6-26/870.00 Deed of Sale

If the redemption price is not deposited with the levying officer within the redemption period or, in cases where there has been a petition for hearing and the court ordered an additional amount deposited, the person seeking to redeem does not deposit the additional amount with the levying officer within 10 days after the issuance of the order, the levying officer shall execute and deliver a deed of sale to the purchaser. The deed shall comply with the requirements of deeds of sale in other cases, but there is no requirement that the levying officer record a duplicate. (CCP 729.080(a)

A deed issued or delivered before the period for redemption has expired is void. (Bessinger v. Grotz, 66 CA 2d 947) If, in a case with a one year redemption period, the sale takes place on the fifth day of the month, the judgment debtor has the whole day of the fifth of the month a year later within which to redeem, and a deed issued on the fifth would be void. [(Perham v. Kuper, 61 C 331) cite available through operations]

A deed adds no title but only serves as evidence there has been no redemption. The purchaser acquires legal title at the sale and not by virtue of the deed which is not issued until the period of redemption has passed. (Allen v. McGee, 54 CA 2d 476)

If the levying officer's deed is defective, the officer has the right to make another deed and may be compelled to do so. [(Sheehan v. All Persons, 80 CA 2d 476) cite available through operations]