

# CALIFORNIA PRACTICE GUIDE ENFORCING JUDGMENTS AND DEBTS 2026 UPDATE

This 2026 softbound Update completely replaces the 2025 Update.

These Highlights summarize the most significant developments over the past year. The paragraph numbers correspond to the 2026 edition of the Practice Guide where the topics are discussed in greater detail.

**Restructuring of Volume 2—New Standalone Chapters:** With this Update, Volume 2 of this Practice Guide has been restructured into standalone Chapters 6 through 16, replacing the prior subchapter format (6A through 6K). The substantive content within each chapter remains unchanged. The Enforcement of Judgment Forms have been relocated to the relevant standalone chapters. Paragraph numbering now resets at the beginning of each chapter and cross-references throughout the Practice Guide have been updated. These structural enhancements improve topic delineation and support more efficient research.

**Judicial Council Forms:** Discussions in this Practice Guide reflect new and revised Judicial Council forms effective July 1, 2026.

**Check for Case/Statutory/Rules Developments:** This Update went to press in June 2026. Some new cases may not have been final at that time and may be affected by later developments. In addition, unless specifically noted, this Update does not include case, legislative or rules changes taking effect after our press date. Counsel should check subsequent case histories and independently verify the current state of the law, including any developments that may affect the analysis in this Practice Guide.

As always, we welcome your comments and suggestions!

**JUDGE ALAN M. AHART (Ret.)**

U.S. Bankruptcy Court  
Central Dist., Calif.

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## 2026 UPDATE HIGHLIGHTS

### CHAPTER 2

#### LIABILITY FOR UNFAIR DEBT COLLECTION PRACTICES

##### Federal Fair Debt Collection Practices Act (Federal FDCPA)

[2:140; 2:140.3; 2:140.12] **Art. III standing:** See *Milam v. Selene Finance, LP* (7th Cir. 2025) 163 F4th 416, 418-419—mortgagor had Art. III standing where loan servicer’s letter allegedly threatened possibility of acceleration and foreclosure, and mortgagor suffered monetary harm by acting to her detriment when she accelerated her payment based on letter’s deadline; compare *Obstfeld v. Unifin, Inc.* (ED NY 2025) 774 F.Supp.3d 497, 503—debtor lacked standing to sue under Federal FDCPA for alleged confusing or misleading debt collector letter where he failed to allege that collector did anything other than send letter; *Denmon v. Kansas Counselors, Inc.* (8th Cir. 2025) 149 F4th 1010, 1013-1017—debtor’s alleged injury caused by 1 unwanted debt collection letter was insufficient to establish Art. III standing where debt collector’s communication, mandated by FRCA, was not intentional intrusion nor highly offensive to reasonable person.

##### California Fair Debt Collection Practices Act (State FDCPA)

###### Scope of State FDCPA

- [2:170.2] **Excluded under definition of “covered commercial debt”:** “Covered commercial debt” does *not* include either (1) trade credit (as defined by new Civ.C. §1788.2(p)) or (2) a commercial financing transaction in which the dealer (as defined by Veh.C. §285), or an affiliate thereof, provides financing under a specific commercial financing offer or commercial open-end credit plan of at least \$50,000, including but not limited to a commercial loan made pursuant to that transaction. [New Civ.C. §1788.2(n)(2)]

###### Prohibited debt collector activities

- [2:225; 2:225.1] **Improper service of process:** A debtor’s uncorroborated declaration did not establish a prima facie showing that the debt collector had actual or constructive knowledge that service had not been effected in violation of Civ.C. §1788.15 where the debt collector was not required to credit statements in the declaration. [*Ahmed v. Collect Access, LLC* (2025) 114 CA5th 1092, 1098-1099, 337 CR3d 448, 452-453]

And the trial court erred in finding that the debtor failed to carry its burden under Civ.C. §1788.17, which does not depend on the debt collector’s knowledge, simply due to the uncorroborated declaration, which was not so facially unbelievable for the court to reject it as a matter of law. [*Ahmed v. Collect Access, LLC*, supra, 114 CA5th at 1098-1099, 337 CR3d at 453-454]

###### Enforcement and liability

- [2:236] **Standing absent concrete harm:** Unlike the U.S.

