6-20/110.00 Fee Deposit

Except as otherwise provided by law, the levying officer is not liable for failure to take or hold property unless the judgment creditor deposits a sum of money with the levying officer sufficient to pay the costs.

As a prerequisite to the taking of property into custody by the levying officer, whether by keeper or otherwise, the judgment creditor shall deposit with the levying officer a sum of money sufficient to pay the costs of taking the property and keeping it safely for a period not to exceed 15 days. If continuation of the custody of the property is required, the levying officer shall, from time to time, demand orally or in writing that the judgment creditor deposit additional amounts to cover estimated costs for periods not to exceed 30 days each.

The judgment creditor must be given at least three business days (plus five if mailed) after receipt of the demand to comply. If the plaintiff/judgment creditor does not comply with the demand within the time allowed, the levying officer shall release the property. If the demand is a written demand and is served by mail, appropriate mailing time would have to be added to the time to comply. (CCP 685.100)