

W/ 4/21/84 2:17 PM



37244

PRINCIPLES OF NOTIFICATION

PRINCIPLES OF NOTIFICATION

The preparation of this booklet was financially aided through a federal grant from the Law Enforcement Assistance Administration and the California Office of Criminal Justice Planning. The opinions, findings, and conclusions in this publication are those of the author and are not necessarily those of COCJP or LEAA.

Court Support Personnel Project
Skyline College
3300 College Drive
San Bruno, CA 94066
(415) 355-7000 Ext. 144
Douglas Oliver, Project Director

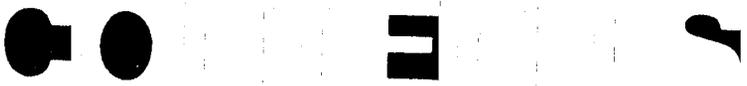
NCJRS
OCT 11 1976
ACQUISITIONS

Booklet

Researcher/Writer: Duane Heaps
Editor/Layout: Duane Heaps
Graphics: Jan Kirkpatrick
Manuscript Typing: Donna Hughes

Videotape

Producer/Writer: Theani Louskos
Director: Alvin Bowens
Researcher/Narrator: Douglas Barry
Production Assistant/Graphics:
Jan Kirkpatrick



PAGE

INTRODUCTION 1

 Program Objectives 3

COMMENTARY 4

 The Concept of Notification 4

Let's Pretend for a Moment (4)

Importance of Notification (5)

Notice Defined (6)

Notice: Statutory or Courtesy (7)

Notice: Who Notifies Whom? (7)

 Main Types of Notices 8

Civil Division (9)

Small Claims Division (11)

Criminal Division (12)

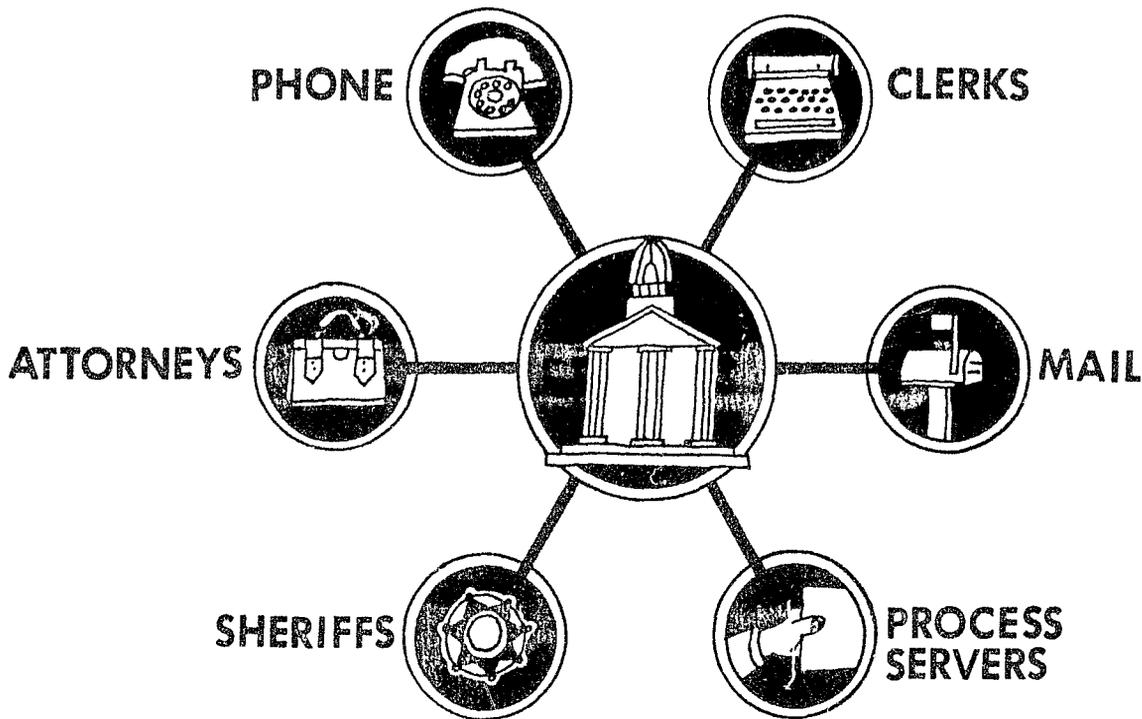
Traffic Division (13)

CONCLUSION 15

SELF-REVIEW 16

LIST OF CALIFORNIA CODES 17

SAMPLE NOTICES 18



Every court is the hub of a continual process of sending and receiving notices. On the surface, it appears that a notice is a notice, is a notice, is a notice. But, like the tip of an iceberg, upon closer examination, we find that notification is a complex web of forms, statutes, time regulations, and certified mailings which lay hidden behind most legal actions brought before the court.

For the courts, the process of notification is a statutory requirement, a public service, and a "housekeeping" technique. Many notices that come from the courts are required by the various California codes of law or they are set forth in the State's Rules of Court. Others are informal notices or memorandums that are a courtesy provided as a public service and to help insure efficient operation of the court. Courtesy notices are discretionary

(voluntary) rather than mandatory. Whether mandatory or discretionary, the main purpose of notification is to coordinate and assist the activities of contending parties engaged in a legal action.

The most important function of notification in the State's court system is to acquire jurisdiction. Before a court has jurisdiction in any legal matter, the parties involved must be made aware of the action. In fact, no legal action can occur unless the parties involved are made aware of it.

The videotape you are about to see follows a typical civil case through the notification process in the civil division of a court. It is important for you to keep in mind that this test case is used to illustrate those points in the legal system which involve notification for this specific case. There are many other types of notices that involve the courts which have not been covered in the videotape. For this reason, this coordinated instruction booklet presents some of the more common notices in the following types of actions: civil, small claims, criminal, and traffic. It is also important to remember that the notices which may issue from the court are so various and numerous that it is impossible to explain each of them in this booklet. Therefore, this booklet is intended to familiarize you with the general concept and purpose of notification and provide some common examples of notices.

Before watching the program, please read over the Program Objectives on the following page and quickly glance through this booklet.

PROGRAM OBJECTIVES

1. Discuss the purpose of notification in California's courts.
2. Apply general rules where notification would occur in a civil case.
3. Describe the effect of improper notification on the courts and on litigants involved in legal actions.
4. Discuss methods that aid the court's notification process.
5. Give two examples of notices that may be provided as courtesy notices to the public.

PLEASE BEGIN THE VIDEOTAPE



THE CONCEPT OF NOTIFICATION

Let's Pretend for a Moment. Imagine you are showing a typical courtroom to a twelve-year-old girl named Donna. Before you walk in the main door to the courtroom, you explain that the people waiting outside are witnesses for the trial. Upon entering the courtroom, you point out the judge, the courtroom clerk, the bailiff, the jury, the attorneys and their clients. As you leave the courtroom, Donna whispers, "Why are all these people here and how did they all get here at the same time?" You answer, "These people are all here at the same time because notices were sent out by the court staff or by the attorneys. If they had not been properly notified, there would not be a trial here today."

This brief scenario is intended to illustrate the importance of notification in the judicial system of California. The cliché, "What if you gave a party and nobody came?" can be rephrased for our purposes to read, "What if you scheduled a trial and nobody appeared?" The way litigants, attorneys, juries, and witnesses become aware of a trial (or any other court proceeding) is by some form of notification.

Importance of Notification. It is not an understatement to say that the State's judicial system is based primarily on notification. For example, courts acquire legal jurisdiction over matters by giving proper notice to the parties concerned. In addition, the process of notifying persons involved in a given proceeding allows the court to more efficiently schedule (or calendar) all court proceedings.

In order to illustrate the number and variety of possible notices, we looked in the "Index" of Larmac Consolidated Index to the Constitution and Laws of California, 1975. Under "Notice", there were listed over 425 separate categorical entries. These categories ranged from notices required under the 1931 Tree Planting Act, to notices for application for continuance of trial, to notices sent to owners of diseased bee colonies.

All matters pertaining to State codes or laws are the basis on which these 400-plus notices may be issued. The most common codes and legal matters relating to these codes that enter the courts are: Code of Civil Procedure, Evidence Code, Fish and Game Code, Health and Safety Code, Penal Code (see Page 17 in this booklet for a listing of California Codes).

