6-20/500.00 Methods of Levy

In general, there are four methods of levy: seizure, garnishment, recording and filing a lien. Levying on property in the custody of the levying officer is a distinct form of levy. The appropriate method of levy is determined by the type of property levied upon and who has possession of the property. The creditor's instructions should specify the type of property, e.g., security, instrument, negotiable document of title, if not obvious to the sheriff, e.g., certificated or uncertificated security, vehicle used as equipment or inventory.

The following chart is a guide to determine the proper method of levy.

METHODS OF LEVY BY TYPE OF PROPERTY

PROPERTY	SEIZURE	RECORDING	GARNISHMENT
Account			Serve account debtor
Chattel paper	Seize if in debtor's possession		Serve third party in possession
Commercial coach	Seize in debtor's possession		
Deposit account/safe deposit box in name of debtor			Serve financial institution
Deposit account/safe deposit box in name of debtor and third party			Serve financial institution and third party
Deposit account/safe deposit box in name of spouse (spousal affidavit required			Serve financial institution and spouse

Deposit account/safe deposit box in name of fictitious business name (cannot levy if third party is not spouse of debtor)debtor and third party			Serve financial institution and spouse
Deposit account/safe deposit box in name of third party (court order required)			Serve financial institution and third party
Dwelling personal property	Install keeper		Serve occupant
Estate of decedent			Serve personal representative of decedent: serve debtor after property is delivered to Sheriff
Farm products as tangible personal property of going business	Seize if in debtor's possession		
Final money judgment			File with clerk of the court; serve debtor of final money judgment
General intangible			Serve account debtor
Goods held by bailee with negotiable document of title			Serve bailee in possession of negotiable document of title

METHODS OF LEVY BY TYPE OF PROPERTY

PROPERTY	SEIZURE	RECORDING	GARNISHMENT
Goods held by bailee without negotiable document of title			Serve bailee in possession of goods; serve secured party
Instrument	Seize if in debtor's possession		Serve obligor
Inventory of going business	If in debtor's possession, seize, install keeper or install cash-only keeper		
Mobile home	Install keeper		
Negotiable document of title	Seize if in debtor's possession		Serve third party in possession
Property in custody of levying officer			
Real property		Record with county recorder; serve third party; serve occupant	
Security (certificated)	Seize if in debtor's possession		Serve issuer or secured party
Security (uncertificated)			Serve issuer or secured party
Security entitlement			Serve securities intermediary or secured party

Tangible personal property	Seize if in debtor's possession		Serve third party in possession
Vehicle	Seize if in debtor's possession		
Vessel	Seize if in debtor's possession		