

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>EX PARTE</b> <b>RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)</b> <b>ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT (RESIDENT)</b>	CASE NUMBER:

1. The application and supporting declaration or affidavit of plaintiff (*name*):  
 for an ex parte \_\_\_\_\_ right to attach order and order for issuance of writ of attachment \_\_\_\_\_ order for issuance of an additional writ of attachment \_\_\_\_\_ has been considered by the court.

**FINDINGS**

2. THE COURT FINDS

- a. Defendant (*specify name*): \_\_\_\_\_ is a \_\_\_\_\_ natural person  
 \_\_\_\_\_ partnership \_\_\_\_\_ unincorporated association \_\_\_\_\_ corporation \_\_\_\_\_ other (*specify*): \_\_\_\_\_
- b. The claim upon which the application is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. The affidavit or declaration accompanying the application shows that the property sought to be attached, or the portions thereof to be specified in the writ, are not exempt from attachment.
- g. The portion of the property sought to be attached described in item 3b is not exempt from attachment.
- h. An undertaking in the amount of: \$ \_\_\_\_\_ is required before a writ shall issue, and plaintiff has \_\_\_\_\_ has not \_\_\_\_\_ filed an undertaking in that amount.
- i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
  - (1) There is a danger that the property sought to be attached would be
    - (a) concealed. \_\_\_\_\_ (b) substantially impaired in value. \_\_\_\_\_
    - (c) made unavailable to levy by other than concealment or impairment in value. \_\_\_\_\_
  - (2) Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010, subdivision (b)(2), as set forth in the affidavit or declaration filed in support of this application, which specifies the defendant's known undisputed debts and the basis for plaintiff's determination that the defendant's debts are undisputed.
  - (3) A bulk sales notice was recorded and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
  - (4) An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is: \_\_\_\_\_
  - (5) Other circumstances (*specify*): \_\_\_\_\_
- j. A Right to Attach Order was issued on (*date*): \_\_\_\_\_ pursuant to  
 Code of Civil Procedure section 484.090 (on notice) \_\_\_\_\_ Code of Civil Procedure section 485.220 (ex parte)
- k. Other (*specify*): \_\_\_\_\_

SHORT TITLE: _____	CASE NUMBER:
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**ORDER**

3. THE COURT ORDERS

- a. Plaintiff has a right to attach property of defendant (*name*):  
in the amount of: \$
  
- b. The clerk shall issue \_\_\_\_\_ a writ of attachment \_\_\_\_\_ an additional writ of attachment \_\_\_\_\_ in the amount stated in item 3a  
forthwith \_\_\_\_\_ upon the filing of an undertaking in the amount of: \$
  - (1) \_\_\_\_\_ for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of the sale  
of such property, described as follows (*specify*):
  
  - (2) \_\_\_\_\_ for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number  
is (*specify*):
  - (3) \_\_\_\_\_ for any property of a defendant who is **not** a natural person for which a method of levy is provided.
  - (4) \_\_\_\_\_ for property of a defendant who is a natural person subject to attachment under Code of Civil Procedure section  
487.010 (*specify*):
  
- c. Defendant shall transfer to the levying officer possession of
  - (1) \_\_\_\_\_ any documentary evidence in defendant's possession of title to any property described in item 3b.
  - (2) \_\_\_\_\_ any documentary evidence in defendant's possession of debt owed to defendant described in item 3b.
  - (3) \_\_\_\_\_ the following property in defendant's possession (*specify*):

**NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.**

- d. Other (*specify*): \_\_\_\_\_
  
- e. Total number of boxes checked in item 3: \_\_\_\_\_

Date:

..... (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF JUDGE OR MAGISTRATE JUDGE)