

6-19/540.00 Defendant's Payover Authorization

Where money of the defendant is being held by the officer, the defendant may authorize the officer to pay the money to the plaintiff.

The deputy shall fill in the blanks on the printed defendant's authorization form in triplicate; one for the defendant, one for the court, and the original for the sheriff's office. Request the defendant to carefully read both the authorization and the printed notice on the bottom of the form before signing.

The defendant's signature should conform to the name of the defendant on the writ. Do not accept the signature of any person other than a defendant. If the defendant is a corporation, partnership, or fictitious firm, the signature must contain:

1. The firm name;
2. The signature of an officer, partner, owner or authorized agent;
3. The title of the person signing.

All authorizations should be witnessed or notarized, or bear the signature of the creditor's attorney on the same instrument. A sample form for a Defendant's Payover Authorization can be found at the end of this chapter.

If cash in lieu of attached property was deposited by someone other than the defendant, the depositor's signature is also necessary on any authorization or stipulation
