6-19/200.00 Methods of Levy

In general, there are four methods of levy: seizure, garnishment, recording and filing a lien. Levying on property in the custody of the levying officer is a distinct form of levy. (CCP 488.300 – 488.485) The appropriate method of levy is determined by the type of property levied upon and who has possession of the property. The plaintiff's instructions should specify the type of property if not readily apparent to the sheriff, e.g., security, instrument, negotiable document of title, certificated or uncertificated security, vehicle used as equipment or inventory.

The following chart is a guide to determine the proper method of levy.

METHODS OF LEVY BY TYPE OF PROPERTY

PROPERTY	SEIZURE	RECORDING	GARNISHMENT	
Account Receivable			Serve account debtor	
Chattel Paper	Defendant's possession		Serve third-party in possession	
Commercial Coach				
Deposit Account/Safe-Deposit Box in the name of defendant			Serve financial institution	

Deposit Account/Safe-Deposit Box in the name of defendant and third-party			Serve financial institution and third-party	
Deposit Account/Safe-Deposit Box in the name of spouse (spousal affidavit required)			Serve financial institution and spouse	
Deposit Account/Safe-Deposit Box in the name of fictitious business name (cannot levy if third-party is not spouse of debtor)			Serve financial institution and any spouse	
Deposit Account/Safe-Deposit Box in the name of third-party (requires court order)			Serve financial institution and third-party	
Deposit Account/Safe-Deposit Box in the name of an alias (requires Affidavit of Identity)			Serve financial institution	

Dwelling - Personal Property	Install Keeper		Serve occupant	
Estate of Decedent			Serve personal representative of decedent; serve defendant after property is delivered to Sheriff	
Farm Products	Install Keeper for 2 or 10 days			
Final Money Judgment			File with clerk of the court; serve debtor of final money judgment	
General Intangible			Serve account debtor	
Goods held by Bailee with negotiable document of title			Serve third-party in possession of negotiable document of title	
Instrument	Defendant's possession		Serve third-party in possession	
Inventory of going business	Install Keeper for 2 or 10 days			

Mobilehome				

METHODS OF LEVY BY TYPE OF PROPERTY

PROPERTY	SEIZURE	RECORDING	GARNISHMENT	
Negotiable Document of Title	Defendant's possession		Serve third-party in possession	
Property in Levying Officer's Custody				
Real Property		Record with County recorder; serve third-party; serve occupant		
Security (certificated)	Defendant's possession		Serve issuer or secured party	
Security Entitlement			Serve securities intermediary or secured party	
Security (uncertificated)			Serve issuer or secured party	

Tangible Personal Property	Defendant's possession		Serve third-party in possession	
Vehicle used as Inventory	Defendant's possession			
Vehicle used as Equipment				
Vessel not registered with DMV	Defendant's possession			
Vessel as Equipment (registered with DMV)				
Vessel as Inventory (registered with DMV)				

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