6-20/510.30 Nature of Custody

The nature of custody of property that must be exercised to maintain a valid levy varies depending upon the facts of the particular case, bearing in mind that the levying officer should make the expense of keeping the property under levy as light as possible consistent with its safekeeping. The taking by the officer may be either actual or constructive, dependent upon the nature, the situation, and the location of the property. (Noland v. Noland, 44 CA 2d 780) The Law Revision comments to CCP 687.030 state that the intent of subdivision (c) of that section is to provide levying officers with a degree of flexibility in determining efficient and economical means of securing custody of personal property levied upon and the use of a keeper is not required in cases where the property is not moved to a place of safekeeping, but the custody obtained must be sufficient to prevent removal of the property.