



BUSINESS LAW SECTION

CONSUMER FINANCIAL SERVICES COMMITTEE
THE STATE BAR OF CALIFORNIA
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SERVICE OF LEVIES AND RELATED LEGAL PROCESS ON FINANCIAL INSTITUTIONS

LEGISLATIVE PROPOSAL (BLS-2011-05)

TO: State Bar Office of Governmental Affairs

FROM: Arnold S. Rosenberg, Chair, Business Law Section Consumer Financial Services Committee

DATE: August 1, 2010

RE: Proposal to amend Sections 482.070, 488.455, 488.460, 488.600, 488.610, 488.110, 700.140, 700.150, 700.160, 701.030, 703.570 and 708.510 of and to add Sections 684.115 and 701.015 to the Code of Civil Procedure and to amend Sections 952 and 1650 of the Financial Code and Section 1755 of the Unemployment Insurance Code

SECTION ACTION:

Date of Approval by Section Executive Committee (the "Executive Committee"): July 16, 2010

Approval Vote: For: 15 Against: 0

SECTION CONTACTS:

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HISTORY, DIGEST AND PURPOSE

The Mission Statement of the Consumer Financial Services Committee (the “Committee”) provides, in part, that it “assists in the development of a sound, consistent and well-reasoned body of law governing the consumer financial services industry and contributes to the education of both lawyers and consumers with respect to the laws governing consumer financial services.”

The Committee believes that the process by which garnishments involving bank accounts are served and processed is in need of modernization and clarification, to improve the efficiency with which garnishments are handled.

1. Background. Enacted in 1982¹ and consistent with Commercial Code § 4107, Code of Civil Procedure (“CCP”) § 684.110 provides that attachment and execution levies served on financial institutions (hereinafter, each a “levy”) affect only the accounts or property held by the particular branch of the institution at which service is made. These provisions were deemed necessary by the Legislature at a time when several large banks were operating hundreds of branches throughout the state, but their respective branches lacked the ability to easily access information concerning deposits, safety deposit boxes, etc., held at other branches of the same bank. As a consequence, a plaintiff seeking an attachment or a judgment creditor seeking to enforce a judgment must identify and separately serve each branch of a bank to reach all of the deposits or safety deposit boxes of the defendant or judgment debtor.

The development of information processing systems has enabled virtually all financial institutions to centrally process transactions, statements, etc., throughout their branch systems, and most banks that operate more than a few branches have elected to process levies on a centralized basis, such that levies that are served on a particular branch pursuant to CCP § 684.110 are forwarded to the bank’s centralized levy processing department, which department then handles all aspects of the levy processing and prepares the bank’s responses to such levies.

CCP § 700.140 currently allows, with regard to deposit accounts, a financial institution to designate a central location at which it would accept service of levies that would affect all accounts throughout their branch system, but the enabling provisions (i) lack specificity as to how they would so designate a central office and how a levying creditor would determine if such a designation had been made, (ii) would extend the reach of any levy served at such a location to any account maintained anywhere in the country or in any other country, which extended reach acts as a disincentive to multi-state or multi-national financial institutions to make such a designation, and (iii) does not mandate service at a designated location.

The Committee recommends that § 684.115 be added to the CCP, so as to allow, with regard to financial institutions with fewer than ten [10] California branches, and to require, with regard to financial institutions with more than nine [9] California branches, to designate the central location at which it processes levies, and to require, with respect to banks so designating a

¹ Stats. 1982, Chap. 1364.

central processing location that all levies served against such banks to be served at that central location. To protect to multi-state or multi-national financial institutions with regard to administering accounts and safety deposit boxes in other states or countries, the effect of the service of levies within California would be limited to such banks' California locations.

Additional issues that have arisen with regard to attachments and enforcement of judgments by levy or other means would be resolved with the proposed amendments.

2. Amendments. (a) CCP § 684.115 would be added to allow, with regard to financial institutions with fewer than ten [10] California branches, and to require, with regard to financial institutions with more than nine [9] California branches, to designate the central location at which it processes levies, and to require, with respect to banks so designating a central processing location that all levies served against such banks to be served at that central location. Conforming amendments would be made to CCP §§ 482.070, 488.455, 488.460, 488.600, 488.610, 488.110, 700.140, 700.150, 700.160, , 701.030, 708.510, as well as to permit, as to Financial Code §§ 952 and 1650 and Unemployment Code § 1755.

