

6-19/240.20 Decedent's Estate

To levy upon the interest of the defendant in personal property in the estate of a decedent, whether the interest arises by testate or intestate succession, the levying officer shall personally serve a copy of the writ and a notice of attachment on the personal representative of the decedent.

The personal representative shall report the levy to the court in which the estate is being administered when any petition for distribution is filed. If a decree orders distribution to the defendant, the court making the decree shall order the property levied upon to be delivered to the levying officer. The property may not be delivered to the levying officer until the decree has become final. To the extent the property delivered to the levying officer is not necessary to satisfy the attachment, it shall be released to the defendant.

Promptly after the property is delivered to the levying officer, the levying officer shall serve the defendant personally or by mail a notice describing the property. The defendant may file a claim of exemption within 10 days of such service, plus mailing time if service is by mail. (CCP 488.485)
