6-03/250.00 Returns (See Certificate of Service)

A statement in a return that the officer had levied on property is not evidence proving that the various steps required to effectuate a valid levy had been taken. (Kee v. Becker, 54 CA 2d 466) An officer's opinion as to the legal effect of the officer's acts, whether correct or erroneous, does not form any part of the return. (Gilbank v. Benton, 9 CA 2d 517) Since the officer has a duty to state in the return what acts were performed in serving the writ, in order to enable the court to decide on the sufficiency to constitute a valid service, it must be assumed that the officer's return stated all that was done; and as the acts stated were insufficient to constitute a valid service, there was no lien created by the attachments. (Sharp v. Baird, 43 CA 577)

When the necessary acts prescribed by statute have actually been performed by the officer, the court may allow the filing of an amended officer's return to recite the truth. (Alpha Stores, Ltd. v. You Bet Mining Company, 18 CA 2d 249)

A deputy under a public officer and the officer or person holding the office are, in contemplation of law and in an official sense, one and the same person. The deputy acts for and in the place of the principal, and the deputy's acts are, therefore, not the deputy's, but those of the holder or incumbent of the office. (Sarter v. Siskiyou County, 42 CA 530) The law recognizes deputies only through their principals, and their acts must

be done in the name of their principals. (People v. Le Doux, 155 CA 535) A return of a deputy is a nullity unless it is done in the name of and by the authority of the principal officer. (Joyce v. Joyce, 5 CA 449) The duty of making returns is an official duty; consequently a deputy having no personal knowledge of the facts is qualified to make a return. (Colver v. W. B. Scarborough Co., 73 CA 441