

6-20/540.70 Memorandum of Garnishee

At the time of service of a copy of the writ of execution and a notice of levy on a third person, the levying officer shall request the third person to give the levying officer a garnishee's memorandum containing the information required by this section. Within 10 days after the request is made, the third person shall mail or deliver the garnishee's memorandum to the levying officer whether or not the levy is effective. ([CCP 701.030](#))

As an example, a financial institution (bank, credit union, savings and loan) is required to deliver a completed memorandum of garnishee to the Sheriff within ten (10) days after being served with an execution garnishment ([CCP 701.030\(a\)](#)). The memorandum (item 6) instructs the bank to describe any claims and rights of other persons (third parties) to the levied property and the names and addresses of those parties. Once received, the Sheriff must promptly mail a copy of the memorandum to the creditor ([CCP 701.030\(c\)](#)). The Sheriff is also required to promptly serve a copy of the writ and notice of levy on any third party in whose name the account stands ([CCP 700.160\(c\)](#)).

Upon receipt of a memorandum of garnishee from a financial institution that indicates that an account stands in the name of a third party, the third party's name and address as indicated in item 6 shall be entered as a third party. A copy of the notice of levy, writ and exemptions list (if third party is a natural person) shall then be mailed to the third party. Comments shall indicate the date of mailing to the third party. The case shall be calendared for 15 days to allow the third party to file a third party claim and/or claim of exemption. If no claim is timely received, a Notice to Comply shall be mailed to the financial institution, directing the garnishee to remit the funds held in the third party's account.