Constitution, the California Constitution has no case-or-controversy requirement. Standing under California statutes is “a matter of statutory interpretation.” The State FDCPA provides for statutory damages without the need for concrete harm. [*Guracar v. Student Loan Solutions, LLC* (2025) 111 CA5th 330, 342-343, 348-349, 332 CR3d 742, 750-751, 755-756 (internal quotes omitted); see *Kashanian v. National Enterprise Systems, Inc.* (2025) 114 CA5th 1037, 1043-1046, 337 CR3d 18, 21-23—statutory violation is sufficient to confer standing because debt collector’s State FDCPA violation makes them liable for statutory damages regardless whether consumer suffered any actual injury]

### **Federal Debt Collection Procedures Act**

[2:340.12] **Mandatory duty on court to grant timely transfer request:** 28 USC §3004(b)(2) imposes a *mandatory* duty on the district to grant a debtor’s timely request to transfer the case to the district where the debtor resides for enforcement. [*United States v. Brumbaugh* (9th Cir. 2025) 139 F4th 1077, 1082-1083]

## **CHAPTER 3**

### **PREJUDGMENT COLLECTION**

#### **Song-Beverly Consumer Warranty Act**

[3:175.6] **Statutory restitution not reduced by insurance payments:** The reasoning of *Niedermeier v. FCA US LLC* (2024) 15 C5th 792, 318 CR3d 483, holding that Civ.C. §1793.2(d)(2) restitution remedy is not reduced by a trade-in credit or sales proceeds, also applies to insurance payments. “[R]educing the statutory award by any amount not provided in the statute would be inconsistent with its plain text, its legislative history, and its consumer protective purpose.” [*Towns v. Hyundai Motor America* (2025) 117 CA5th 958, 971-972, 341 CR3d 37, 48—court’s imposition of offset for insurance payment received when car was totaled was improper where statutory formula contains no exception for insurance payments]

#### **Prejudgment Interest**

[3:307.18] **Conversion of personal property:** An award of prejudgment interest from the date of the verdict was proper where the jury verdict fixed plaintiff’s damages on a conversion claim at \$550,000 and there was a six-year delay between the verdict and the judgment. [*International Currency Technologies v. ICT, Inc.* (2025) 112 CA5th 639, 649, 334 CR3d 454, 462]

[3:307.20] **Song-Beverly Consumer Warranty Act cases:** Civ.C. §3288, providing for the jury’s award of prejudgment interest, applied to allow vehicle buyer to recover damages from vehicle manufacturer for breach of express warranty under the Song-Beverly Consumer Warranty Act where the manufacturer’s obligations under the Act did not arise from the contract to purchase the vehicle, but rather from obligations under the Act. [*Towns v. Hyundai Motor America*, *supra*, 117 CA5th at 972-973, 341 CR3d at 48-49]

## Uniform Voidable Transactions Act (UVTA)

[3:349.4a] **Other creditor’s remedies:** A creditor sued competitor/judgment debtor for conspiracy and/or aiding and abetting a fraudulent transfer where competitor/judgment debtor and Chinese manufacturer (to whom competitor/judgment debtor owed a debt and against which seller/creditor had a judgment in a separate federal antitrust case), before entry of judgment, arranged for competitor/judgment debtor to pay its debt owed to Chinese manufacturer early, before the stay for judgment enforcement expired, for purposes of hindering seller/creditor’s ability to collect its judgment against Chinese manufacturer. [*Optronic Technologies, Inc. v. Celestron Acquisition, Inc.* (2025) 108 CA5th 775, 784-785, 329 CR3d 714, 725-726]

## Filing Superior Court Limited or Unlimited Civil Case

[3:396] **Increased dollar limit for limited civil “collection cases”:** The dollar limit for the California Rules of Court’s definition of “collection cases” is increased to *not more than \$35,000*, exclusive of interest and attorney fees. [Amended CRC 3.740(a)]

