6-20/100.00 Writ of Execution

A writ of Execution is a process issued by the clerk of the court, upon application of the judgment creditor, and shall be directed to the levying officer in the county where the levy is to be made, and to any registered process server. The clerk of the court shall give priority to the application for and issuance of, writs of execution on orders or judgments for child support and spousal support. (CCP 699.510) The writ of execution shall require the levying officer to whom it is directed to enforce the money judgment. (CCP699.520)

After the death of the judgment debtor, enforcement of a judgment against property in the debtor's estate is governed by the Probate Code, and not under Enforcements of Judgments. (CCP 686.020) However, the Probate Code indicates possession and sale of property may be enforce as under the Enforcement of Judgment laws. (PROB 9302, 9303)

A writ of execution may be issued to satisfy judgments in criminal cases. If a defendant is ordered to pay a fine as a condition of probation, the order to pay a fine may be enforced during the term of probation in the same manner as is provided for the enforcement of money judgments. (PC 1214.2) Earnings of a prisoner under work furlough may be garnished. (PC 1208(e)) The court may order a defendant to pay all or part of legal costs incurred by the county as a judgment in a civil matter. (PC 987.8) The court may also order restitution which may be enforceable by writ of execution. (PC 1202.42)

A court order for the payment of money for support is enforced by execution in the same manner as if it were a judgment. Orders for support, etc., in actions for dissolution of marriage may be enforced by execution. (FAM 290; CCP 680.230, 680.270) Failure to comply if so ordered may be punishable as a misdemeanor. (PC 270.6)

A money judgment against a public entity under a Writ of Execution. A Writ of Mandate is the remedy of enforcement. (GC 970.2) The remedies for judgments against a public entity is found in Title 1, Division 3.6, Part 5, Chapter 1 or Article 1 of Chapter 2 in the Government Code.

A State Warrant of Collection is enforced in the same manner as a writ of execution. (RTC 6776; UIC 1785)

For the purpose of collecting fines or penalties imposed by a court-martial, the president of any general or special court-martial and the summary court officer of any summary court shall make a list of all fines and penalties and of the persons against whom they have been imposed, and may thereafter issue a warrant under his or her hand directed to any sheriff or marshal of the county, commanding him or her to levy and collect the fines and penalties, together with the costs, upon and out of the property of the person against whom the fine or penalty is imposed. The warrant shall be executed and renewed in the same manner as executions under the Code of Civil Procedure. (MVC 467)

• 6-20/100.10 Enforcement Period Generally

A Writ of Execution may be issued at any time within 10 years of the date of entry of judgment or renewal of judgment. A judgment, unless renewed, is unenforceable upon the expiration of 10 years after the

date of entry. Any lien created is extinguished and all enforcement procedures pursuant to a writ or order issued pursuant to the judgment shall cease. (CCP 683.020) If, however, a certified copy of the application for renewal of the judgment is filed with the levying officer prior to the expiration of the 10 years, then any enforcement proceedings previously commenced may be continued. (CCP 683.200) A judgment against a public entity may not be renewed. (GC 965.5)

Writs may be issued successively until the judgment is satisfied, except that a new writ may not be issued for a county until the expiration of 180 days after the issuance of a prior writ for that county unless the prior writ is first returned. (CCP 712.030)

• 6-20/100.20 Judgment for Support

A money judgment or judgment for possession or sale of property that is made or entered under this code, including a judgment for child, family, or spousal support, is enforceable until paid in full or otherwise satisfied. (FAM 291, 4502, 5100, 17522) The application for a writ of execution shall be accompanied by an affidavit stating the total amount due and unpaid. A copy of the affidavit shall be attached to the Writ of Execution. The levying officer shall serve the copy of the affidavit on the judgment debtor when the writ of execution is first served on the judgment debtor pursuant to a levy under the writ. (FAM 5104) A judgment for child, family, or spousal support may be enforced against an employee benefit plan. (FAM 5103)