



# Syndicate Subscription Legal Plans

## **PREJUDGMENT WRIT OF ATTACHMENT** **CLIENT INTAKE QUESTIONNAIRE:**

**ATTACHMENT IS A POWERFUL BUT LIMITED REMEDY. It is available only in some states and only for certain claims, an undertaking (bond) is required before a writ issues, and a defendant who is wrongly attached can recover damages against that bond. If assets may be moved or hidden, contact us immediately.**

*CONFIDENTIAL. A writ of attachment lets a plaintiff freeze or secure a defendant's assets BEFORE judgment so they are available to pay a judgment later. Requirements vary by state. In California, the claim must generally be for money, based on a contract, in a fixed or readily ascertainable amount of at least \$500, and the plaintiff must show the claim has "probable validity." If a question does not apply, write "N/A." If unknown, write "Unknown."*

### **NAME OF THE CLIENT:**

Your role:

- ☐ Plaintiff / cross-complainant seeking attachment  
☐ Defendant opposing an attachment → Part 7  
☐ Judgment creditor

Client type:

- ☐ Individual ☐ LLC / corporation / partnership ☐ Trust  
☐ Full Legal Name / Entity Name: \_\_\_\_\_

Contact person & title: \_\_\_\_\_ **Syndicate Plan Member ID:** \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### **PART 1 — THE CASE**

- 1.1 Has a lawsuit been filed? ☐ Yes ☐ No  
Court / County / State: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Date filed: \_\_\_\_\_ Next hearing / trial date: \_\_\_\_\_
- 1.2 Has the defendant been served and appeared? ☐ Yes ☐ No
- 1.3 Your lawyer of record (if any): \_\_\_\_\_
- 1.4 Defendant's lawyer (if known): \_\_\_\_\_
- 1.5 Is there an arbitration clause or pending arbitration? ☐ Yes ☐ No

### **PART 2 — THE CLAIM**

*California requires all of the following. Check each that applies to your claim.*

2.1 Elements:

- ☐ My claim is for money  
☐ The amount is at least \$500 (not counting interest, costs, or fees)  
☐ The claim is based on a written or implied contract  
☐ The amount is fixed or can be calculated from a clear formula



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☐ I can show the claim is probably valid

☐ The attachment is sought only to secure recovery on this claim

2.2 Total amount claimed: \$ \_\_\_\_\_ Principal: \$ \_\_\_\_\_ Interest to date: \$ \_\_\_\_\_

2.3 How is the amount calculated (invoices, note, formula in the contract)? \_\_\_\_\_

\_\_\_\_\_

2.4 Basis of the claim:

☐ Written contract

☐ Promissory note / loan

☐ Open account / invoices

☐ Guaranty

☐ Lease

☐ Implied contract

☐ Other

2.5 Contract date and last payment received: \_\_\_\_\_

2.6 Has the defendant admitted the debt in writing, or made partial payments? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

2.7 Has the defendant raised defenses, offsets, or counterclaims? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

*Uncertainty about the final damage figure does not defeat attachment if there is a clear formula for computing damages.*

## PART 3 — THE DEFENDANT

3.1 Full legal name: \_\_\_\_\_

3.2 Type:

☐ Individual

☐ Sole proprietor / DBA

☐ Corporation

☐ LLC

☐ Partnership

Address / principal place of business: \_\_\_\_\_

State of formation / registered agent: \_\_\_\_\_

3.3 For an individual: did the debt arise from their trade or business? ☐ Yes ☐ No

*Against an individual, attachment is generally limited to business-related obligations. Consumer debts — goods, services, loans, or leases used for personal, family, or household purposes — generally cannot be attached. Against a corporation, LLC, or partnership, the claim does not have to be business-related.*

3.4 Is the defendant still operating the business? ☐ Yes ☐ No

3.5 Are there guarantors or co-defendants? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

\_\_\_\_\_



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## PART 4 — PROPERTY TO ATTACH

