6-14/120.00 Order For Examination of Debtor of Judgment Debtor

A judgment creditor may obtain an order to examine a third party in possession of the judgment debtor's property. Mileage fees at the rate of $0.20 a mile to and from the third party's residence must be tendered at the time of service. Service of the order creates a lien on the debtor's property for one year. The debtor must also be served personally or by mail at least ten days before the hearing. Failure to appear to punishable as a contempt. The third party may not be required to appear before a court outside the county of the third party's residence unless the distance is less than 150 miles. The court may issue an order forbidding the transfer of the property to the debtor until ownership is determined or a creditor's lawsuit is filed. The court may also order that the property be applied toward the satisfaction of a money judgment thereby creating a lien on the property. A court seal is not required on the order. The debtor may file a claim of exemption with the court. (CCP 708.120)

• 6-14/120.10 Service on Debtor of Judgment Debtor

Written instructions, the fee deposit and a copy of the order are required for service. The order must be served personally at least 10 days before the hearing. (CCP 708.120)

• 6-14/120.20 Service on Judgment Debtor

In addition to service of the order for appearance of the debtor of the judgment, the judgment debtor must also be served either personally or by mail at least 10 days prior to the hearing date. If service is by mail, the time is extended by 5, 10 or 20 days if mailed to a California address, another United States address or a foreign country address, respectively. Consequently, the order must be deposited in the mail at least 15 days prior to the hearing date if the judgment debtor's address is in the State of California. Service on the debtor is a separate service requiring a separate service fee. There is no requirement that the same person make both services. (CCP 708.120, 684.120)

• 6-14/120.30 Certificate of Service

Most courts, by court rule, require the original order, unless kept in the court file, and the proof of service be filed with the court a specific number of court days prior to the hearing, and will not issue a warrant for failure to appear or allow any costs if the return is not filed timely. Unless specifically requested otherwise, send the return directly to the clerk of court as soon as possible after service rather than the party requesting service. In Limited Civil cases, including small claims cases, send the return directly to the referee who presides in these matters, or the referee's clerk. Most courts, however, will proceed with the examination whether or not the return has been filed, if all the parties are present and ready to proceed at the time set.

• 6-14/120.40 Lien

The court may order the judgment debtor's interest in the property in the possession or under the control of the judgment debtor or the third person or a debt owed by the third person to the judgment debtor to be applied toward the satisfaction of the money judgment if the property is not exempt from enforcement of a money judgment. Such an order creates a lien on the property or debt. (CCP 708.205)The court may order the judgment debtor's interest in the property in the possession or under the control of the judgment debtor or the third person or a debt owed by the third person to the judgment debtor to be applied toward the satisfaction of the money judgment if the property is not exempt from enforcement of a money judgment. Such an order creates a lien on the property or debt. (CCP 708.205)The court may order the judgment debtor's interest in the property in the possession or under the control of the judgment debtor or the third person or a debt owed by the third person to the judgment debtor to be applied toward the satisfaction of the money judgment if the property is not exempt from enforcement of a money judgment. Such an order creates a lien on the property or debt. (CCP 708.205)