(b) The case of Da-Green Electronics, Ltd. v. Bank of Yorba Linda², a federal decision interpreting California law, has caused confusion over the proper manner of handling levies when the manner in which the target of the levy is described in the garnishment papers is not exactly the same as a financial institution's customer may be described in the institution's records. While all permutations of this cannot be anticipated and legislatively resolved, proposed CCP § 701.015 attempts to reduce the instances in which financial institutions face risk when making a decision whether a given levy applies to an account owned by a customer described differently than the target of the levy, by providing guidelines and a safe harbor means of protecting the institution's customer while at the same time giving the levying creditor notice and an opportunity to clarify the discrepancy.

(c) Over the past few years, trial courts have issued orders pursuant to CCP § 708.510, assigning to the judgment creditor a judgment debtor's interest in all of his, her or its rights to payment, expressly including the debtor's bank accounts. Notice of these orders are then given to various financial institutions located within a short distance of the debtor's home or workplace, which orders (i) are often given by make or facsimile transmission, (ii) without the same level of due diligence that normally precedes service of a levy, to determine the likelihood that the debtor maintains an account at the "served" bank or branch, (iii) without clarity whether receipt at a given branch of the bank is effective throughout the bank's branch network, and (iv) insofar as the order usually directs remittances to be sent directly to the judgment creditor or such party's counsel, without the procedural protections available to the debtor when funds are remitted to a levying officer, who is a public official. While such orders have been directed against deposit accounts, the Committee does not believe that the right to draw on a bank account is a right to a "payment" contemplated by the legislature when it enacted CCP § 708.510, and in any case the Committee believes that adequate processes exist under the standard levy laws to provide access to deposit accounts, such that recourse to this section is unnecessary.

² 891 F.2nd 1396 (9th Cir., 1989).

Consequently, the amendment to CCP § 708.510 would clarify that it does not apply to deposit accounts.

APPLICATION

If enacted in 2011, this legislation would become effective as of January 1, 2012.

PENDING LITIGATION

There is no pending litigation to our knowledge.

LIKELY SUPPORT AND OPPOSITION

The Financial Institutions Committee supports this ALP. We also expect support from the debt collection and financial institutions industries. A representative from the former has been involved with the drafting of the proposal, and believes that the bill would facilitate the debt collection process; the financial institutions viewpoints were similarly well-represented as the proposal was developed. The only affected state agency, the Department of Financial Institutions, which would create a page on its website to which financial institutions would post their central office locations, and debt collectors would look for the same, has indicated a willingness to provide that service.

While some members of the creditors' bar might oppose the proposed revision to C.C.P § 708.510, we believe the benefits available to that constituency from the other proposed revisions will alleviate that opposition. We are not aware of any other opposition to the overall bill.

FISCAL IMPACT

The Department of Financial Institutions would incur expenses in developing and maintaining a website to communicate the details of bank's central processing center designations; however, the proposal allows the Department to impose reasonable fees to compensate it for its efforts.

GERMANENESS

The subject matter of this proposal is one in which the members of the Business Law Section and its Consumer Financial Services Committee have special experience, and which requires their special knowledge, training and technical expertise.

TEXT OF PROPOSAL

Begins next page.

TEXT OF PROPOSAL

The following code sections would be amended or added. Blue text with underlining shows new language. Red text with strikeouts shows deletions. Green text shows language that was moved but not changed.

CODE OF CIVIL PROCEDURE § 482.070

For purposes of this title, the term “legal process” shall refer to each and all of the writs, notices, orders or other papers required or permitted to be served pursuant to this title.

- (a) Except as otherwise provided in this title, ~~a writ, notice, order, or other paper~~ legal process required or permitted to be served under this title may be served personally or by mail.
- (b) Except as otherwise provided in this section, service of ~~a writ, notice, order, or other paper~~ legal process under this title is governed by Article 1 (commencing with Section 684.010) and Article 2 (commencing with Section 684.110) of Chapter 4 of Division 1 of Title 9, including the provisions of Section 684.120 extending time when service is made by mail.
- (c) For the purpose of subdivision (b), in Article 1 (commencing with Section 684.010) and Article 2 (commencing with Section 684.110) of Chapter 4 of Division 1 of Title 9:
 - (1) References to the “judgment debtor” shall be deemed references to the defendant.
 - (2) References to the “judgment creditor” shall be deemed references to the plaintiff.
 - (3) References to a “writ” shall be deemed references to a writ of attachment.
 - (4) References to a “notice of levy” shall be deemed references to a notice of attachment.
- (d) If the defendant has not appeared in the action and ~~a writ, notice, order, or other paper~~ legal process is required to be personally served on the defendant under this title, service shall be made in the same manner as a summons is served under Chapter 4 (commencing with Section 413.10) of Title 5.
- (e) Except for service of a subpoena or other process to require the attendance of the defendant or service of a paper to bring the defendant into contempt, if the defendant has an attorney of record in the action, service shall be made on the attorney rather than on the defendant.
- (f) Proof of service under this title is governed by Article 3 (commencing with Section 684.210) of Chapter 4 of Division 1 of Title 9.

