6-20/100.41 Attachment 20

Generally, the amount required to satisfy a money judgment on the date the writ is issued, along with the amount of interest accruing daily on the principal amount of the judgment from the date the writ is issued is required to be on the writ of execution. In addition, the names and addresses of the debtors are required to be on the writ. (CCP 699.520)

California has adopted a modified version of the old common law on joint and several liability. This allows in special circumstances where there are multiple defendants although they are jointly liable for the entire amount of damages, they could be only severally liable for their apportioned percentage of fault as to amount of damages, or both jointly and severally.

A joint judgment would mean judgment debtor “x” and judgment debtor “y” owe all of the judgment jointly. The creditor can collect the full amount of the judgment from either debtor depending where assets may be located. In a “joint” judgment, only the writ of execution is needed.

“Several” and “joint and several” judgments become problematic if the levying officer becomes involved. The writ of execution does not allow to separate money amounts for particular judgment debtors. Writs may be issued successively until the money 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 699.510) If this is the case, the writ of execution must be supplemented with the issuance of an Attachment 20. An Attachment 20 is a supplemental document created by the court when multiple debtors in a money judgment owe different amounts. An Attachment 20 is not codified in California law and the Judicial Council has not created an Attachment 20 form. Each Superior Court within their particular county may develop their own form to supplement the writ of execution. Item #20 on the writ of execution, when so marked, notifies the levying officer that each debtor owes a different amount of the money judgment. These different amounts are documented on the Attachment 20.

If an Attachment 20 is issued, it does not nullify the requirement that the writ of execution be completely filled out. An Attachment 20 is not a substitute for a writ of execution. An Attachment 20 simply notifies the levying officer that the amounts listed in items 11-19 on the writ of execution are different for each judgment debtor. In addition, the judgment amounts listed on the Attachment 20 cannot exceed the money judgment listed on the writ of execution. An Attachment 20 need not be sealed or certified by the court, it is a supplement to the writ.

If a money judgment is issued “jointly and severally” each debtor is paying the full amount jointly, and each debtor is liable for the full amount severally, or limited in liability severally. Therefore, the Attachment 20 is further complicated because the separate amounts listed for each judgment debtor *may* exceed the money judgment listed on the writ of execution. The accounting of collections will become critical as only the amount of the judgment as listed on the writ of execution, plus interest and costs, may be collected.

Due to the complexity involved with writs of execution with Attachment 20, take care to fully understand the instructions from the judgment creditor’s attorney. Although not required by statute, it may be prudent to request a copy of the judgment in order to fully understand the court’s money judgment award.

Note: an outstanding example of an Attachment 20 form was created by the Orange County Superior Court Attachment 20.