

6-19/220.40 Inventory and Farm Products

Under a writ of attachment, farm products or inventory of a going business may be attached by the levying officer either by seizure or the filing of a lien. This section does not apply to growing crops, timber to be cut, or minerals or the like.

• 6-19/220.41 Keeper

To attach farm products or inventory of a going business in the possession or under the control of the defendant, the levying officer may place a keeper in charge of the property. During the keeper period, the business may continue to operate in the ordinary course of business provided that all sales are final and are for cash or its equivalent. For this purpose a check is the equivalent of cash, and the levying officer is not liable for accepting payment in the form of a cash equivalent. Unless the levying officer is otherwise instructed by the plaintiff, the keeper shall take custody of all proceeds from sales. The keeper shall remain in charge of the business for (CCP 488.395):

- 10 days if the defendant is a natural person and the writ has been issued ex parte, or
 - two (2) days in all other cases.
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• 6-19/220.42 Cash Only Keeper

A keeper may be installed to collect cash or cash proceeds only. The time limitations are inapplicable and the defendant cannot object to a cash only keeper installation. (CCP 488.395(e), 700.070(c))

• 6-19/220.43 Taking Property Into Custody

Unless some other disposition is agreed upon by the plaintiff and defendant, the levying officer shall take the farm products or inventory into exclusive custody at the earlier of the following times:

- At the time the defendant objects to placement of a keeper in charge of the business.
- At the conclusion of the applicable period prescribed (see 6-19/220.41).

If the plaintiff and defendant agree that it would be in the best interest of both parties to allow the business to operate beyond the applicable time period, and they jointly notify the Sheriff in writing, the

business may continue to operate. Sheriff's Department personnel shall not arbitrarily extend the time the business may continue to operate beyond the applicable two or ten-day period. Sheriff's Department personnel shall not solicit such information from the plaintiff and defendant.

- **6-19/220.44 Lien with Secretary of State**

See 6-19/310.20 Inventory and Farm Products
