

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): ----- ----- ----- ----- ----- ATTORNEY FOR (Name): -----	TELEPHONE NO.: -----	<b>FOR COURT USE ONLY</b>
NAME OF COURT: ----- STREET ADDRESS: ----- MAILING ADDRESS: ----- CITY AND ZIP CODE: ----- BRANCH NAME: -----		
PLAINTIFF: ----- ----- DEFENDANT: ----- -----		
<b>APPLICATION AND NOTICE OF HEARING FOR ORDER</b> <input type="checkbox"/> to Set Aside Right to Attach Order, Quash Writ of Attachment, and Release Attached Property <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 Reduce Amount to be Secured by the Attachment <b>EX PARTE APPLICATION FOR ORDER</b> <input type="checkbox"/> to Discharge Attachment and Release Property Levied Upon <input type="checkbox"/> 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:

date: -----	time: -----	<input type="checkbox"/> dept.: -----	<input type="checkbox"/> div.: -----	<input type="checkbox"/> rm.:-----
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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: -----

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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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(Continued on reverse)

SHORT TITLE:

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CASE NUMBER:

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- 2. d.  to reduce the amount to be secured by the attachment in the amount of  
\$ -----  
(specify grounds): -----  
-----  
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- e.  to increase the amount of plaintiff's undertaking on the following grounds (CCP 489.220) (specify):  
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-----  
-----
- f.  to determine the sufficiency of sureties on the following grounds (specify): -----  
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- 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: -----  
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- 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
  - a.  attached affidavit.
  - b.  following facts (specify):  
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  - 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 under the laws of the State of California that the foregoing is true and correct.

Date: -----

-----  
(TYPE OR PRINT NAME)

□

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

7. Total number of pages attached: -----