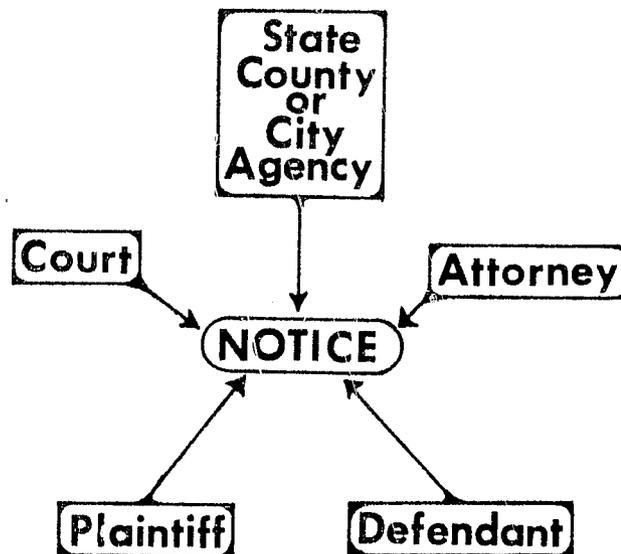
Notice Defined. The fact that there is such a variety of notices and such diverse situations in the judicial system that use notices, creates a problem when we attempt to make any general statements about the concept of notification as a whole. However, a general definition of "notice" should provide us with a better idea of what notification is.

What constitutes legal notice and how it must be given (or served) depends on the nature of the notice and the kind of legal action from which it comes. "Notice" then, is one of those words that has many different meanings depending on the legal situation.

Generally speaking, and for our purposes, a notice is any document that conveys information that some legal action involving court action is pending or has already occurred. "Notice," from a broad legal point of view, includes any means whereby intelligence or knowledge is communicated. A few of the most common methods employed to convey a notice are: U.S. Mail, process service, newspapers and the telephone.

Basically, there are two kinds of notices: (1) actual notice: consists of express communication of a fact; and, (2) constructive notice: is imputed by law, that is, the law assumes that in order to make the law operational the party (or parties) involved must be notified.

Notice: Statutory or Courtesy. Some notices issued by the courts are required by statute. For example, the "Notice of Entry of Judgment" is required by section 664.5 of the Code of Civil Procedure. A court does not have the option of issuing this notice...it must be issued. Statutory notices are considered formal notice to a party in a legal action. Another kind of notice is a courtesy or public service notice. These are informal notices that are for the court's convenience as well as the public's convenience. Courtesy notices are sometimes called "housekeeping" notices because they help the courts maintain a smooth and efficient flow of cases through the system. An example of a courtesy notice is the "Memorandum Notice of Trial" issued by most courts.



Notice: Who Notifies Whom? In the State's court system, there are five distinct groups concerned with processes of notification: courts, attorneys, plaintiffs, defendants, and state, county, or city agencies. From these five groups occur fifteen basic kinds of notification transactions.

1. From court to attorney (private or D.A.)
2. From court to another court
3. From court to plaintiff or defendant
4. From court to the public (jury summons, newspaper ad)
5. From court to state, county, or city agency
6. From attorney to attorney
7. From attorney to court
8. From attorney to plaintiff or defendant
9. From attorney to the public
10. From attorney to state, county, or city agency
11. From plaintiff to defendant
12. From defendant to plaintiff
13. From plaintiff or defendant to court
14. From state, county or city agency to court
15. From state, county or city agency to defendant

MAIN TYPES OF NOTICES

In most California courts there are four main divisions or departments that are concerned with notification. They are: civil, small claims, criminal, and traffic. Each of these divisions is concerned with different types of legal actions. Thus, each division uses different types of notices in processing these legal actions.

