6-20/700.00 Property in the Custody of Levying Officer

To levy upon personal property that is already in the custody of a levying officer, if the writ is directed to the levying officer having custody of the property, the plaintiff shall deliver the writ to the levying officer. If the writ is directed to a levying officer other than the levying officer having custody of the property, the levying officer to whom the writ is directed shall either personally or by mail serve a copy of the writ and a notice of attachment on the levying officer having custody. The levying officer having custody of the property shall comply with the writs in the order received and is not subject to the duties and liabilities of third persons after levy as set forth in CCP 701.010 et seq. (CCP 700.050)

In most counties, only the Sheriff serves as the levying officer. However, the California Highway Patrol can act as a levying officer under state warrants of collection. The Los Angeles County Child Support Services may also act as a levying officer.

• 6-20/710.00 Perishable Property Sale

The court may appoint a receiver or order the levying officer to take any action the court orders that is necessary to preserve the value of property levied upon, including but not limited to selling the property, if the court determines that the property is perishable or will greatly deteriorate or greatly depreciate in value or that for some other reason the interests of the parties will be best served by the order. An order may be made under this subdivision upon application of the judgment creditor, the judgment debtor, or a person who has filed a third-party claim – CCP 720.010 et seq. The application shall be made on noticed motion if the court so directs or a court rule so requires. Otherwise, the application may be made ex parte.

If the levying officer determines that property levied upon is extremely perishable or will greatly deteriorate or greatly depreciate in value before a court order could be obtained, the levying officer may take any action necessary to preserve the value of the property or may sell the property. The levying officer is not liable for a determination made in good faith under this subdivision.

Except as otherwise provided by order of the court, a sale of shall be made in the manner as other Sheriff sales. See 6-27/000.00 Execution Sales. The required notice of sale shall be posted and served at a reasonable time before the sale, considering the character and condition of the property. The proceeds shall be applied to the satisfaction of the money judgment in the manner as 6-27/000.00 Execution Sales.

If a receiver is appointed, the court shall fix the daily fee of the receiver and may order the judgment creditor to pay the fees and expenses of the receiver in advance or may direct that the whole or any part of the fees and expenses be paid from the proceeds of any sale of the property.

(CCP 699.070)
