# 6-30/300.00 Court of Jurisdiction

In general, a case is a limited liability case if the amount in controversy is $25,000 or less. A claim of exemption under a state warrant for collection shall be heard and determined in the county where the property levied upon is located. (CCP 85, 86, 688.010, 688.030)

## • 6-30/310.00 Time Computation

When computing the time within which a claim of exemption must be filed, the time is extended if the last day falls on a Saturday, Sunday, or other holiday. To compute the number of days before a hearing date, exclude the hearing date and count backwards. (CCP 12, 12a, 12b, 12c)

### • • 6-30/310.10 Holidays

Holidays are designated by California law. However, there may be times the courts may or may not recognize a designated holiday. Care should be made to review holidays when determining time computations. The following are known court holidays:

- Every Sunday (GC 6700(a)(1))
- Every Saturday (CCP 135)
- New Year's Day
- The third Monday in January, known as "Dr. Martin Luther King, Jr. Day"
- February 12th, known as "Lincoln's Birthday"
- The third Monday in February known as "President's Day"
- March 31st, known as "Cesar Chavez Day"
- The last Monday in May known as "Memorial Day"
- July 4$^{th}$ known as "Independence Day"
- The first Monday in September known as "Labor Day"
- The second Monday in October known as "Columbus Day"
- November 11th, known as "Veterans Day"
- The fourth Thursday in November known as "Thanksgiving Day"
- The Friday following Thanksgiving known as "Day After Thanksgiving"
- December 25$^{th}$ known as "Christmas Day"

If the holiday lands on a Saturday, the holiday is recognized on the previous Friday. If the holiday lands on a Sunday, the holiday is recognized on the following Monday. Other holidays may be appointed by the President for a public fast, thanksgiving, or holiday. (CCP 135) The Governor may also appoint any day as a holiday. (CCP 6700(a)(16)(A))

### • • 6-30/310.20 Closure

If a public office is closed for business the whole of a business day, other than a branch office, it shall be considered a holiday. (CCP 12b)

### • • 6-30/310.30 Court Extended Time

### • • 6-30/310.40 Service by Mail

Except as otherwise provided, the service by mail of a writ, notice, order, or other paper is extended by five days (inside California), ten days (outside California) or twenty days (outside the United States.) (CCP 684.120)

## • 6-30/320.00 Time for Filing Claim of Exemption

### • • 6-30/320.10 Writ of Attachment

#### • • • 6-30/320.11 After Hearing Writ

If the right to attach order is issued after a noticed hearing, or if after issuance of a writ of attachment additional writs are issued after a noticed hearing, any claim of exemption by the defendant is required to be made at the hearing. The claim of exemption must be filed in the court and served on the plaintiff at least five days prior to the hearing. If the defendant fails to file the claim, he may not later claim an exemption. (CCP 484.340(d))

#### • • • 6-30/320.12 Ex Parte Writ

If the right to attach order is issued ex parte, or if after issuance of a writ of attachment additional writs are issued ex parte, any claim of exemption is required to be made within 30 days after the levying officer serves the defendant the notice of attachment describing such property. (CCP 484.530)

#### • • • 6-30/320.13 Real Property

A claim of exemption for real property may be filed at any time prior to judgment. (CCP 487.030)

### • • • 6-30/320.14 Estate of a Decedent

After a levy on the interest of the defendant in personal property in the estate of a decedent and delivery of the property to the levying officer, a claim of exemption may be filed within 10 days after the officer serves the notice describing the property on the defendant. (CCP 488.485)

### • • • 6-30/320.15 Farm Products or Inventory

After a levy on farm products or inventory of a going business in the possession or control of the defendant, if the defendant is a natural person and the writ was issued ex parte, a claim of exemption may be made at any time. (CCP 488.395(d))

### • • • 6-30/320.16 Change of Circumstances

If the right to an exemption is the result of a change in circumstances after a previous denial of the claim or the expiration of the time for claiming the exemption, a claim may be made at any time. (CCP 482.100)

## • 6-30/330.00 Filing Claim

The defendant may a claim of exemption with the levying officer within 30 days after the levying officer serves the notice of attachment or the defendant. (CCP 484.530)

The defendant may claim an exemption based on the need to support the defendant or the defendant's family by filing a notice of motion directly with the court. The hearing is set within five days and the plaintiff must have notice not less than three days before the hearing. This procedure is an optional procedure that may be used in lieu of the normal claim of exemption procedure in other cases. The defendant should be made aware of this optional procedure, particularly where a keeper is installed. (CCP 482.100(c))

### • • 6-30/330.10 Received by Levying Officer

If a paper is required or permitted to be filed with the levying officer, it is considered filed when actually received by the levying officer. (CCP 681.040)