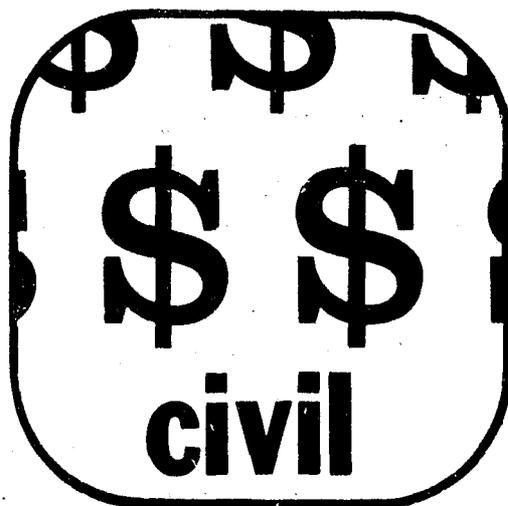
Within each of the divisions there are certain types of notices that are statutory and others that are discretionary (voluntary). Statutory notices are usually standardized throughout the State's court system (thanks to the Judicial Council of California). Discretionary notices, under the heading of "housekeeping notices", vary in kind, format, and purpose.

Many voluntary notices used by a court are unique to that court; they are not necessarily standardized throughout the State court system. This diversity of notices used by each court makes it impossible to provide a detailed description of each kind of notice. Keeping this "diversity of notices" in mind, the following are a few of the more common form letter notices that may be used in each division of your court:

Civil Division

Summons. The Summons is the most important notice issued from the civil division. It is prepared by the attorney, conformed and file-stamped by the court (the original becomes part of the permanent court record), and served by the attorney (or a party acting for the attorney). The most

important purpose of the Summons is to notify the defendant that some legal action is pending. The Summons is written in English, with the most important parts also written in Spanish.



Memorandum Notice of Trial. This notice is issued from the court and is prepared by the court. It is essentially a courtesy notice to the public as well as a "housekeeping notice" for the courts.

Notice of Entry of Judgment. This notice issues from the court and is sent out to the parties that appeared in the matter. This notice is statutory (CCP 664.5).

Notice of Motion. This notice is prepared by the office of the attorney, is conformed and file-stamped by the court, and sent to the opposing party.

Notice of Filing an Affidavit and Claim of Exemption. This notice follows the levy of a Writ of Execution. It is prepared by the defendant on whose assets the Writ has been served and filed with the levying Sheriff or Marshal. An exception is in the case of government employees. In this case the employee files a Claim of Exemption with the controller of the governmental agency that employs him.

Notice of Appeals. The attorney prepares this notice, the court conforms and file-stamps it, and sends a copy to the opposing party. Whether the appeal is allowed or denied, an entirely new notification process begins.

Notice of Trial. A statutory notice that is served by either party after the court has conformed and file-stamped it.

Small Claims Division

Claim of Plaintiff. This is the initial notice which begins a small claims action. The formal "Claim of Plaintiff" is usually prepared by the plaintiff. There are four different methods of serving the defendant in a small claims action: by certified mail, by process server, by the sheriff's office, or by personal service. The court is required, by statute (CCP 117H), to provide certified mail service for a nominal fee.



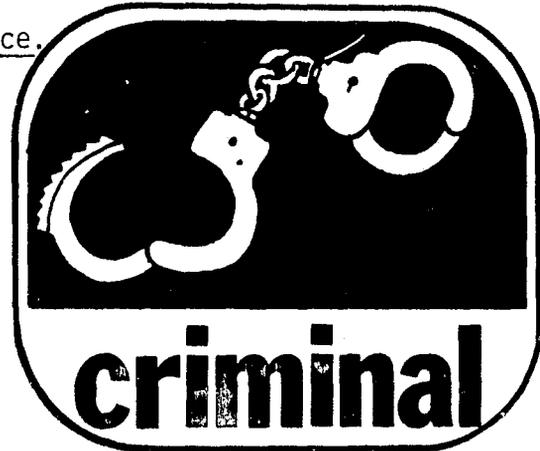
Notice of Rendition and Entry of Judgment. The court prepares this notice which is required by statute (CCP 117H). The purpose of this notice is to inform all parties involved in the action as to the judgment.

Notice of Appeals. Obviously this notice is available only to the defendant. If an appeal is allowed or granted, then a new cycle of notification begins. This new cycle is handled by the Appellate Department of the Superior Court rather than by the original trial court.

Criminal Division

Notice of Time and Place of Appearance.

A notice that is prepared by the court if no warrant has been issued. This notice informs the defendant of the time, court, department, and date of the pending legal action.



Warrant. One of the most important notices in the criminal division. It not only establishes jurisdiction over a specific defendant, but it is also the first information many defendants receive regarding the pending legal action. The warrant is signed by the judge and is prepared and issued by the court.

