6-32/300.00 Duties of Levying Officer and Garnishee

Unless the officer has actual notice that a specific claim has been finally disallowed, the levying officer must include the amount of all preferred labor claims which have been filed and of which the officer has notice, including those endorsed by the clerk of the court on a writ of execution, in the total figure of the amount due under the writ. When the levying officer receives notice of a claim after service of a garnishment, the officer should mail a notice to the garnishee amending the amount due to include the claim and requesting immediate payment in the amount of such claim. (CCP 1206(b))

• 6-32/310.00 Retention of Sufficient Assets and Proceeds

Until priority of the claim is finally established, the officer shall retain in possession so much of the proceeds of the writ as may be necessary to satisfy the claim, including the claimant's cost of suit. (CCP 1206(e))

No release shall be issued at the request of the attaching creditor until:

a. All labor claims are paid in full or released; or
b. The levying officer has mailed notices of the request of the attaching creditor to release to each of the labor claimants or their attorneys, notifying them that the property will be released unless they bring actions of their own and levy on the property within five days of the mailing, and the five days have expired.

The five-day period is extended if service is by mail (CCP 1013):

- 5 days if within the state
- 10 days if outside of California
- 20 days if outside of the United States

If such senior attaching plaintiff or judgment creditor requests a release of his or her original attachment or execution, and the preferred labor claims filed under same are not released, the officer who levied the writ must first mail notices of such request to release to each of the labor claimants who have filed claims, or their attorneys, which notices must specify that unless the claimants bring attachment actions of their own and levy on the money or property in question within five days from the date thereof the money or property will be released from the attachment or execution; provided, however, that such officer may instead collect sufficient money on the basis of the original writ to pay off the preferred labor claims in full and then release the attachment or execution, but in no case shall the officer release the attachment or execution without first taking care of the labor claims until the five-day period has expired, unless the officer's costs, keeper's fees or storage charge, have not been immediately taken care of by some of the parties involved. (CCP 1208)