CODE OF CIVIL PROCEDURE § 488.455

(a) Subject to ~~Section~~Sections 684.115 and 488.465, to attach a deposit account, the levying officer shall personally serve a copy of the writ of attachment and a notice of attachment~~levy~~ on the financial institution with which the deposit account is maintained, ~~or shall personally serve the~~.

~~(b) The attachment lien that arises upon service of a~~ writ of attachment and notice of attachment ~~on a centralized location within the county designated by the financial institution. If the writ of attachment is received at the designated central location, it shall apply to all deposit accounts held by the financial institution regardless of the location of that property. The attachment~~ lien~~levy~~ reaches only amounts in ~~the~~ a deposit account at the time of service on the financial institution, including the amount of any ~~item in the~~ deposit ~~account that is in the process of being~~not yet finally collected; unless the ~~item~~deposit is returned unpaid to the financial institution. ~~This section does not require a financial institution to designate a central location for personal service of the writ and notice of attachment.~~

~~(b) At the time of levy or promptly thereafter, the~~ (c) The levying officer shall serve a copy of the writ of attachment and a notice of attachment~~levy~~ on any third person in whose name ~~the~~any deposit account ~~stands. described therein stands. Such service shall be made personally or by mail:~~

(1) At the time of levy or promptly thereafter, if the party seeking the levy informs the levying officer of such person and his, her or its residence or business address.

(2) Promptly following the levying officer's receipt of a garnishee's memorandum if service was not accomplished pursuant to subdivision (c)(1) if the garnishee's memorandum identifies such person and his, her or its residence or business address.

~~(e) During the time the attachment lien is in effect, the~~ (d) The financial institution shall not honor a withdrawal request or a check or other order for the payment of money ~~drawn against, and shall not pay a withdrawal from, the deposit account that would reduce the deposit account to an amount that is less than the amount attached. For the purposes of this subdivision, in determining the amount of the deposit account,~~ from the deposit account if presentment of such withdrawal request or item to the financial institution occurs during the time the attachment lien is in effect unless, following such withdrawal or payment, sufficient funds are available to cover the levy. For these purposes, a withdrawal from the deposit account to cover the financial institution ~~shall not include the amount of items deposited to the credit of the deposit account that are in the process of being collected's~~ standard fee or charge for processing the levy shall not be considered a payment of money from the account in violation of this subdivision.

~~(de)~~ During the time the attachment lien is in effect, the financial institution is not liable to any person for any of the following:

(1) Performance of the duties of a garnishee under the ~~attachment.~~levy.

(2) Nonpayment of a check or other order for the payment or transfer of money drawn or presented against the deposit account if the nonpayment is pursuant to the requirements of subdivision (~~ed~~).

(3) Refusal to pay a withdrawal from the deposit account if the refusal is pursuant to the requirements of subdivision (~~ed~~).

~~(e) When the amount attached pursuant to this section is paid to the levying officer, the attachment lien on the attached deposit account terminates.~~

(f) For the purposes of this section, ~~neither~~none of the following is a third person in whose name the deposit account stands:

(1) A person who is only a person named as the beneficiary of a Totten trust account.

(2) A person who is only a payee designated in a pay-on-death provision in an account pursuant to Section 18318.5 of the Financial Code or Section 5140 of the Probate Code, or other similar provision.

(3) A person who is only acting in a representative or custodial capacity with respect to benefits paid or payable by the United States government. Rather, accounts maintained by the representative or custodian shall be deemed to stand in such beneficiary's name, and the amounts therein shall be covered by a levy against such beneficiary.

