6-14/110.30 Affidavit of Identity

Pursuant to an affidavit of identity, the creditor may attempt to levy on property in the possession of a third person which stands in an additional name (alias) used by the debtor and not listed in the judgment. The affidavit of identity sets forth grounds establishing an alias name of the debtor and is submitted to the court for approval when applying for a writ of execution. The court may, without notice or hearing, approve the affidavit of identity and order the clerk to add the debtor's alias name to the writ of execution. The garnishee shall not transfer property levied on under an alias named in an affidavit of identity until directed to do so by the levying officer. The levying officer shall not direct delivery sooner than 15 days after levy. An affidavit of identity is inapplicable to an earnings withholding order or seizure from the possession of the debtor. The notice of levy shall include any name listed in the affidavit of identity. After levy, the levying officer shall promptly serve on the debtor, personally or by mail, a copy of the writ of execution, notice of levy, exemptions list (if the debtor is a natural person) and affidavit of identity. The creditor is liable to any person not the debtor whose property is wrongfully attached. (CCP 685.135, 699.510, 699.520, 699.540, 699.545, 700.010, 700.160)