

Memorandum 80-54

Subject: Study D-300 - Approval of Enforcement of Judgments Study

The staff plans to complete for the September meeting the entire recommendation relating to enforcement of judgments. We hope to accomplish this so that the entire recommendation can be approved for printing at the meeting, subject to revisions at the October meeting if necessary in view of the comments of State Bar Committees. We do not expect to make changes that do not involve policy issue decisions after the September meeting. The September meeting is the time to make technical and other changes that are a matter of taste. In addition, the Commissioners should raise any matters that they want to discuss at the September meeting so that the recommendation can be revised before it is prepared for printing. Accordingly, you will want to examine the material we send you with care for this is your last opportunity.

By the time of the September meeting, we will have lost both of our experienced Mag Card operators and our Administrative Assistant. We are sure that it will take some time for their replacements (after an unavoidable delay in their starting to work) to become fully productive. The impact of the loss of experienced personnel on our printing program will be a serious loss, and we need to begin coding copy for the printer as soon as possible.

We do not plan to delay sending you material to review until we have prepared the entire recommendation. There is a large amount of material, so we will be sending each portion to you as we finish it. Parts of the recommendation have not yet been approved by the Commission; other parts have already been approved, but will be sent to you for your review and so you will have a complete draft. Each part will be accompanied by a memorandum discussing significant staff revisions and policy questions yet to be resolved. Because we are sending this out piecemeal, there will be incomplete cross-references and cross-references to material you do not yet have.

Attached hereto is an outline of the statute portion of the recommendation. You will also receive a textual discussion of each part, comments to the repealed law, and conforming revisions in other statutes.

Respectfully submitted,

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Staff Counsel

TITLE 9. ENFORCEMENT OF JUDGMENTS

Division 1. Definitions and General Provisions

- Chapter 1. Short Title and Definitions (§ 680.010)
- Chapter 2. General Provisions (§ 681.010)
- Chapter 3. Period for Enforcement and Renewal of Judgments
 - Article 1. Period of Enforcement of Judgments (§ 683.010)
 - Article 2. Renewal of Judgments (§ 683.110)
- Chapter 4. Manner of Service of Writs, Notices, and Other Papers
(§ 684.010)
- Chapter 5. Costs and Interest (§ 685.010)
- Chapter 6. Death of Judgment Creditor or Judgment Debtor (§ 686.010)
- Chapter 7. Levying Officers (§ 687.010)
- Chapter 8. Enforcement of State Tax Liability (§ 688.010)
- Chapter 19. Forms (§ 693.010)
- Chapter 20. Transition Provisions (§ 694.010)

Division 2. Enforcement of Money Judgments

- Chapter 1. General Provisions
 - Article 1. Property Subject to Enforcement of Money Judgment
(§ 695.010)
- Chapter 2. Liens
 - Article 1. Liens Generally (§ 697.010)
 - Article 2. Judgment Liens on Real Property (§ 697.310)
 - Article 3. Judgment Liens on Personal Property (§ 697.510)
- Chapter 3. Execution
 - Article 1. General Provisions (§ 699.010)
 - Article 2. Writ of Execution and Notice of Levy (§ 699.510)
 - Article 3. Property Subject to Execution (§ 699.710)
 - Article 4. Methods of Levy (§ 700.010)
 - Article 5. Duties and Liabilities of Third Persons (§ 701.010)
 - Article 6. Sale (§ 701.510)
 - Article 7. Distribution of Proceeds (§ 701.810)
- Chapter 4. Exemptions
 - Article 1. General Provisions (§ 703.010)
 - Article 2. Procedure for Claiming Exemptions After Levy (§ 703.510)
 - Article 3. Exempt Property (§ 704.010)

- Article 4. Homestead Exemption (§ 704.710)
- Chapter 5. Wage Garnishment (§ 706.010)
- Chapter 6. Miscellaneous Creditors' Remedies
 - Article 1. Written Interrogatories to Judgment Debtor (§ 708.010)
 - Article 2. Examination Proceedings (§ 708.110)
 - Article 3. Creditor's Suit (§ 708.210)
 - Article 4. Charging Order (§ 708.310)
 - Article 5. Lien on Pending Action or Proceeding (§ 708.410)
 - Article 6. Assignment Order (§ 708.510)
 - Article 7. Receiver to Enforce Judgment (§ 708.610)
 - Article 8. Garnishment of Public Entities (§ 708.710)
 - Article 9. Enforcement Against Franchise (§ 708.910)
 - Article 10. Other Enforcement Procedures (§ 709.010)

Division 3. Enforcement of Nonmoney Judgments

- Chapter 1. General Provisions (§ 712.010)
- Chapter 2. Judgment for Possession of Personal Property (§ 714.010)
- Chapter 3. Judgment for Possession of Real Property (§ 715.010)
- Chapter 4. Judgment for Sale of Property (§ 716.010)
- Chapter 5. Other Judgments (§ 717.010)

Division 4. Third-Party Claims and Related Procedures

- Chapter 1. Definitions (§ 720.010)
- Chapter 2. Third-Party Claims of Ownership or Possession
(§ 720.110)
- Chapter 3. Third-Party Claim of Security Interest or Lien
(§ 720.210)
- Chapter 4. Hearing on Third-Party Claim (§ 720.310)
- Chapter 5. Creditor's Demand for Third-Party Claim by Secured
Party or Lienholder (§ 720.510)
- Chapter 6. Third-Party Undertaking to Release Property (§ 720.610)
- Chapter 7. Undertakings (§ 720.710)

Division 5. Satisfaction and Discharge of Judgments

- Chapter 1. Satisfaction of Judgment (§ 724.010)
- Chapter 2. Acknowledgment of Partial Satisfaction of Judgment
(§ 724.110)