6-19/210.00 Seizure Levies in General

Unless another method of levy is provided, to attach tangible property in the possession of the defendant the sheriff shall take it into custody. The sheriff can only seize property from the possession or control of the defendant. Seizure from the possession of a third party requires a writ of mandate.

The levying officer is not liable for damage to levied property unless the officer is negligent. The plaintiff must deposit costs for taking property into custody prior to levy. If additional fees are required to maintain the levy, the plaintiff must be given three business days notice. If the fees are not received timely, the levying officer shall release the property. (See 6-19/182.00 Fee Deposit)

If a keeper is installed at a going business, only cash proceeds and inventory (not the equipment) are under levy. The keeper must remain installed for two days, if the business is an artificial person defendant, or ten days, if the defendant is a natural person and the writ was issued ex parte. If the defendant objects to the keeper, the property must be taken into the exclusive custody of the levying officer. The property must be removed to safekeeping at the expiration of the keeper installation period. The keeper may remain beyond the maximum time period if both parties agree. A keeper may be installed to levy on cash proceeds only. In the case of a cash only keeper installation, the above time limits and the right to object to the keeper are inapplicable. The levying officer acquires a possessory lien on levied property. The levying officer takes property into custody by: (1) removing the property to a place of safekeeping, (2) installing a keeper, or (3) otherwise obtaining possession and control of the property.