

6-27/250.00 Order to Show Cause in re Order for Sale of Dwelling

Upon the filing of the application by the judgment creditor, the court shall set a time and place for hearing and order the judgment debtor to show cause why an order for sale should not be made in accordance with the application. The hearing shall be set within 45 days of the filing of the judgment creditor's application, unless good cause is shown to set it at a later time. ([CCP 704.770](#))

At least 30 days prior to the hearing, the judgment creditor shall serve a copy of the order to show cause, a copy of the judgment creditor's application, and a copy of the notice of hearing on both of the following:

- The judgment debtor, personally or by mail and
- On an occupant of the dwelling, personally, or if no occupant is present at the time service is attempted, by posting in a conspicuous place at the dwelling.

At the hearing, the court shall determine if the dwelling is exempt and make an order for sale. If the dwelling is exempt, the order for sale shall specify the amount of the homestead exemption, the fair market value of the property, the amount of the proceeds of the sale that is to be distributed to each person having a lien or encumbrance on the dwelling, and the name and address of each such person. The court clerk shall transmit a certified copy of the order to the levying officer. ([CCP 704.780](#))
