

6-19/189.00 Duties After Levy

Within 10 days after service, the third person shall mail or deliver a memorandum to the levying officer whether or not the levy is effective. The memorandum shall be under oath and include:

- (1) A description of any property of the defendant sought to be attached that is not delivered to the levying officer and the reason for not delivering the property.
- (2) A statement of the amount and terms of any obligation to the defendant sought to be attached that is due and payable and is not paid to the levying officer and the reason for not paying the obligation.
- (3) A statement of the amount and terms of any obligation to the defendant sought to be attached that is not due and payable at the time of levy.
- (4) A description of claims and rights of other persons to the attached property or obligation that are known to the third person and the names and addresses of those other persons.
- (5) A statement that the garnishee holds neither any property nor any obligations in favor of the judgment debtor.

A memorandum is not required if the third person delivered all of the property sought to be attached and has paid to the levying officer the amount due at the time of levy on any obligation to the defendant that was attached and there is no additional amount that thereafter will become payable on the obligation levied upon. If a garnishee's memorandum is received from the third person, the levying officer shall promptly mail or deliver a copy of the memorandum to the plaintiff. (CCP 488.610)