(g) For purposes of this section, final payment of a deposit shall be deemed to have occurred in accordance with Commercial Code sections 4215 or 11210 or with automated clearing house or Federal Reserve System rule, regulation, operating circular or similar governing document, as applicable to the deposit. If for any reason a deposit is returned by the financial institution upon which it is drawn, such deposit shall not be deemed finally collected for purposes of this subdivision regardless of any later payment by the financial institution upon which the deposit is drawn.

(h) When a deposit account has been attached, as an alternative to paying the amount of the deposit account that is attached to the levying officer as required by Section 488.600, the financial institution may continue to hold the deposit account until the deposit account is levied upon after judgment in the action or is earlier released, the deposit account to be held in one of the following manners:

(1) If the entire deposit account is attached, the financial institution may hold the deposit account on the terms applicable before the attachment, subject to the requirements of subdivision (~~ed~~).

(2) If less than the entire deposit account is attached:

(A) With the consent of the defendant, and any third person in whose name the deposit account stands, the financial institution may hold in the deposit account on the same terms an amount larger than the attached amount as necessary to avoid a penalty or a reduction of the rate of interest.

(B) If the defendant, and any third person in whose name the deposit account stands, do not consent as provided in subparagraph (A), the financial institution may hold the attached amount on the same terms affecting the deposit account before the attachment, subject to the requirements of subdivision (~~ed~~).

(3) The financial institution may hold the attached deposit account in any other manner agreed upon by the plaintiff, the defendant, and any third person in whose name the deposit account stands.

(h*i*) Subdivision (g*h*) does not prevent a financial institution that is holding an attached deposit account as provided in subdivision (g*h*) from paying the attached amount to the levying officer before the time the financial institution otherwise is required to pay the amount under subdivision (g*h*).

CODE OF CIVIL PROCEDURE § 488.460

(a) Subject to Section 488.465, to attach property in a safe- deposit box, the levying officer shall personally serve a copy of the writ of attachment and a notice of attachment on the financial institution with which the safe- deposit box is maintained.

(b) At the time of levy or promptly thereafter, the levying officer shall serve a copy of the writ of attachment and a notice of attachment on any third person in whose name the safe- deposit box stands.

(c) During the time the attachment lien is in effect, the financial institution may not permit the removal of any of the contents of the safe- deposit box except as directed by the levying officer.

(d) Upon receipt of a garnishee's memorandum from the financial institution, as required by Section 488.610, indicating a safe- deposit box is under levy, the levying officer shall promptly mail a written notice to the judgment creditor demanding an additional fee as required by Section 26723 of the Government Code, plus the costs to open the safe- deposit box and seize and store the contents. The levying officer shall release the levy on the safe- deposit box if the plaintiff does not pay the required fee, plus costs, within three business days plus the extended time period specified in subdivision (a) of Section 1013 for service by mail by the levying officer.

(e) The levying officer may first give the person in whose name the safe- deposit box stands an opportunity to open the safe- deposit box to permit the removal pursuant to the attachment of the attached property. The financial institution may refuse to permit the forcible opening of the safe- deposit box to permit the removal of the attached property unless the plaintiff or levying officer pays in advance the cost of forcibly opening the safe- deposit box and of repairing any damage caused thereby.

(f) During the time the attachment lien is in effect, the financial institution is not liable to any person for any of the following:

(1) Performance of the duties of a garnishee under the attachment.

(2) Refusal to permit access to the safe- deposit box by the person in whose name it stands.

(3) Removal of any of the contents of the safe- deposit box pursuant to the attachment.

(g) If the levying officer removes any property from the safe deposit box to satisfy the levy, but allows other property to remain in the safe deposit box, the attachment lien is released automatically with respect to any property that remains in the safe deposit box.

CODE OF CIVIL PROCEDURE § 488.600

(a) Sections 701.010, [701.015](#), 701.020, 701.040, 701.050, 701.060, and 701.070 prescribe duties and liabilities of a third person under a levy made under this title.

(b) For the purposes of this section, references in Sections 701.010, [701.015](#), 701.020, 701.040, 701.050, and 701.060 to:

(1) “Amount required to satisfy the judgment” shall be deemed references to the amount required to satisfy the amount to be secured by the attachment.

(2) “Execution lien” or “lien” shall be deemed references to the attachment lien.

(3) “Judgment creditor” shall be deemed references to the plaintiff.

(4) “Judgment debtor” shall be deemed references to the defendant.

(5) “Levy” shall be deemed references to levy of attachment.

(6) “Notice of levy” shall be deemed references to notice of attachment.

