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

1. To plaintiff *(name)*:
 You are notified that a hearing on defendant's application in item 2 will be held in this court as follows:

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| date: | time: | courtroom: |
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2. Resident Nonresident defendant

(name):

makes application for an order

- a. (1) to set aside the Right to Attach Order issued on
 (date);
- (2) to quash the Writ of Attachment issued on
 (date);
- (3) to release the attached property of the defendant described in the writ.
- b. to substitute an undertaking in the amount of
 \$ in lieu of
- (1) all of defendant's property which has been attached or is subject to attachment.
- (2) the following portion of defendant's property which has been attached or is subject to attachment:
 - (a) value: \$
 - (b) description:

- c. for release of the following attached property to the extent that the value of defendant's interest in the property clearly exceeds the amount necessary to satisfy the amount to be secured by the attachment:
 - (1) value: \$
 - (2) description:

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| SHORT TITLE: | CASE NUMBER: |
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2.
 - d. to reduce the amount to be secured by the attachment in the amount of \$
(specify grounds):

 - e. to increase the amount of plaintiff's undertaking on the following grounds (CCP 489.220) (specify):

 - f. to determine the sufficiency of sureties on the following grounds (specify):

 - g. to discharge the attachment and release property levied upon on the grounds that defendant recovered judgment in the action. Plaintiff has not filed and served a timely motion to vacate the judgment or for judgment notwithstanding the verdict or for a new trial; nor has plaintiff perfected an appeal; nor has plaintiff filed the undertaking required by CCP 921.

 - h. to release defendant's property levied upon owing to the stay of enforcement of plaintiff's judgment upon defendant's filing of an undertaking on appeal.

3. Defendant's title to the property identified in item 2b(1) 2b(2) and the manner of its acquisition is set forth in the attached affidavit following facts:

4. No defendant other than the applicant has an interest in the property described in item 2b(1) 2b(2)
5. Nonresident defendant's application is made on the grounds of a general appearance and defendant states
 - a. the Right to Attach Order was issued pursuant to CCP 492.010.
 - b. the general appearance was filed in this action on (date)
 - c. this application is the first appearance of the defendant.

6. Defendant's application is supported by the

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| <ol style="list-style-type: none"> a. attached affidavit. b. following facts (specify): | <ol style="list-style-type: none"> c. attached points and authorities. d. following points and authorities (specify): |
|---|---|

Date:

 (TYPE OR PRINT NAME OF DEFENDANT)

▶ _____
 (SIGNATURE OF DEFENDANT)

By
 (NAME AND TITLE)

DECLARATION

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

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF DECLARANT)

7. Total number of pages attached: