

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 |

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| 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 |

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|----------------------------|---------------------------------|--|---------------------------------|
| 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 | | |