

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	Telephone Number	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA		<input type="checkbox"/> LIMITED CIVIL CASE
<input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009		
<input type="checkbox"/> 3855 - F ALAMO ST. SIMI VALLEY, CA. 93063-2110		
PLAINTIFF/PETITIONER	CASE NUMBER:	
DEFENDANT/RESPONDENT	Date: _____	
<b>NOTICE OF MOTION AND MOTION TO PAY JUDGMENT IN INSTALLMENTS AND FOR STAY OF EXECUTION OF JUDGMENT (Pursuant to Code of Civil Procedure 582.5)</b>		Time: _____
		Courtroom: _____
		Reservation No.: _____

**NOTICE OF MOTION**

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY (*name(s)*):

\_\_\_\_\_

NOTICE IS HEREBY GIVEN that on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ am / pm in Courtroom \_\_\_\_\_ of the above-captioned court, Judgment Debtor (*name*): \_\_\_\_\_ will request an order from the court that she/he be permitted to pay the judgment entered against her/him in monthly installments. In addition, the Judgment Debtor will request an order for stay of execution of judgment as long as the Judgment Debtor complies with the court-ordered payment schedule.

This motion is made pursuant to  California Code of Civil Procedure section 582.5;  California Vehicle Code sections 16379 and 16380 (*applies to car accident cases*); and is based on the grounds that the Judgment Debtor cannot afford to pay the judgment in a lump sum payment.  Judgment Debtor is severely restricted in finding employment without the ability to drive.

Judgment Debtor requests a payment schedule as follows:

\_\_\_\_\_ dollars (\$ \_\_\_\_\_) per month commencing on (*date*): \_\_\_\_\_ and \$ \_\_\_\_\_ each succeeding month thereafter until the entire \$ \_\_\_\_\_ amount owing on the judgment is paid in full (this may include additional amounts for interest, costs and fees incurred post-judgment).

Information and facts supporting this motion are set forth in the following declaration and the attached *Financial Statement* (Form EJ-165).

Date: \_\_\_\_\_

\_\_\_\_\_  
(Type or print name)

\_\_\_\_\_  
(Signature of Judgment Debtor)

Short Title:	Case Number
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to California Code of Civil Procedure section 582.5, the court may allow any judgment to be paid in installments.

California Code of Civil Procedure section 582.5 reads:

In a limited civil case in which the defendant has appeared, if the judgment or order is for payment of money by the defendant, the defendant shall pay the judgment immediately or at any time and upon terms and conditions including installment payments that the court may prescribe. The court may amend the terms and conditions for payment of the judgment or order at any time to provide for installment payments for good cause upon motion by a party and notice to all affected parties, regardless of the nature of the underlying debt and regardless of whether the moving party appeared before entry of judgment or order. In any determination regarding imposition of terms and conditions upon the payment of the judgment, the court shall consider any factors that would be relevant to the determination of a claim for exemption pursuant to Chapter 4. (commencing with Section 703.010) of Division 2 of Title 9 of Part 2 or the examination of a debtor pursuant to Article 2 (commencing with Section 708.110) of Chapter 6 of Division 2 of Title 9.

**DECLARATION**

I, (*name*): \_\_\_\_\_, am the Judgment Debtor in this action, and I declare the following in support of my motion to allow payments in monthly installments.

1. This is a limited civil case.
  
2. On or about (*date*): \_\_\_\_\_, the Court entered a judgment against me in the amount of \$ \_\_\_\_\_ (*total amount owing on judgment*).
  
3. I am asking that the Court allow me to make monthly installment payments, and request that these monthly payments be \$ \_\_\_\_\_ per month commencing on (*date*): \_\_\_\_\_ and \$ \_\_\_\_\_ each succeeding month thereafter until the entire judgment amount is paid in full.
  
4. In addition, I am requesting that the court order a stay of execution of judgment as long as I pay the installment payments on time according to the court ordered schedule. The stay of execution of judgment shall include recalling any current *Writ of Execution* and an order that no new *Writ of Execution* shall issue unless I fail to make a payment on time.
  
5. Payment of the entire amount of the judgment at one time will be a hardship on me because:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. As a result of the judgment against me in this case:

My driver's license has been suspended. I am unable to work without a driver's license because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In order to  get my driver's license reinstated, I must arrange for a payment schedule, which I can reasonably meet.

Other (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. My request is based on this declaration, my completed *Financial Statement* (EJ-165) attached to this declaration and any other evidence that may be presented in Court.

8. My monthly take-home pay is \$ \_\_\_\_\_. I have \_\_\_\_\_ persons living in my household whom I support.  Proof of my income is attached to this declaration as **Exhibit "A"**.  I will bring proof of my income and expenses to the court with me on the day of the hearing.

9. I understand that if I do not make an installment payment on time, the Judgment Creditor may notify the Court to cancel the payment schedule and then the entire unpaid balance will become due and collectible.

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

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Signature of Judgment Debtor)