4.1 What property do you want attached?

- |                                                          |                                                                      |
|----------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Real property                   | <input type="checkbox"/> Bank accounts                               |
| <input type="checkbox"/> Accounts receivable             | <input type="checkbox"/> Chattel paper / general intangibles         |
| <input type="checkbox"/> Equipment                       | <input type="checkbox"/> Inventory                                   |
| <input type="checkbox"/> Farm products                   | <input type="checkbox"/> Money on business premises                  |
| <input type="checkbox"/> Cryptocurrency / digital assets | <input type="checkbox"/> Final money judgments owed to the defendant |
| <input type="checkbox"/> Not sure — need an asset search |                                                                      |

| Property / Account | Location, Bank & Branch, or APN | Est. Value \$ | Known Liens \$ |
|--------------------|---------------------------------|---------------|----------------|
|                    |                                 |               |                |
|                    |                                 |               |                |
|                    |                                 |               |                |
|                    |                                 |               |                |

4.2 Is any real property the defendant's home or subject to a homestead? ☐ Yes ☐ No

*Attachment of a home generally reaches only the surplus above liens and the homestead exemption. Leases with less than a year remaining, small receivables, and the first \$1,000 of money held off-premises are also excluded.*

4.3 How did you learn about these assets? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

## PART 5 — URGENCY

5.1 Is there a risk the assets will disappear?

- ☐ Assets are being moved, sold, or transferred
- ☐ The defendant is closing the business
- ☐ Money is being sent out of state or abroad
- ☐ The defendant has threatened to make itself judgment-proof
- ☐ Other creditors are collecting now
- ☐ No immediate risk

5.2 What evidence do you have of that risk (dates, statements, documents)? \_\_\_\_\_



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*A noticed hearing is the normal route. An ex parte (emergency) writ requires proof of great or irreparable injury, such as assets about to be removed or concealed.*

## PART 6 — UNDERTAKING (BOND) & COSTS

*A plaintiff must post an undertaking before a writ issues, to cover damages if the attachment turns out to be wrongful. Court filing, levying officer, and recording fees also apply.*

6.1 Are you able to post an undertaking? ☐ Yes ☐ No

6.2 Preferred method:

☐ Surety bond

☐ Cash deposit

☐ Not sure

*For a surety bond, please also complete our Surety Bond Advisory Intake Form.*

6.3 Budget for fees, bond premium, and levy costs: \$ \_\_\_\_\_

6.4 Do you want the levying officer to seize property, or record a lien on real property? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

## PART 7 — DEFENDANTS OPPOSING AN ATTACHMENT

7.1 Date you were served with the application or writ: \_\_\_\_\_ Hearing date: \_\_\_\_\_

7.2 Grounds to oppose:

☐ The claim is not based on a contract

☐ The amount is not fixed or ascertainable

☐ The debt is personal, family, or household

☐ The claim is not probably valid (I have defenses)

☐ The property is exempt

☐ The amount sought is excessive

☐ Improper purpose

☐ Defective notice or papers

7.3 Explain your defenses: \_\_\_\_\_

7.4 Would you post a bond to release or prevent the attachment? ☐ Yes ☐ No

7.5 Has the attachment already harmed your business? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

## PART 8 — GOALS & DOCUMENTS

8.1 What outcome do you want?

☐ Right to attach order & writ

☐ Freeze bank accounts



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- |                                                                  |                                                          |
|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Lien on real property                   | <input type="checkbox"/> Leverage for settlement         |
| <input type="checkbox"/> Oppose an attachment                    | <input type="checkbox"/> Release or reduce an attachment |
| <input type="checkbox"/> Recover damages for wrongful attachment |                                                          |

*Please provide copies of the following, if available. Check each item you are including.*

- |                                                                     |                                                                     |
|---------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Contract, note, or guaranty                | <input type="checkbox"/> Invoices & account statements              |
| <input type="checkbox"/> Proof of payments & balance owed           | <input type="checkbox"/> Demand letters & responses                 |
| <input type="checkbox"/> Complaint and proof of service application | <input type="checkbox"/> Defendant's financial statements or credit |
| <input type="checkbox"/> Checks showing bank accounts               | <input type="checkbox"/> Property records / title search            |
| <input type="checkbox"/> Attachment papers served on you            | <input type="checkbox"/> Evidence assets are being moved            |

## **Certification:**

I declare that the information provided in this questionnaire is true, correct, and complete to the best of my knowledge, and that any attachment sought is only to secure recovery on the claim described. I understand this information is provided to Syndicate Subscription Legal Plans in confidence for the purpose of evaluating this matter.

**Signed and dated this** \_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title (if entity):** \_\_\_\_\_

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save this document as a PDF and email to [STEVE@STEVEMUELLERLEGAL.COM](mailto:STEVE@STEVEMUELLERLEGAL.COM),  
Your information will be reviewed within one hour.**