The following four notices are courtesy notices. They come under the heading of "housekeeping notices". None of them are required by statute; however, almost all courts issue some form of notice in each of these stages of the criminal process. Each of these notices are prepared and issued by the court. The phrase "Memorandum Only and Not to be Considered as a Formal Notice" may appear at the top of these notices.

Notice of Trial. In the criminal division, this notice is not required by statute as it is in the Civil Division.

Notice of Preliminary Hearing. Self-explanatory.

Notice of Disposition Hearing. Self-explanatory.

Notice of Jury Trial. Self-explanatory.

Summons for Jury Duty. This notice is prepared by the court. Statute requires that a formal summons be sent to all potential jurors.

Notice of Conviction. This notice is an abstract on each penal code conviction and is required by statute. It is sent to Criminal Identification and Investigation in Sacramento.

Traffic Division

Traffic violations account for a large volume of most Municipal and Justice Court's daily activities. They also involve more "defendants" than do other divisions of these courts. The notices that issue from the traffic division are closely regulated by statute.



There are two main kinds of violations processed in the traffic division, moving violations and parking violations. For moving violations, the ticket itself serves as the notice to appear. However, most courts send a Notice of Warrant as a courtesy prior to actually issuing a Warrant for Arrest. For parking violations, a Notice of Illegal Parking is required by statute (21103 VC) prior to issuing a warrant. The more

common notices used by the traffic division are:

Notice of Bail Forfeiture. This notice is required by statute if the bail is over \$50 (less if the defendant so requests), or if the bail has been posted by a surety bonding company for any amount.

Notice of Conviction. This is an abstract notice, required by statute, and sent to the Department of Motor Vehicles in Sacramento.

Notice of Failure to Pay Fine, Notice of Failure to Appear, Notice Fine Has Been Paid. These three notices are required by statute and are sent by the traffic division to the Department of Motor Vehicles.



The process of notification is involved, complex, and often demanding. Large numbers of notices pass through each court daily. Many of these notices have statutory and time requirements that must be met. Because of the complexity and volume, improper notification can and does occur. When it does, the result can mean a waste of the court's time and facilities, inconvenience to the parties at action, and rescheduling and calendaring problems for the clerk's office.

Maintaining accurate court records, keeping complete and orderly files, and having an alert support staff can safeguard against breakdowns in the court's notification processes.

Whether notices are a legal obligation, a courtesy service, or a "housekeeping" technique, their timely issuance is of the utmost importance. It is important to remember that the way the courts handle the process of notification will either improve or disrupt the flow of judicial business through California's court system.

CALIFORNIA CODES

Notices can issue from any matter involving these codes.

Food and Agricultural Code
Business and Professions Code
Civil Code
Code of Civil Procedure
Commercial Code
California Constitution
Corporations Code
Deering Act (General Laws)
Education Code
Elections Code
Evidence Code
Fish and Game Code
Financial Code
Government Code
Harbors and Navigation Code
Health and Safety Code
Insurance Code
Labor Code
Military and Veterans Code
Penal Code
Probate Code
Public Resources Code
Public Utilities Code
Revenue and Taxation Code
California Rules of Court
Streets and Highways Code
Unemployment Insurance Code
Vehicle Code
Water Code
Welfare and Institutions Code

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE

.....
Plaintiff(s)
vs.
.....
Defendant(s)

No.

NOTICE OF:

- PRE-TRIAL CONFERENCE
- SETTLEMENT CONFERENCE

NOTICE is hereby given that the above entitled case has been set for
_____ Pre-Trial Conference _____ Settlement Conference
on _____ at _____ .M., at the Courthouse,
Sonora, California.

For Pre-Trial Conference: Counsel are referred to Rules 210, 211, 212, 216, 217.

For Settlement Conference: Counsel are referred to Rules 207.5. In personal injury cases, the following shall be completed and available for Judge's inspection:

- a) Latest medical examinations by both sides;
- b) Summary of all special damages;
- c) All accident reports and photographs;
- d) Depositions, if any.

