6-17/600.00 Disposition of Property

Property seized must be kept in a secure place by the levying officer until disposed of. (CC 1861.19)

• 6-17/610.00 Delivery to the Plaintiff

Except as required by court order, if notice of the filing of an undertaking for redelivery or notice of objection to the undertaking is not received by the levying officer within 10 days after levy of the writ of possession, the levying officer shall deliver the property to plaintiff, upon receiving the fees for taking, and necessary expenses for keeping, the property. (CC 1861.19(1))

• 6-17/620.00 Redelivery to the Defendant

Except as required by court order, if notice of the filing of an undertaking for redelivery is received by the levying officer within 10 days after levy of the writ of possession, and no objection is made to the defendant's undertaking, the levying officer shall redeliver the property to defendant upon expiration of the time to object, upon receiving the fees for taking and necessary expenses for keeping the property not already paid or advanced by the plaintiff. (CC 1861.19(2))

Since the plaintiff's objection must be filed with the court within 10 days of the date the defendant filed the undertaking with the court, and a copy of the objection is only required to be mailed to the levying officer within that time, the levying officer should allow for an additional time to receive a notice of objection that may have been timely filed and mailed. As a consequence, absent receipt of the notice of objection, the property should not be redelivered until 15 days have elapsed from the defendant's filing of an undertaking for redelivery, unless the officer has independent knowledge that the notice of objection was in fact not filed within the 10 days, in which case the property should be redelivered at the expiration of the 10 days.