6-27/640.00 Dwelling

If a dwelling, whether real or personal property, is to be sold in a case where an order for sale is not required, and a homestead exemption has been allowed, the levying officer should not sell the property except upon a court order that specifies both the minimum bid amount and the distribution of proceeds.

The court order is necessary because the distribution of proceeds satisfy all liens and encumbrances on the property and the levying officer has no basis to unilaterally determine the liens and encumbrances, if any, on the property. (CCP 704.850)

The order for sale of a dwelling shall specify whether or not the dwelling is exempt. If the court determines that the dwelling is exempt the order for sale shall specify the amount of the 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. (CCP 704.780)