6-26/100.00 Writ of Sale

A judgment for sale of real or personal property may be enforced by a writ of sale issued pursuant to CCP 712.010. (CCP 716.010)

• 6-26/110.00 Mortgage Enforceable by Foreclosure

The ordinary mortgage on real property must be enforced by obtaining a decree of foreclosure of the mortgage. (CCP 726) Mechanic's liens on real property must be enforced by foreclosure the same as on a mortgage. (Laubisch v. Roberdo, 43 CA 2d 702)

• 6-26/120.00 Mortgage with Power of Sale

The ordinary mortgage on real property must be enforced by obtaining a decree of foreclosure of the mortgage. (CCP 726) Mechanic's liens on real property must be enforced by foreclosure the same as on a mortgage. (Laubisch v. Roberdo, 43 CA 2d 702)

• 6-26/130.00 Judicial Enforcement of Security Interest in Property

A security interest in personal property (chattel mortgage, conditional sale, etc.) may be enforced through judicial procedure. (COMM Chapter 6 – Default)

• 6-26/140.00 Writ of Sale as Writ of Execution to Collect Money

Unless the court specifically orders the method, manner, or extent of enforcement of a money judgment included in the judgment for sale, a writ of sale may be enforced as a writ of execution to satisfy any money judgment included in the judgment. If amounts due under the judgment are not satisfied pursuant to the writ of sale, the judgment creditor may use a writ of execution to satisfy any money judgment included in the judgment after the writ of sale has been returned or 180 days after its issuance, whichever is earlier. If the judgment creditor does not desire issuance of a writ of sale (because the secured obligation has been voluntarily satisfied, or other reason), a writ of execution may be issued to satisfy any money judgment included in the judgment. Whether or not a writ has been issued, enforced, or returned, the judgment creditor may use any remedies available under writs of execution to satisfy any money judgment included in the judgment. (CCP 712.040)
