6-27/260.00 Declaration for Rehearing on Homestead Exemption

If no appearance was made at the hearing on the motion for the order for sale by the judgment debtor, the debtor's spouse, or an attorney appearing on behalf of either of them, then within 10 days of issuance of the order for sale, the judgment creditor shall serve a copy of the order and a blank Declaration for Rehearing on Homestead Exemption (EJ-182) on each of the following (CCP 704.790):

- The judgment debtor and the judgment debtor's spouse, personally or by mail
- An occupant of the dwelling, personally, or, if there is no occupant present at the time service is attempted, by posting in a conspicuous place at the dwelling

The judgment creditor shall file proof of service of the order and declaration with the levying officer and the court. If such proof of service is not filed, the dwelling may not be sold under the order for sale. (CCP 704.790(c))

If the judgment debtor or the judgment debtor's spouse files a completed Declaration for Rehearing on Homestead Exemption (EJ-182) with the levying officer within 10 days of being served with notice of the order, the levying officer shall transmit the declaration to court forthwith. The 10 days is extended if the notice was served by mail. (CCP 684.120) Upon receipt of the declaration, the court shall set a time and place for the hearing. The hearing shall be set within 20 days of the date the court received the declaration, and the court clerk shall be responsible for promptly giving notice of the hearing to the parties. (CCP 704.790)