Dated: CARLO M. DE FERRARI, County Clerk

By: _____ Deputy

CERTIFICATE OF MAILING

I, CARLO M. DE FERRARI, County Clerk and Clerk of the Superior Court of California for the County of Tuolumne, and not a party to the within action hereby certify: That on the date set forth below, I served the foregoing notice on the parties in the within action, by depositing true copies thereof inclosed in sealed envelopes with postage thereon fully pre-paid in the United States Post Office mail box at Sonora, California addressed as follows:

Dated: CARLO M. DE FERRARI, County Clerk

By: _____ Deputy

IN THE MUNICIPAL COURT, NORTHERN JUDICIAL DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
)
Plaintiff,)
)
VS.)
)
)
Defendant.)
_____)

Case No. _____

NOTICE OF FORFEITURE OF BAIL
P.C. 1305

TO: Bondsman _____
or Depositor of Money _____

Please be advised that the Court has ordered the forfeiture of your hereinafter described bail for the non-appearance of defendant, which order was entered on _____.

Money _____ Amount \$ _____

Treasury Bond No. _____ Amount \$ _____

Surety Bond No. _____ Amount \$ _____

In the event of the forfeiture of a Treasury Bond, please contact this Court immediately to redeem same.

In the event of the forfeiture of a Surety Bond, you are referred to the provisions of Section 1306 Penal Code, California.

RICHARD R. LIBERTY,
Clerk of the Municipal Court

Deputy Clerk

Dated: _____

IN THE MUNICIPAL COURT OF THE NORTHERN JUDICIAL DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

Defendant

AFFIDAVIT OF MAILING NOTICE
OF FORFEITURE OF BAIL

(P.C. 1305, 1306)

No.....

I,, under penalty of perjury declare that I am a Deputy Clerk of the Municipal Court, Northern Judicial District, County of San Mateo, State of California, and that I have this day deposited in the United States mail, with postage prepaid thereto, a Notice of Forfeiture of Bail in this action, addressed to the corporate surety company and to the bail agent or solicitor, at their addresses as they appear on the bond, or to the depositor of bail, and as follows:

Corporate Surety Company

Bail Agent or Solicitor

Depositor of Bail

Dated:

.....
Deputy Clerk

Name, Address and Telephone No. of Attorney (s)

This Space for Use of Court Clerk Only

Attorney(s) for

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF ALAMEDA
ALAMEDA JUDICIAL DISTRICT
1516 Oak Street, Alameda, California 94501

No.

Plaintiff(s)

vs.

MEMORANDUM TO SET CASE FOR TRIAL

Defendant(s)

(Abbreviated Title)

I hereby represent to the court that this case is at issue, and request that it be set for trial.

Nature of the case:

Jury trial demanded. Time necessary for trial:
(in or is not) (Estimate carefully)

This case entitled to legal preference in setting.
(is or is not) (If no, state reasons)

..... Reporter requested.
(is or is not)

The following dates are NOT acceptable to me:

Names, addresses and telephone numbers of attorneys for other parties, or of parties appearing in person:

Dated (Note: Must be signed by attorney or party requesting setting)

DECLARATION OF SERVICE BY MAIL

My address is
(business/residence)

I am, and was at the time herein mentioned mailing took place, a citizen of the United States,
(employed/resident)
in the County where said mailing occurred, over the age of eighteen years and not a party to the above-entitled cause.

On I served the foregoing document by depositing a copy thereof, enclosed in separate, sealed envelope, with the postage thereon fully prepaid, in the United States mail at
(city or postal area)

County of , California, each of which envelopes was addressed respectively as follows:

Executed on , at , California
(date) (city)

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Declarant)

This space for use of court clerk only

The above-entitled case has been set for trial in Department 1 on at M.

PROOF OF SERVICE

(See Instruction Sheet and use separate proof of service for each person served)

I served the summons and complaint as follows: (Type or print)

- 1. Defendant's name:
- 2. Person served and title:
- 3. Person with whom left and title or relationship to person served:
- 4. Date and time of delivery:
- 5. Mailing date, type of mail and place of mailing:
- 6. Address, city and state (when required, indicate whether address is home or business):

7. Manner of service: (Check proper box)

- (Personal service) By personally delivering copies to the person served. (CCP 415.10.)
- (Substituted service on corporation, unincorporated association (including partnership), or public entity) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a).)
- (Substituted service on natural person, minor, incompetent, or candidate) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b). Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
- (Mail and acknowledgment service) By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30. Attach written acknowledgment of receipt.)
- (Certified or registered mail service) By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40. Attach signed return receipt or other evidence of actual delivery to the person served.)
- (Other—CCP 413.10, 413.30, 417.10-417.30—Attach separate pages if necessary): Additional page(s) are attached.

