6-26/600.00 Conduct of Sale

• 6-26/610.00 Manner of Sale

Prior to requesting bids, the selling officer should read the notice of sale verbatim. By so doing, prospective bidders are informed of the authority for the sale and the description of the property, and are advised that only the right, title and interest of the debtor are being sold.

A sale of property shall be held:

- At the date, time, and place specified in the notice of sale, unless there has been a postponement, in which case it shall be held at the date and time appointed in the last postponement and at the place specified in the notice of sale (CCP 701.570(a))
- The sale shall be in the county where the property or a part thereof is situated (CCP 701.570(a))
    - Unless sold separately, real property consisting of one parcel, or of two or more contiguous parcels, situated in two or more counties may be sold in one county as instructed by the judgment creditor.
- Held between the hours of 9 a.m. and 5 p.m. (CCP 701.570(a))
- The sale shall be made at auction to the highest bidder (CCP 701.570(b))
- Personal property capable of manual delivery is to be sold, it shall be within the view of those who attend the sale unless the court orders otherwise (CCP 701.570(c))
- Property shall be sold separately or in such groups or lots as are likely to bring the highest price. (CCP 701.570(d))
    - The judgment debtor may request the property be sold separately or together and may request that the property be sold in a particular order.
        - If the debtor is not present, the request may be in writing and delivered to the levying officer prior to the sale
        - The levying officer shall comply with the request if, in the officer's opinion, the requested manner of sale is likely to yield an amount at least equal to any other manner of sale or the amount required to satisfy the money judgment, and the officer is not liable for such a decision if made in good faith.
- After sufficient property has been sold to satisfy the money judgment, no more shall be sold (CCP 701.570(e))

• 6-27/620.00 Withdrawal of Bid

The rule of auction sales allowing a bidder to withdraw a bid at any time prior to the "hammer falling" applies to a sale by the levying officer. (Hibernia Savings and Loan Society v. Behnke, 121 C 339 - citation available through CMB Operations)

• 6-26/630.00 Minimum Bid at Sales

The Legislature has established by statute in which cases and in what amounts minimum bids may be required for execution sales. The Sheriff, as a ministerial officer, lacks both the duty and authority to unilaterally require a minimum bid in any specific amount and must accept a bid even though such bid appears merely nominal. Consequently, unless otherwise ordered by the court, the minimum bid may only be required at an execution sale if: (1) there is a statutory minimum bid, or (2) the judgment creditor has given sale instructions including a minimum bid, in which event the bid must meet or exceed any statutory minimum bid.

• • 6-26/630.10 Minimum Bid not Received

If a minimum bid required for the sale of property is not received, the levying officer shall promptly release the property. (CCP 701.620(c))

• 6-26/640.00 No Bids Received

If at the time of sale there are no bids received, after a reasonable amount of time, the deputies conducting the sale shall verbally end the sale. The property is not released and the lien continues to the extent of the two year lien period. However, the fees for storage of the property continue to accrue. The creditor's attorney should immediately be contacted regarding a new sale date or release of the property. If the creditor's attorney provides written instructions to release the property, release procedures should be followed.

If the creditor's attorney provides instructions to set a new sale date, care should be given that sufficient fees for storage, Notice of Sale, and Conduct Sale are in the possession of the levying officer. If additional fees are required, a demand shall be made to the creditor's attorney prior to setting a new sale date. See 6-20/110.00 Fee Deposit.

• 6-26/650.00 Only Debtorâ€™s Interest in Property is Purchased

The purchaser of property at an execution sale acquires any interest of the judgment debtor in the property sold that is held on the effective date of the lien under which the property was sold or that is acquired between such effective date and the date of sale. (CCP 701.640)