6-31/120.00 Purpose of Third Party Claim Procedures

One of the main purposes of the third party claim procedures is to give protection to the officer making the levy from claims for damages by third parties. (Sunset Realty Co. v. Dadmun, 34 CA 2d Supp. 733; Cory v. Cooper, 117 CA 495)

As against the levying officer, a third party claiming ownership of personal property who has failed to give the required notice is precluded from recovery by the provisions of the section which makes service of a third party claim a condition precedent to recovery. (Cortelyou v. Baker, 182 CA 168) In a case in which a third party claim was made more than eight months after the levy, the court stated, “This fact would in any event absolve the sheriff from liability for the detention of the property for a period prior to the notice of claim.” (Mutch v. Long Beach Improvement Co., 47 CA 267)