ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*

TELEPHONE NO.: FAX NO. *(Optional):*

E-MAIL ADDRESS *(Optional):*

ATTORNEY FOR *(Name):*

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PLAINTIFF:

DEFENDANT:

NOTICE OF APPLICATION FOR WRIT OF POSSESSION AND HEARING

CASE NUMBER:

TO DEFENDANT* *(name):*

1. A hearing on the plaintiff's application for a writ of possession for levy on personal property described in the application, including attachments, claimed to be wrongfully detained by you, will held be in this court, as follows:

   a. Date: Time: ☐ Dept.: ☐ Rm.:

   b. Address of court: ☐ same as noted above ☐ is *(specify):*

2. The writ of possession will be issued if the court finds that the plaintiff's claim is probably valid and the other requirements for issuing the writ are established. This hearing is not for the purpose of determining whether the claim is actually valid. The determination of the actual validity of the claim will be made in later proceedings in the action and will not be affected by the decision at the hearing on the application for the writ.

3. If you wish to oppose the issuance of the writ, you must file with this court and serve on the plaintiff's attorney, or on the plaintiff if the plaintiff has no attorney, one or more declarations providing evidence sufficient to defeat the plaintiff's right to issuance of the writ.

4. If you fail to oppose the issuance of the writ, the court at the hearing may do the following:

   a. Order that a writ of possession be issued.
   b. Order that you or anyone in possession transfer possession of the claimed property to the plaintiff (Code Civ. Proc., § 512.070).
   c. Grant injunctive or other relief.

5. If a writ of possession is issued, you may stay the delivery of the property or regain possession of property taken under the writ by filing an undertaking with the court in accordance with Code of Civil Procedure section 515.020.

6. **IF YOU BELIEVE THE PLAINTIFF MAY NOT BE ENTITLED TO POSSESSION OF THE PROPERTY CLAIMED, YOU MAY WISH TO SEEK THE ADVICE OF AN ATTORNEY. SUCH ATTORNEY SHOULD BE CONSULTED PROMPTLY SO THAT HE OR SHE MAY ASSIST YOU BEFORE THE TIME SET FOR THE HEARING.**

Dated:

(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY)

***** "Plaintiff" includes cross-complainant, and "defendant" includes cross-defendant.

Form Adopted for Mandatory Use
Judicial Council of California
CD-110 [Rev. January 1, 2006]

Code Civ. Proc., § 512.040
www.courtinfo.ca.gov

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www.USCourtForms.com

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