • 6-05/800.28 Real Estate Levy

GC 26725 The fee for serving, executing, or processing a writ of attachment, writ of execution, writ of sale, or order on real estate, as to the initial service or posting of a continuous unbroken parcel or tract, and the fee for serving a record owner other than the defendant shall be the amount described in GC 26720.9. ($40)

GC 26725.1 The fee for the serving or posting of any additionally required notices or orders on other parcels is twenty dollars ($20) each.

• • 6-05/800.29 Safe Deposit Box

GC 26723 The fee for opening a safe-deposit box pursuant to Sections 488.460 and 700.150 of the Code of Civil Procedure is one hundred thirty-five dollars ($135).

• • 6-05/800.30 Sale of Property

GC 26741 [Certificate or Deed of Sale] The fee for executing and delivering a certificate or deed of sale is fifteen dollars ($15).

GC 26740 [Certificate of Redemption] The fee for the execution and delivery of a deed or certificate of redemption is fifteen dollars ($15).

GC 26730 [Conducting sale] The fee for conducting or postponing the sale of real or personal property

as required by law or the litigant is ninety dollars ($90).

CCP 701.660, RTC 11911

• • 6-05/800.31 Subpoena

GC 26743 The fee for subpoenaing a witness, including a copy of the subpoena and any affidavit required to be served therewith, shall be the amount described in GC 26720.9. ($40). No charge should be made to serve a criminal subpoena (GC 6103; California Constitution §15)

• • 6-05/800.32 Summons and Complaint

GC 26721.2 (a) For any action commenced in the superior court, the fee for the service of the summons, the complaint for which the summons is issued, and all other documents or notices required to be served with the summons and complaint, is forty dollars ($40).

(b) The fee for cancellation of the service of a summons prior to its completion is forty dollars ($40).

(c) The fee for making a not-found return on a summons certifying that the person cannot be found at the address specified is forty dollars ($40).

There is no fee for service of a criminal summons on a corporation; see PC 1390.

• • 6-05/800.33 Vehicle Correction Certificate

GC 26746.1 (a) A twenty-dollar ($20) fee shall be assessed by the sheriff or marshal for certification of correction on each citation that requires inspection for proof of correction of any violation pursuant to Section 40616 of the Vehicle Code.

(b) All proceeds of the fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

(c) Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

• • 6-05/800.34 Writ of Possession (Real Property)

GC 26733.5 The fee for serving a writ of possession of real property on an occupant or the occupants or for posting and serving a copy on the judgment debtor is eighty-five dollars ($85). The additional fee for removing an occupant or occupants from the premises and putting a person in possession of the premises is sixty dollars ($60). The fee for reposting a notice to vacate shall be pursuant to Section 26721. ($40)

• 6-05/900.00 In Forma Pauperis (Fee Waiver)

The Judicial Council has formulated and adopted uniform forms and rules of court for indigent litigants proceeding in forma pauperis. The court has also made an effort to remove “in forma paperis” from their nomenclature and used the term” fee waiver” in all cases where fees have been waived. A request for a Fee Waiver is automatically granted unless acted upon by the court within five court days after it is filed. In this event the clerk shall execute a Notice: Waiver of Court Fees (FW-005). If the court does act on the application, then the granting of the application would be done by an Order on Court Fee Waiver (FW-003). If an application is granted, various court fees are automatically waived, including levying officer’s fees. Although not waived by the initial application, an additional application may be made to waive further expenses and costs, including witness fees of peace officers. (GC 26720.5; Rules 3.50 to 3.58)

In any action or proceeding in which the litigant whose fees and costs have been waived would have been entitled to recover those fees and costs from another party to the action or proceeding had they been paid, the court may assess the amount of the waived fees and costs against the other party and order the other party to pay that sum to the county. An execution may be issued on the order in the same manner as on a judgment in a civil action.

Please note: if a party provides a fee for service and it is determined later that the court issued a Fee Waiver, the fees must be refunded to the party.

• • 6-05/910.00 Fee Deposit Schedule

/pars_media/CourtServices/6-05STATUTORYFEES.pdf