8. The following notice appeared on the copy of the summons served (CCP 412.30 or 474):

- You are served as an individual defendant.
- You are served as (or on behalf of) the person sued under the fictitious name of:
- You are served on behalf of:

- Under:
- CCP 416.10 (Corporation)
 - CCP 416.20 (Defunct corporation)
 - CCP 416.40 (Association or partnership)
 - CCP 416.60 (Minor)
 - CCP 416.70 (Incompetent)
 - CCP 416.90 (Individual)
 - Other:

9. At the time of service I was at least 18 years of age and not a party to this action.

10. Fee for service \$ Mileage \$ Notary \$ Total \$

(To be completed in California by process server, other than a sheriff, marshal or constable*)

- Not a registered California process server (CCP 417.40).
- Registered: County Number:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on (insert date) at (insert place), California. (Type or print name, address, and telephone no.)

Signature:

(To be completed in California by sheriff, marshal or constable*)

I certify that the foregoing is true and correct and that this certificate was executed on (insert date), at (insert place), California.

(Type or print name, title, county and, when applicable, Municipal or Justice Court District)

Signature:

* This declaration or certificate of service must be executed within California (CCP 205). A proof of service executed outside California must be made by affidavit.

COURT OF CALIFORNIA, COUNTY OF

NAME OF MUNICIPAL OR JUSTICE COURT DISTRICT OR OF BRANCH COURT, IF ANY		FOR COURT USE ONLY
TITLE OF CASE (ABBREVIATED)		
ATTORNEY(S) NAME AND ADDRESS		
ATTORNEY(S) FOR:		CASE NUMBER
TELEPHONE		

WRIT OF EXECUTION (Money Judgment)

To the Sheriff or any Marshal or Constable of the County of

You are directed to satisfy the judgment described below, with interest and costs and your costs and disbursements, as provided by law. (See reverse side.)

NOTICE TO THE JUDGMENT DEBTOR(S): You may be entitled to file a claim exempting your property from execution. See reverse side.

Judgment Creditor(s): Additional name(s) stated on reverse side.)

Judgment Debtor(s): Additional name(s) stated on reverse side.)

Amount of Total Judgment as Entered:	
1. Principal	\$
2. Attorney(s) fees	\$
3. Interest	\$
4. Costs	\$
5. Total (add Items 1, 2, 3, & 4)	\$
Add:	
6. Accrued interest on total judgment (Item 5) as adjusted for payments & partial satisfactions	\$
7. Accrued costs (per filed Memo of Costs After Judgment)	\$
8. Total judgment & accruals (add Items 5, 6, 7)	\$
9. Subtract payments & partial satisfactions	\$
10. Net balance due before issuance of writ	\$
11. Add fee for issuance of writ	\$
12. NET BALANCE DUE on date of writ	\$

Date of Entry of Judgment:

Entered in: Judgment Book Minute Book Docket
 Volume No. Page No.

Notice of sale under this writ has not been requested.
 Notice of sale has been requested by: (See name(s) and address(es) on reverse side.)

Levying officer: Add interest at \$..... per day from date of writ to date of levy (7% per year on lesser of Item 5 or Item 10) and your commission and costs of execution

....., Clerk

(SEAL) Dated By Deputy

[Name and Mailing Address of Judgment Debtor]

[Name and Mailing Address of Judgment Debtor]

(See reverse side.)

