6-31/800.00 Hearing on Third Party Claim and/or Undertaking

Within 15 days, after a third party claim is filed with the levying officer, or after an undertaking is posted in favor of the creditor by the third party to release, either the creditor or the third person may petition the court for a hearing to determine the validity of the third party claim and the proper disposition of the property that is the subject of the claim. (CCP 720.310(a)) The proper court to hear the claim is the court which issued the writ. (CCP 680.160) A claim filed after a levy under a state warrant of collection may be heard in the superior court where the property levied on is located. (CCP 688.030(c))

Unless continued for good cause, the hearing shall be held within 20 days after the petition is filed, and may be held whether or not an undertaking has been filed. If a deposit has been made to pay off a third party claiming a security interest or lien, no hearing is held. (CCP 720.310)

At least 15 calendar days prior to the hearing, the petitioner shall serve and file notice of the time and place of the hearing, either personally or by mail, on the creditor or third person (whichever is not the petitioner) and the debtor, and file a copy of the notice with the levying officer. (CCP 720.320, 1005(a)(7))