

6-21/300.00 Service of Process

At the time of levy, the levying officer shall deliver to the person in possession of the property copies of the writ of possession, plaintiff's undertaking and order for writ of possession. If no one is in possession of the property at the time of levy, the levying officer shall subsequently serve the process on the defendant. If service on the defendant is required, it shall be by personal service, or if the defendant has not appeared in the action, in the manner provided for the service of summons and complaint. If the defendant has appeared in the action, service is made by leaving with a person at least 18 years of age at the defendant's residence between the hours of 8 a.m. and 6 p.m. If at the time of attempted service between said hours no such person can be found, service may be made by first-class mail at the defendant's office address as last given on any document filed in the cause by the defendant and served on the plaintiff; otherwise, at the defendant's residence address. If the defendant's residence address is unknown, then service is effected by delivery to the clerk of the court. The plaintiff's instructions should indicate whether the defendant has appeared in the action, not at the hearing.

• 6-21/310.00 After Hearing Writ

If the writ is an After Hearing Writ of Possession (Claim and Delivery), the levying officer shall serve defendant or the person in possession of the property copies of the:

- a. [Writ of Possession \(CD-130\)](#)
- b. Copy of the Undertaking (unless waived by the court on the Order for Writ of Possession)
- c. [Order for Writ of Possession \(CD-120\)](#)

The process shall be served on the person in possession of the property at the time of levy. If no one is in possession, the defendant shall be served.

If the defendant has not appeared in the action, the process shall be served in the same manner as a summons. ([CCP 514.020](#))

If the defendant has appeared in the action, the process shall be served in the manner specified in [CCP 1011](#):

- Personally served the defendant or the defendant's attorney
- Serving the defendant's attorney at the attorney's office with the receptionist or person in charge between 9 a.m. and 5 p.m.
- At the defendant's attorney's residence with a person at least 18 years of age
 - At the defendant's residence between 8 a.m. and 8 p.m. with a person at least 18 years of age
- If a person at least 18 years old cannot be found at the defendant's residence, the process may be mailed

- If the defendant's residence is not known, the process may be delivered to the clerk of the court

- **6-21/320.00 Ex Parte Writ**

If the writ is an Ex Parte Writ of Possession (Claim and Delivery), the levying officer shall serve copies of the:

- a. [Writ of Possession \(CD-130\)](#)
- b. Copy of the Undertaking (unless waived by the court on the Order for Writ of Possession)
- c. [Order for Writ of Possession \(CD-120\)](#)
- d. Summons and Complaint
- e. [Application for Writ of Possession \(CD-100\)](#)
- f. Any affidavits in Support of Application
- g. [Notice of Application for Writ of Possession and Hearing \(CD-110\)](#)

The process shall be served on both the defendant and the person in possession of the property at the time of levy unless they be one and the same. The process shall be served in the same manner as a summons. ([CCP 512.020](#), [514.020](#))
