6-31/130.00 Duty to Notify

Under most circumstances the levying officer has no duty to either ascertain or notify third persons of a levy against property in which they may possess a security interest or lien. However, the officer does have a duty to identify and notify such persons after certain levies against vehicles, vessels, manufactured homes, mobile homes, and commercial coaches.

Where an officer has lawfully seized property under a writ, he is not liable to a third party claimant if he has in all respects complied with the statute. After the plaintiff has furnished the required undertaking, the officer is relieved from liability for continuing to hold attached property or from selling under execution. (Cory v. Cooper, 117 CA 495; Rowland v. Bruton, 125 CA 697)