(7) “Release” of property shall be deemed references to release of property pursuant to this title.

(8) “Satisfaction or discharge of the judgment” shall be deemed references to the satisfaction or termination of the attachment.

(9) “Writ” or “writ of execution” shall be deemed references to a writ of attachment.

(c) For the purposes of this section, references in Section 701.070 to:

(1) “Levy” shall be deemed references to levy of attachment.

(2) “Notice of the levy” shall be deemed references to notice of attachment.

CODE OF CIVIL PROCEDURE § 488.610

(a) At the time of service of a copy of the writ of attachment and a notice of attachment on a third person, the levying officer shall request the third person to give the levying officer a garnishee's memorandum containing the information required by this section. Within 10 days after the request is made, the third person shall mail or deliver the garnishee's memorandum to the levying officer whether or not the levy is effective.

(b) The garnishee's memorandum shall be executed under oath and shall contain the following information:

(1) A description of any property of the defendant sought to be attached that is not delivered to the levying officer and the reason for not delivering the property.

(2) A statement of the amount and terms of any obligation to the defendant sought to be attached that is due and payable and is not paid to the levying officer and the reason for not paying the obligation.

(3) A statement of the amount and terms of any obligation to the defendant sought to be attached that is not due and payable at the time of levy.

(4) A description of claims and rights of other persons to the attached property or obligation that are known to the third person and the names and addresses of those other persons.

(5) A statement that the garnishee holds neither any property nor any obligations in favor of the judgment debtor.

(6) Any information required to be included pursuant to subdivision (b)(i) of section 701.015.

(c) If a garnishee's memorandum is received from the third person, the levying officer shall promptly mail or deliver a copy of the memorandum to the plaintiff and attach the original to the writ when it is returned to the court. If a garnishee's memorandum is not received from the third person, the levying officer shall so state in the return.

(d) Except as provided in subdivisions (e) and (f), if a third person does not give the levying officer a garnishee's memorandum within the time provided in subdivision (a) or does not provide complete information, the third person may, in the court's discretion, be required to pay the costs and reasonable attorney's fees incurred in any proceedings to obtain the information required in the garnishee's memorandum.

(e) Notwithstanding subdivision (a), where a deposit account or property in a safe deposit box is attached, the financial institution need not give a garnishee's memorandum to the levying officer if the financial institution fully complies with the levy and, if a garnishee's memorandum is required, the garnishee's memorandum need provide information with respect only to property which is carried on the records available at the office or branch where the levy is made ~~-,~~ unless the levy has been served at a central location designated by a financial institution in accordance with section 684.115, in which case the garnishee's memorandum shall apply to all offices and branches of the financial institution except to the extent acceptance of the levy at such central location is limited pursuant to paragraph (3) of subdivision (a) of section 684.115.

(f) Notwithstanding subdivision (a), the third person need not give a garnishee's memorandum to the levying officer if both of the following conditions are satisfied:

- (1) The third person has delivered to the levying officer all of the property sought to be attached.
- (2) The third person has paid to the levying officer the amount due at the time of levy on any obligation to the defendant that was attached and there is no additional amount that thereafter will become payable on the obligation levied upon.

CODE OF CIVIL PROCEDURE § 684.110

For purposes of this title, the term “legal process” shall refer to each and all of the writs, notices, orders or other papers required or permitted to be served pursuant to this title.

(a) Subject to subdivisions (b), (c), and (d), if ~~a writ, notice, order, or other paper~~legal process is required to be personally served under this title, service shall be made in the same manner as a summons is served under Chapter 4 (commencing with Section 413.10) of Title 5.

(b) If the ~~paper~~legal process is required to be personally served under this title and service on an attorney is required under Article 1 (commencing with Section 684.010), service shall be made on the attorney in the manner provided in Section 684.040.

(c) If ~~the service is~~legal process is required to be personally served on (1) a financial institution in connection with a deposit account or with property held for safekeeping, as collateral for an obligation owed to the financial institution or in a safe deposit box, (2) a title insurer (as defined in Section 12340.4 of the Insurance Code) or underwritten title company (as defined in Section 12340.5 of the Insurance Code), or (3) an industrial loan company (as defined in Section 18003 of the Financial Code), service shall be made at the office or branch that has actual possession of the property levied upon or at which a deposit account levied upon is carried and shall be made upon the officer, manager, or other person in charge of the office or branch at the time of service. For purposes of this section, the office or branch at which a deposit account levied upon is carried shall mean the branch, office or other location where the financial institution maintains the account.

