

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):		
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF:		
DEFENDANT:		
ORDER		CASE NUMBER:
<input type="checkbox"/> to Set Aside Right to Attach Order, Quash Writ of Attachment, and Release Property Levied Upon <input type="checkbox"/> to Release Attached Property Exceeding in Value the Amount to be Secured <input type="checkbox"/> to Substitute Defendant's Undertaking for Property <input type="checkbox"/> to Increase Plaintiff's Undertaking <input type="checkbox"/> to Determine Sufficiency of Plaintiff's Sureties <input type="checkbox"/> to Discharge Attachment and Release Property Levied Upon (Ex Parte) <input type="checkbox"/> to Release Property Levied Upon Due to Filing of Undertaking on Appeal (Ex Parte) <input type="checkbox"/> to Reduce the Amount to be Secured by the Attachment		

1. a. The court has considered the application of defendant

(*name*):

for an order

- (1) to set aside Right to Attach Order, quash Writ of Attachment, and release property levied upon.
- (2) to release attached property exceeding in value the amount to be secured.
- (3) to substitute defendant's undertaking for property.
- (4) to increase plaintiff's undertaking.
- (5) determining sufficiency of plaintiff's sureties.
- (6) to discharge attachment and release property levied upon.
- (7) to release property levied upon due to filing of undertaking on appeal.
- (8) to reduce the amount to be secured by the attachment.

b. On hearing as follows (*check boxes in items (3) and (4) below to indicate personal presence*):

(1) Judge (*name*):

(2) Hearing date: _____ time: _____ dept.: _____ div.: _____ rm.:

(3) Plaintiff (*name*): _____ Attorney (*name*): _____

(4) Defendant (*name*): _____ Attorney (*name*): _____

c. Ex parte.

2. THE COURT FINDS

a. Plaintiff is not entitled to the Right to Attach Order issued on

(*date*):

b. Nonresident defendant has filed a general appearance and plaintiff has not shown that the Right to Attach order is authorized by a provision other than CCP 492.010.

c. The value of defendant's interest in property attached is

\$

which exceeds the amount necessary to satisfy the amount to be secured by the attachment by

\$

d. The defendants named in item 1a are the only defendants who have an interest in the property described in item 2f.

e. The following defendants, not named in item 1a, have an interest in the property described in item 2f (*names*):

(Continued on reverse)

SHORT TITLE:	CASE NUMBER:
--------------	--------------

2. f. an undertaking in the amount of \$ _____ is a sufficient substitution for the following property which
- (1) has been attached (*describe*):
- (2) is subject to attachment (*describe*):
- g. The undertaking is insufficient as follows (*specify*):
- h. Defendant has recovered judgment against plaintiff and (1) no timely motion to vacate the judgment or for judgment notwithstanding the verdict or for a new trial has been filed and served and is pending and no appeal has been perfected; and (2) no undertaking has been executed and filed as required by CCP 921.
- i. Enforcement of plaintiff's judgment is stayed by the filing of an undertaking on appeal and justification of defendant's sureties
- has been made.
- has been waived in writing.
- has been waived by failure to timely object.
- j. The amount to be secured by the attachment may be reduced by the amount of \$ _____
- k. Other (*specify*):

ORDER

3. IT IS ORDERED

- a. The Right to Attach Order issued on (*date*): _____ is set aside.
- b. The Writ of Attachment issued on (*date*): _____ is quashed.
- c. The property levied upon pursuant to the Writ of Attachment issued on (*date*): _____ is released as follows:
- (1) all property.
- (2) property in the amount of \$ _____
- (3) the following property (*describe*):
- d. Defendant may substitute an undertaking for property which has been attached as follows:
- (1) amount of undertaking: \$ _____
- (2) property (*describe*):
- e. Defendant may file an undertaking to prevent the levy upon property as follows:
- (1) amount of undertaking: \$ _____
- (2) property (*describe*):
- f. An increase in the amount of plaintiff's undertaking is required to a total undertaking of \$ _____
An undertaking in this amount shall be filed on or before (*date*): _____
- g. Plaintiff shall file an undertaking by (*date*): _____ with sufficient sureties.
- h. The amount to be secured by the attachment is reduced to \$ _____
- i. Other:
- j. Total number of boxes checked in item 3

Date:

.....
(TYPE OR PRINT NAME)



(SIGNATURE OF JUDGE)