[3:399.1] **Book account—increased dollar limits for recovery of reasonable attorney fees:** Reasonable attorney fees for the prevailing party who brought the action may not exceed the lesser of (1) *\$1,200* for book accounts based on an obligation owing by a natural person for goods, moneys or services that were primarily for personal, family or household purposes and *\$1,600* for all other book accounts, or (2) 25% of the principal owing under the contract. [Amended Civ.C. §1717.5(a)(2)]

Where the prevailing party is the party against whom the obligation on the book account was asserted and who was found to have no obligation owing, fees may not exceed *\$1,200* for book accounts based on an obligation owing by a natural person for goods, moneys or services that were primarily for personal, family or household purposes and *\$1,600* for all other book accounts. [Amended Civ.C. §1717.5(a)(3)]

## CHAPTER 4

### PROVISIONAL REMEDIES

#### Claim and Delivery

[4:656.1] **Claim and delivery law does not prevent plaintiff from obtaining injunctive relief:** See *Santa Clara Valley Water Dist. v. Eisenberg* (2026) 117 CA5th 714, 721-722, 340 CR3d 611, 617—plaintiff could seek preliminary injunction to recover possession of confidential reports even though it previously applied for and obtained writ of possession and turnover order.

## CHAPTER 5

### BANKRUPTCY CONSIDERATIONS

#### Discharge and Dischargeability of Debts

[5:53.1] **Timely filing of nondischargeability complaint:** See *In re Costello* (BC CD 2026) 675 BR 914, 921-923—complaint

to determine nondischargeability was not timely where creditor electronically filed “third party complaint” in main bankruptcy case on last day to determine dischargeability, but failed to commence adversary proceeding through court’s Case Management/Electronic Case Files (CM/ECF) system, pay filing fee or refile complaint in correct case until following day.

[5:57.3] **Discharge injunction inapplicable to disciplinary proceeding to determine fitness to practice law:** Disciplinary proceedings to determine an attorney’s fitness to practice law (as opposed to recovery of a debt or to impose a personal liability) are *not* subject to the discharge injunction. [*In re Lacher* (9th Cir. BAP 2025) 669 BR 548, 562-563]

### **Avoiding Powers of Bankruptcy Trustee**

[5:105] **Trustee has only rights of actual unsecured creditors:** See *United States v. Miller* (2025) 604 US 518, 522-525, 145 S.Ct. 839, 846-848—absent actual creditor, trustee could not use 11 USC §544(b) to unwind transactions that would not be avoidable outside of bankruptcy.

### **Involuntary Bankruptcy**

[5:175.17a] **Effect on domiciliary requirement where debtor not eligible for any state’s exemptions:** See *In re Nance* (9th Cir. 2025) 156 F4th 961, 964-965—where court sustained objection to debtor’s claimed exemptions under Arizona and Washington law, debtor properly claimed federal bankruptcy exemptions under 11 USC §522(d).

## **CHAPTER 6**

### **ENFORCING JUDGMENTS—PRELIMINARY CONSIDERATIONS**

#### **Jurisdiction to Enforce Judgments**

[6:1] **Maintaining jurisdiction postjudgment:** See *Bagby v. Davis* (2026) 118 CA5th 652, 658, 341 CR3d 679, 684—Calif. court maintained jurisdiction postjudgment to determine judgment debtor’s exemptions in IRAs held by Calif. custodians despite that judgment debtor moved to Florida before IRAs were levied upon.

#### **Renewal of Judgment**

[6:443] **Motion to vacate renewal not barred by failure to challenge default judgment:** See *Backlund v. Stone* (2025) 115 CA5th 580, 590, 338 CR3d 251, 257—successful motion to vacate renewal of judgment does not affect validity of default judgement; it simply precludes its extended enforceability.