~~(d) Subject to subdivision (c), if a levy is made by personally serving a copy of the writ and notice of levy on a third person, service on the third person shall be made in the same manner as a summons may be served under Section 415.10 or 415.20.~~

(d) Notwithstanding subdivision (c), with respect to legal process served on a financial institution, if the financial institution has designated a central location for service of legal process pursuant to section 684.115, unless the financial institution elects to treat legal process served at a branch or office as effective, such legal process so served on the branch or office will not reach such accounts or property and need not be reported on the financial institution’s garnishee memorandum.

(e) Notwithstanding the foregoing, in its discretion and without violating any obligation to its customer, a financial institution, title insurer or industrial loan company may act upon service of legal process at any of its offices or branches, whether or not such office or branch is the location wherein accounts or property that may be reached by the process is or are maintained or located.

CODE OF CIVIL PROCEDURE § 684.115

(a) A financial institution may, and if it has more than nine branch offices at which it conducts its business within California, such institution shall, designate one or more central locations for service of legal process within the state of California. If a financial institution elects or is required to designate a central location for service of legal process, the financial institution shall file a notice of its designation with the Department of Financial Institutions, which filing shall be effective upon filing and shall contain:

(1) The physical address of the central location;

(2) The days and hours during which service will be accepted at the central location;

(3) If the central location will not accept service of legal process directed at deposit accounts maintained or property held at all of the financial institution's branches within the State of California, or if the service accepted at the central location will not apply to safe deposit boxes or other property of the judgment debtor held by or for the judgment debtor, the filing shall also contain sufficient information to permit a determination of such limitation or limitations, including, in the case of a limitation applicable to certain branches, an identification of the branches as to which service at the central location will not apply and the nature of the limitation applicable to such branches. If the limitation will apply to all branches of the financial institution within the State of California, the filing may indicate the nature of the limitation and that it applies to all branches, in lieu of an identification of branches as to which such limitation applies. To the extent that a financial institution's designation of a central location for service of legal process covers such process directed at deposit accounts, safe deposit boxes or other property of the judgment debtor held by or for the judgment debtor at a particular branch located within the State of California, such branch shall be a "branch covered by central process."

(b) Should a financial institution required to designate a central location fail to do so, each branch of such institution located in California shall be deemed to be a central location at which service of legal process may be made, and all of such institution's branches located within California shall be deemed to be a "branch covered by central process."

(c) Subject to any limitation noted pursuant to paragraph (3) of subdivision (a), service of legal process at a central location of a financial institution will be effective against all deposit accounts and all property held for safekeeping, as collateral for an obligation owed to the financial institution or in a safe deposit box if the same is described in the legal process and held by the financial institution at any branch covered by central process and located within the State of California. However, while service of legal process at such central location will establish a lien on all such property, if any such property other than deposit accounts is physically held by the financial institution in a county other than that in which the designated central location is located, the financial institution shall include in its garnishee's memorandum the location or locations of such property, and the judgment creditor shall thereafter obtain a writ of execution covering such property and directed to the levying officer in such county to accomplish the turnover of the property and shall forward such writ, and related required documentation to the levying officer in the county in which the property is held.

(d) A financial institution may modify or revoke any designation made pursuant to subdivision (a) by filing such modification or revocation with the Department of Financial Institutions. Such

modification or revocation shall be effective when the Department of Financial Institutions' records have been updated to reflect such modification or revocation, provided that the judgment creditor may rely upon the superseded designation during the 30 day period following the effective date of the revocation or modification.

(e) (1) The Department of Financial Institutions shall update its on-line records to reflect a filing by a financial institution pursuant to subdivision (a) or a modification or revocation filed by a financial institution pursuant to subdivision (d) within 10 business days following the filing by the financial institution. The Department of Financial Institutions' website shall reflect the date its on-line records for each financial institution have most recently been updated.

(2) The Department of Financial Institutions shall provide any person requesting it with a copy of each current filing made by a financial institution pursuant to subdivision (a). The Department of Financial Institutions may satisfy its obligation under this subdivision by posting all current designations of a financial institution, or the pertinent information therein, on an Internet website available to the public without charge, and if such information is so made available, the Department of Financial Institutions may impose a reasonable fee for furnishing such information in any other manner.

