6-14/500.00 Money Owed by Public Entity

Unless authorized by statute, a public entity is not subject to garnishment. (Irilarry v. City of San Diego, 199 CA 1041, 186 CA 535) This exemption cannot be waived by their officers or agents. (Vaughn v. Condon, 52 CA 713) City and county housing authorities come under this exemption. If money is owing and unpaid to the judgment debtor by a public entity, the judgment creditor may file an abstract of the money judgment or a certified copy of the money judgment, together with an affidavit that states that the judgment creditor desires the relief provided by the article and states the exact amount then required to satisfy the judgment. The judgment creditor may state in the affidavit any fact tending to establish the identity of the judgment debtor. If the public entity owes money to a judgment debtor, the public entity can be served with an Earnings Withholding Order in accordance with the Wage Garnishment laws, CCP 706.010 – 706.154, or notice of lien, CCP 708.410 – 708.480. (CCP 708.720)

As used in this article (CCP 708.710):

a. “Local public entity” means any public entity other than the state.
b. “Public entity” means the state, a county, city, district, public authority, public agency, and any other political subdivision in the state.
c. “State” means the State of California.
d. “State agency” means a state office, officer, department, division, bureau, board, commission or agency claims against which are paid by warrants drawn by the Controller.

• 6-14/500.10 Filing Abstract or Certified Judgment with Public Entity

If money is owing and unpaid to the judgment debtor by a public entity, the judgment creditor may file an abstract of the money judgment or a certified copy of the money judgment, together with an affidavit that states that the judgment creditor desires the relief provided by this article and states the exact amount then required to satisfy the judgment. The judgment creditor may state in the affidavit any fact tending to establish the identity of the judgment debtor. (CCP 708.730)

• 6-14/500.20 Filing Abstract or Certified Judgment with State Agency

Except where the judgment is for support and the money owed is for lottery winnings, or tax refund, penalty, interest, and the support obligation is not being enforced pursuant to the Family Code, if money is owing and unpaid to the judgment debtor by a state agency, the judgment creditor shall file the abstract or certified copy of the judgment and the affidavit with the state agency owing the money to the judgment debtor prior to the time the state agency presents the claim of the judgment debtor to the Controller. (CCP 708.740)

• 6-14/500.30 Payment of Debt by Public Entity Other Than State Agency

If money is owing and unpaid to the judgment debtor by a public entity other than a state agency, the judgment creditor shall file the abstract or certified copy of the judgment and the affidavit with the auditor of the public entity or, if there is no auditor, with the official whose duty corresponds to that of auditor. (CCP 708.750)

• 6-14/500.40 Lottery Prize

If money is owing and unpaid to the judgment debtor by the state lottery agency, the judgment creditor shall file the abstract or certified copy of the judgment and the affidavit with the state lottery agency owing the money to the judgment debtor prior to the time the state agency presents the claim of the judgment debtor to the Controller. This will create a lien on lottery prizes to be paid in annual installments and shall continue in force and effect until the judgment is paid or expires, whichever occurs first, unless renewed. (CCP 708.755)

• 6-14/500.50 Debtor is Public Works Contractor

If the judgment debtor named in lien is a contractor upon a public work contract, after deducting moneys due to persons described in CC 9100, upon the completion of the contract, the public work agency may deposit an amount with the court to satisfy the lien. (CCP 708.760)

• 6-14/500.60 Franchise Issued by Public Entity

A “franchise” means a franchise granted by a public entity and all the rights and privileges thereof, other than the franchise of being a corporation. (CCP 708.910) The court may order a franchise to satisfaction a money judgment upon application by the judgment creditor made on noticed motion. The notice of motion shall be served on the judgment debtor and the public entity that granted the franchise. Service shall be made personally or by mail. (CCP 708.920)