PROOF OF SERVICE

(See Instruction Sheet and use separate proof of service for each person served)

I served the summons and complaint as follows: (Type or print)

- 1. Defendant's name:
- 2. Person served and title:
- 3. Person with whom left and title or relationship to person served:
- 4. Date and time of delivery:
- 5. Mailing date, type of mail and place of mailing:
- 6. Address, city and state (when required, indicate whether address is home or business):

7. Manner of service: (Check proper box)

- (Personal service) By personally delivering copies to the person served. (CCP 415.10.)
- (Substituted service on corporation, unincorporated association (including partnership), or public entity) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a).)
- (Substituted service on natural person, minor, incompetent, or candidate) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b). Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
- (Mail and acknowledgment service) By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30. Attach written acknowledgment of receipt.)
(Certified or registered mail service) By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40. Attach signed return receipt or other evidence of actual delivery to the person served.)
- (Other—CCP 413.10, 413.30, 417.10-417.30—Attach separate pages if necessary): Additional page(s) are attached.

- 8. The following notice appeared on the copy of the summons served (CCP 412.30 or 474):
 - You are served as an individual defendant.
 - You are served as (or on behalf of) the person sued under the fictitious name of:
 - You are served on behalf of:

- Under: CCP 416.10 (Corporation) CCP 416.60 (Minor) Other:
- CCP 416.20 (Defunct corporation) CCP 416.70 (Incompetent)
- CCP 416.40 (Association or partnership) CCP 416.90 (Individual)

- 9. At the time of service I was at least 18 years of age and not a party to this action.
- 10. Fee for service \$..... Mileage \$..... Notary \$..... Total \$.....

(To be completed in California by process server, other than a sheriff, marshal or constable*)

- Not a registered California process server (CCP 417.40).
- Registered:..... County Number:.....

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on (insert date) at (insert place), California.
(Type or print name, address, and telephone no.)

Signature:

(To be completed in California by sheriff, marshal or constable*)

I certify that the foregoing is true and correct and that this certificate was executed on (insert date) at (insert place), California.

(Type or print name, title, county and, when applicable, Municipal or Justice Court District)

Signature:

* This declaration or certificate of service must be executed within California (CCP 2015.5). A proof of service executed outside California must be made by affidavit.

To the Sheriff, Marshal or Constable:

You are directed to satisfy the judgment described on the reverse side, with interest and costs and your costs and disbursements, out of (1) the personal property of judgment debtor(s), not exempt from execution, and if sufficient personal property cannot be found, then out of debtor(s) real property, or (2) if the judgment is a lien on real property, then out of the real property belonging to debtor(s) on the date the abstract of judgment was filed under CCP 674, or on any date thereafter. Unless this writ is served on debtor(s) at the time of levy, you are also directed to give debtor(s) notice by mail (at address(es) given on the reverse side and below, if any) of any levy of execution under this writ, and to make return of the writ with what you have done endorsed on it not less than 10 days nor more than 60 days after you receive it.

If your levy is against earnings, the return must be made within 90 days as provided by CCP 682.3.

NOTICE TO THE JUDGMENT DEBTOR: You may be entitled to file a claim exempting your property from execution. If so, you must do so within 10 days from the date your property was levied upon, by delivering to the levying officer an affidavit of exemption, together with a copy thereof, as provided in Section 690.50 of the Code of Civil Procedure. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that an affidavit, if any, may be filed on time.

Notice of sale has been requested by:

Name(s):

Address(es):

(Use space below for name(s) of additional Judgment Creditor(s) or Judgment Debtor(s).)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TUOLUMNE

Plaintiff(s)

vs.

Defendant(s)

No.

NOTICE OF RULING ON DEMURRER

NOTICE is hereby given that the Demurrer filed in the above action was this day on the calendar for hearing, and the Court made the following order:

Dated:

CARLO M. DE FERRARI, COUNTY CLERK

By:

Deputy

Copies mailed to all attorneys of record on the above date.

Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE

No.

Plaintiff(s)

vs.

Defendant(s)

NOTICE OF ENTRY OF JUDGMENT/ORDER

To the above named parties and to their attorneys of record:

You are hereby notified that.....

was entered in the above entitled matter on.....

CARLO M. DE FERRARI, County Clerk

By:, Deputy

CERTIFICATE OF MAILING

I, CARLO M. DE FERRARI, County Clerk and Clerk of the Superior Court of the State of California for the County of Tuolumne, and not a party to the within action, hereby certify that onI served notice of judgment/order on the parties in the within action, by depositing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Post Office mail box at Sonora, California, addressed as follows:

Dated:

CARLO M. DE FERRARI, County Clerk

By:, Deputy

END

7 *10/10/1951*