#### **Service in Enforcement Proceedings**

[6:575] **Amendments to manner of service upon parties (eff. 1/1/27):** Amendments to CCP §415.20 *effective January 1, 2027* include provisions regarding showing “reasonable diligence” and service attempts in actions to collect “consumer debt” under Civ.C. §1788.2. [Amended CCP §415.20 (eff. 1/1/27)]

## Creating Enforcement of Judgment Plan

[6:725-731] **Corporate restitution to victims of corporate fraud:** A new discussion has been added regarding restitution to victims of corporate fraud through the Corporate Fraud Compensation Fund, administered by the Secretary of State. [See Corps.C. §2280 et seq.]

## Settlement Agreement (CCP §664.6)

[6:773] **Jurisdiction to enforce settlement after dismissal:** The court retains jurisdiction to enforce a settlement after dismissal only if the parties requested such retention of jurisdiction. [*Madrigal v. Hyundai v. Hyundai Motor America* (2025) 17 C5th 592, 600, 331 CR3d 15, 21, fn. 3]

## CHAPTER 7

### JUDGEMENT LIEN ON REAL PROPERTY

#### Creation of Judgment Lien

[7:90] **Amendment to abstract of judgment to add social security/driver's license only:** See *In re Kuo* (BC ND CA 2025) 668 BR 328, 335—CCP §674(b) does not provide for amendment of abstract of judgment that omits information other than judgment debtor's social security number or driver's license number.

[7:118] **Defects in form of recordation:** See *In re Kuo*, supra, 668 BR at 334-335—abstract that omitted address of predecessor in interest did not substantially comply with CCP §674(b).

#### Reinstatement of Real Property Judgment Lien

[7:250-276] **Reinstatement of real property judgment lien with same priority it held before release (eff. 7/1/26):** A new section is added discussing CCP §697.420, effective July 1, 2026, through which the judgment creditor may apply to the court for the reinstatement of a judgment lien on real property with the same priority it held immediately before it was released. The discussion includes the application to reinstate, objecting to the application, and the court order for reinstatement. [New CCP §697.420]

## CHAPTER 8

### JUDGMENT LIENS ON PERSONAL PROPERTY (JLPP)

#### Reinstatement of Personal Property Judgment Lien

[8:200] **Reinstatement of personal property judgment lien and its priority at time of cancellation (eff. 7/1/26):** A new section is added discussing CCP §697.680, effective July 1, 2026, through which the judgment creditor may apply to the court for the reinstatement of a released lien on personal property and its priority at the time of the cancellation. The discussion includes the application to reinstate, objecting to the application, and the court order for reinstatement. [New CCP §697.680]

## CHAPTER 9

### ENFORCEMENT OF JUDGMENT BY WRIT OF EXECUTION

#### Issuance of Writ of Execution

[9:132] **Jurisdiction to rule on claim despite “expiration” of writ:** See *Bagby v. Davis* (2026) 118 CA5th 652, 659, 341 CR3d 679, 685—court maintained jurisdiction to rule on creditor’s claim despite alleged “expiration” of creditor’s writ of execution on funds in IRA after 180 days, as CCP §699.510(a) did not limit court’s authority or prevent ruling on existing levies (*also discussed at ¶9:215*).

#### Levy of Writ of Execution

[9:190-191] **Signing of declaration where writ issued for personal debt; period to file with court extended:** The declaration may be signed by any individual with adequate knowledge of the verification, including, but not limited to, a custodian of records. Where the judgment creditor is represented by counsel, it may be signed by any employee of the attorney or the attorney’s firm with adequate knowledge, including, but not limited to, a custodian of records. [New CCP §684.130(b)(7)]

Additionally, the period in which the judgment creditor must file the signed declaration with the court has been extended to within *10 business days* after delivering the declaration to the levying officer. [Amended CCP §684.130(b)(6)]

## CHAPTER 10

### PROPERTY EXEMPT FROM ENFORCEMENT OF MONEY JUDGMENTS

#### Governing Law

[10:2] **Law of forum state:** See *Bagby v. Davis* (2026) 118 CA5th 652, 660-661, 341 CR3d 679, 685-686—where judgment debtor moved to Florida and custodian of his IRA accounts was apparently in Calif., trial court properly applied Calif. law.

