

NOTICE TO ATTORNEYS

January 20, 2011

NEW LAW UPDATE AB 2394 – CIVIL PROCESS AND NOTICES

As enacted, the new law establishes the Levying Officer Electronic Transactions Act, which provides rules and procedures for levying officers to use an electronic information processing system to create, store, process, and transmit information to any court that has agreed to participate in the electronic transmission. This new law also modifies the existing Code of Civil Procedure in regard to the required information that must be included on a writ of execution or writ of possession or sale. For reference, please see Code of Civil Procedure §§ 699.510, 699.520, and 712.020.

Two major changes are indicated below:

1. The new law provides that if the judgment debtor is not a natural person, the type of legal entity must also be disclosed on the writ of execution or writ of possession or sale. **[CCP §§ 699.510(c)(1), 699.520(c), and 712.020(c)]**
2. The new law requires the writ to include a statement indicating whether the case from which the writ of execution or writ of possession or sale stems is limited or unlimited jurisdiction. **[CCP §§ 699.520(k) and 712.020(h)]**