

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Elihu M. Berle, Chair
Uniform Rules Subcommittee, Hon. Brian R. Van Camp, Chair
Patrick O'Donnell, Committee Counsel, 415-865-7665,
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DATE: September 28, 2005

SUBJECT: Abstract of Judgment (revise form EJ-001) (Action Required)

Issue Statement

Abstract of Judgment (form EJ-001) should be revised to state that the name of each judgment creditor must be included on the form and to provide spaces for that purpose. Some items should be clarified and rearranged to make the form easier to use. The title should be changed to *Abstract of Judgment—Civil and Small Claims* (form EJ-001) to clarify that the form may be used for enforcement of judgments in small claims cases.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2006, revise *Abstract of Judgment* (form EJ-001) and rename it *Abstract of Judgment—Civil and Small Claims* (form EJ-001).

Revised form EJ-001 is attached at pages 3-4.

Rationale for Recommendation

Abstract of Judgment (form EJ-001) was last revised effective January 1, 2003, to enlarge the recorder's box. Several additional revisions are proposed at this time.

First, current form EJ-001 has spaces for listing additional judgment debtors, but none for additional judgment creditors. A place to indicate these additional judgment creditors would be added on page 1 (item 4), and spaces for providing information about the judgment creditors would be added on page 2 (items 13–15). The information requested on the form about judgment creditors is different from that requested about judgment debtors because of differing statutory requirements. (See Code Civ. Proc., § 674.)

Second, current items 2–9 on form EJ-001 would be reorganized as follows:

- Current items 3 and 4 concerning judgment debtors and creditors would be located to revised items 1–4, above the double line.
- The total judgment amount would remain as item 6, but would become the first item below the double line.
- A new item 7 would state “All judgment debtors and creditors are listed on this abstract.”
- Current item 5, for entry of the dates the judgment was entered and renewed would become item 8; current item 7, on liens, would become item 10; current item 8, on stays of enforcement, would become item 11; and current items 2a and 2b, where the clerk certifies that either (a) this is a true and correct abstract or (b) a certified copy of the judgment is attached, would become items 12a and 12b.

Third, the title of the form would be changed to *Abstract of Judgment—Civil and Small Claims* to distinguish it from the form available for use in criminal cases and to clarify that it may be used in small claims as well as other civil cases.

Alternative Actions Considered

The form could have been left as it currently exists. However, the revisions will make it clearer and easier to use.

Comments From Interested Parties

The revised form was circulated for comment in the spring of 2005. Ten comments were received on this form proposal. The commentators included court administrators, a local bar association, and the Committee on the Administration of Justice of the State Bar of California. A chart summarizing the comments and the committee’s responses is attached at pages 5-7.

The comments were generally favorable, with some suggestions for further revisions. The committee agreed with the commentators who suggested that more space be provided for the clerk’s signature. It also agreed that the title and caption of the form, which had been circulated as “Abstract of Judgment—Civil” should be modified to include “and Small Claims.” This will clarify the use of the form.

Implementation Requirements and Costs

Some costs will be incurred in making the revised form available to the public.

Attachments

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

Recording requested by and return to:

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

FOR RECORDER'S USE ONLY

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PLAINTIFF:

CASE NUMBER:

DEFENDANT:

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS

Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

[Empty box for judgment debtor's name and address]

b. Driver's license No. and state:

Unknown

c. Social security No.:

Unknown

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):

2. Information on additional judgment debtors is shown on page 2.

4. Information on additional judgment creditors is shown on page 2.

3. Judgment creditor (name and address):

5. Original abstract recorded in this county:

a. Date:

b. Instrument No.:

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed: \$

10. An execution lien attachment lien is endorsed on the judgment as follows:

7. All judgment creditors and debtors are listed on this abstract.

a. Amount: \$

8. a. Judgment entered on (date):

b. In favor of (name and address):

b. Renewal entered on (date):

9. This judgment is an installment judgment.

11. A stay of enforcement has

a. not been ordered by the court.

b. been ordered by the court effective until (date):

12. a. I certify that this is a true and correct abstract of the judgment entered in this action.

b. A certified copy of the judgment is attached.

[SEAL]

This abstract issued on (date):

Clerk, by _____, Deputy

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):
14. Judgment creditor (*name and address*):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

17. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

20. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

21. Name and last known address

Driver's license No. & state: Unknown

Social security No.: Unknown

Summons was personally served at or mailed to (*address*):

22. Continued on Attachment 22.

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Abstract of Judgment (revise form EJ-001)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Civil Managers Superior Court of California, County of Orange Santa Ana	AM	Y	More space is needed for the court seal and the name of Clerk of the Court. The Clerk/Recorder's Office will not accept a document for recording without this information.	The committee agreed that more space is needed. The form has been modified.
2.	Mr. Timothy Gee Management Analyst III Superior Court of California, County of San Mateo Redwood City	AM	Y	<i>Abstract of Judgment–Civil</i> : I suggest adding “Small Claims” to the heading of the form title (top and bottom of the form), since this form can be used for both general civil as well as for small claims cases. This would eliminate any confusion on the use of this form.	The committee agreed that “Small Claims” should be added to clarify the use of the form.
3.	Ms. Linda Gorham Court Manager Superior Court of California, County of San Francisco	A	N	No specific comment.	No response required.
4.	Superior Court of California, County of Los Angeles	A	Y	No specific comment.	No response required.
5.	Ms. Cristina Lla Director–Staff Attorney Access Center Superior Court of California, County of San Francisco	AM	N	Spanish definitely needs to be looked at.	This will be considered.

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6.	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	A	Y	The following comments were received from our court's executives, managers, and supervisors. 1. We need more space for clerk's signature. 2. If one debtor files bankruptcy, execution is barred. How can we issue an abstract with all names? 3. If we check the stay box in the bottom half of the form, how will we know how long the stay is in effect? Also, the stay box needs a line to fill in the name of the debtor that has the stay of enforcement. It is the same issue if the defendant is discharged in a bankruptcy. Should we be listing them on the abstract?	1. The committee agreed. More space has been added. 2. Adding the names of all creditors to the form will not affect the issuance of an abstract. 3. Item 11 (former item 8) conforms to the requirements of the statute. (See Code Civ. Proc., § 674(a)(7).)
7.	Ms. Pam Moraida Court Program Manager Superior Court of California, County of Solano	A	N	This is much clearer when you have multiple parties.	The committee agreed.
8.	Ms. Patti Morua-Widdows Court Program Manager Superior Court of California, County of Ventura	AM	N	Provide an extra line between "12b and Clerk, by _____, Deputy" to allow room for the name of the Court Executive Officer.	The committee agreed. More space has been added.
9.	Committee on Administration of Justice The State Bar of California San Francisco	AM	Y	The Committee on Administration of Justice supports this proposal.	No response required.

Positions: A = Agree; AM = Agree only if modified; N = Do not

agree.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
10.	Mr. Dean Zipser President Orange County Bar Association Irvine	A	Y	No specific comment.	No response required.

agree.

Positions: A = Agree; AM = Agree only if modified; N = Do not