> One-half of the earnings of the defendant or judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of attachment or execution shall be exempt from execution or attachment without filing a claim for exemption as provided in Section 690.26.
>
> All of such earnings, if necessary for the use of the debtor's family, residing in this State, and supported in whole or in part by such debtor unless the debts are: (a) incurred by such debtor, his wife or family, for the common necessaries of life; or (b) incurred for personal services rendered by any employee, or former employee, of such debtor.
>
> Prior to causing any levy of attachment on earnings of the defendant received for his personal services, the plaintiff shall file with the levying officer an affidavit that the defendant whose earnings are to be attached has been served with a copy of the summons and of the complaint or that the defendant has been given notice pursuant to Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code that a writ of attachment on his earnings will issue after eight days from the date of such notice. Such notice shall only be required on the first writ of attachment on earnings.

Two features of this section are of fairly recent origin. First, the provision that half the earnings are automatically exempt was enacted in 1955.[8] Prior to that time the debtor had to file an affidavit of exemption with the levying officer in order to obtain any exemption at all. Debtors are still required to follow this procedure if they want to get more than half of their earnings exempted from levy.[9]

Second, the last paragraph of section 690.11 was added in 1963.[10] It applies only to attachments (not to executions) and is of very limited benefit to debtors: They simply get one more "pay or face the consequences" notice. The provision is of greater help to creditors who are given sanction to send the debtor a threatening notice "that a writ of attachment on his earnings will issue after eight days from the date of this notice." The bill which ultimately became the 1963 amendment started out with entirely different provisions: In its original form it exempted all earnings from levy; an amended version exempted all earnings from attachment and seventy-five per cent (with a maximum of 200 dollars a week) from execution.[11] Subsequent amendments dropped all changes in exemptions and substituted the notice provision.

Soon after enactment of this provision a question arose whether collection agencies could give the notice required by section 690.11. Collection agencies are prohibited from practicing law, from using forms

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[8] Cal. Stats. 1955, ch. 793, § 3, at 1393. See also CAL. CODE CIV. PROC. §§ 542(5), 543, 682(1), 682.1, 688, 710.

[9] CAL. CODE CIV. PROC. § 690.26.

[10] Cal. Stats. 1963, ch. 1540, § 1, at 3124.

[11] Assembly Bill 482 (1963). The author was Assemblyman Foran.

83-340 O - 67 - pt. 2 - 33