#### Procedures for Claiming Exemptions

[10:154] **Filing claim of exemption for “personal debt” compared:** Notwithstanding CCP §703.520(a) (*¶6:880*), a claimant for a “personal debt” may file a claim of exemption *more than 20 days* after the notice of levy is served on the judgment debtor pursuant to CCP §703.520. The levying officer may release the funds to the judgment creditor any time after expiration of the 20-day period. [Amended CCP §703.520(c)]

#### Opposing Claim of Exemption

[10:200] **Filing ex parte application for hearing not general appearance:** The filing of an ex parte application under CCP §703.570 is not a general appearance and does not constitute a waiver of the right to bring a motion under CCP §418.10. [New CCP §703.570(a)(2)]

## Specific Exempt Property

### Life insurance policies

- [10:350; 10:360] **Voluntarily surrendered life insurance policy treated as matured:** A life insurance policy that is voluntarily surrendered is properly treated as matured and the exemption for unmatured policies no longer applies. [*Bagby v. Davis*, supra, 118 CA5th at 662-663, 341 CR3d at 687-688]

### Retirement plans

- [10:392; 10:399] **Plan primarily used for retirement purposes—exemption denied:** The exemption was denied where the debtor served as one of two co-trustees of a plan holding a single asset; the debtor borrowed one-third of the asset's value and allowed another third to be depleted by accrued interest on the loan. The funds in the IRAs that were proceeds of a cashed-out life insurance policy held by the retirement plan that was not designated and used for retirement purposes were not exempt as necessary for when the debtor retires where the debtor already retired and earned over \$500,000 per year. [*Bagby v. Davis*, supra, 118 CA5th at 665-666, 341 CR3d at 689-690]

## CHAPTER 11

### WAGE GARNISHMENT

#### Exemptions for Amounts Necessary for Support

[11:271] **Filing ex parte application for hearing not general appearance:** Filing an ex parte application for hearing under CCP §706.150 is not a general appearance and does not constitute a waiver of the right to bring a motion under CCP §418.10. [New CCP §706.105(e)(2)]

## CHAPTER 12

### SPECIAL ENFORCEMENT PROCEDURES

#### Enforcement of Lien in Pending Action

[12:636] **Enforcing attorney's lien on settlement or judgment proceeds:** A subsequent attorney can initiate a single declaratory relief action against both the clients and a competing attorney lien claimant to enforce that attorney's lien on settlement or judgment proceeds. This does not require the attorney to wait for the clients' former attorney to file a separate action against the client first. [*Jacobs v. Papez* (2026) 119 CA5th 123, 131-132, 342 CR3d 428, 434]

#### Enforcement Against Joint Debtors

[12:766] **Motion for contribution among joint judgment debtors:** A timely motion for contribution may be "updated" by filing a subsequent motion after the 30-day deadline to add automatically accrued statutory postjudgment interest (CCP §§685.010(a)(1), 695.210(b)). [*R & J Sheet Metal, Inc. v. W.E.*

*O'Neil Const. Co. of Calif.* (2025) 111 CA5th 878, 897-898, 333 CR3d 246, 260-261

**Amending Judgment to Add Nonparty Alter Egos as Judgment Debtors**

[12:809] **No collateral estoppel bar:** Corporate judgment creditor brought an action against an LLC and its member for breach of a partnership agreement and breach of fiduciary duty. After judgment was entered against the LLC but not the member, and the LLC failed to pay, the trial court denied judgment creditor's motion to add the LLC member as judgment debtor on collateral estoppel grounds because it previously determined that the member was not an alter ego. However, this was in error: collateral estoppel should not prevent the reexamination of the alter ego issue when postjudgment events materially change the circumstances. Here, the LLC member fraudulently drained the judgment debtor's assets to prevent the creditor from satisfying the judgment. Thus, the case was remanded for the trial court to determine if those post-judgment actions changed the alter ego analysis. [*Angel Lynn Realty, Inc. v. George* (2025) 114 CA5th 655, 665, 337 CR3d 185, 193-194]