(f) As to deposit accounts maintained or property held for safekeeping, as collateral for an obligation owed to the financial institution or in a safe deposit box at a branch covered by central process, service of legal process at any location other than a central location designated by the financial institution shall not be effective unless the financial institution, in its absolute discretion, elects to act upon such process at such location. For these purposes, the mere acceptance by an officer or employee of a financial institution of legal process at a place other than a central location designated for service of such process shall not be deemed to constitute an election to act upon such legal process, and any such legal process improperly so served may, in the bank's absolute discretion, be returned in due course, with a statements on the garnishee's memorandum (i) that the legal process was not properly served at the financial institution's designated location for receiving such legal process, and (ii) the address at which the financial institution is to receive such legal process.

(g) If any legal process is served at a central location of a financial institution pursuant to this section, all related papers to be served on the financial institution shall be served at said location, unless agreed to the contrary between the serving party and the financial institution.

(h) This subdivision shall apply whenever (i) (1) a financial institution operates within the State of California at least one branch or office in addition to its head office or main office, as applicable, or (2) a financial institution headquartered in another state operates more than one branch within the State of California, and (ii) no central location has been designed or deemed to have been designated by the institution for service of legal process relating to deposit accounts maintained at all of the financial institution's head office or main office, as applicable, and branches located within California.

(1) If a judgment creditor reasonably believes that, pursuant to section 700.140 and, if applicable, section 700.160, any act of enforcement would be effective against a specific deposit account maintained at a financial institution described in this subdivision (h), the judgment creditor may file with the financial institution a written request that the financial institution identify the branch within the State of California at which such a specified account might be maintained by the

financial institution. The written request shall contain the following statements or information: (i) the name of the person reasonably believed by the judgment creditor to be a person in whose name the specified deposit account stands, (ii) if the name of the person reasonably believed by the judgment creditor to be a person in whose name the specified deposit account stands is not a judgment debtor identified in the writ of execution, a statement that a person reasonably believed by the judgment creditor to be a person in whose name the specified deposit account stands will be appropriately identified in the legal process to be served pursuant to section 700.160, including any supplementary papers, such as a court order or affidavit if the same will be required by section 700.160, (iii) the specific identifying number of the account reasonably believed to be maintained with the financial institution and standing in the name of the judgment debtor or such other person, (v) the address of the requesting party, and (iv) a declaration by the judgment creditor or the judgment creditor's counsel stating substantially the following: "I hereby declare that this account location request complies with section 684.115 of the California Code of Civil Procedure, that the account or accounts of the judgment debtor or other person or persons appropriately identified in the legal process and specified herein are subject to a valid writ of execution, or court order, that I have a reasonable belief, formed after an inquiry reasonable under the circumstances, that the financial institution receiving this account location request has an account standing in the name of the judgment debtor or such other person or persons appropriately identified in the legal process, and that information pertaining to the location of such account will assist the judgment creditor in enforcing the judgment."

(2) The request contemplated by paragraph (1) of this subdivision (h) shall be signed by the judgment creditor or the judgment creditor's counsel under penalty of perjury in accordance with the provisions of Section 2015.5 and filed at the financial institution's head office located within the State of California or, if the financial institution's head office is in another state, at one of its branches within the State of California. Failure to comply with the requirements of paragraph (1) and this paragraph (2) of this subdivision (g) shall be sufficient basis for the financial institution to refuse to produce the information that would otherwise be required by paragraph (3) of this subdivision (h).

(3) Within 10 banking days following receipt by a financial institution at the applicable location specified in paragraph (2) of this subdivision (h) of a request contemplated by paragraph (1) of this subdivision (h), as to each specific account identified in the request contemplated by paragraph (1) of this subdivision (h), the financial institution shall respond by mailing, by first class mail with postage prepaid, to the requestor's address as specified in the request a response indicating the branch location of the financial institution at which the specified deposit account might be maintained, or, if the specified deposit account, if it exists, would not be maintained at a specific location, at least one place within the State of California at which legal process relating to such deposit account should or may be served. The response to be furnished pursuant to this paragraph (3) shall not require the financial institution to determine whether such an account exists or, if such an account does exist, whether it would be reached by the legal process; rather, (i) the branch location shall be determined and reported by the financial institution based solely upon its determination that an account with the identifying number provided by the requester would be maintained at such branch if such an account did exist, and (ii) the response shall not contain any information about the name in which such account stands or any other information concerning the account, if it exists. If more than one account number is specified in the request,

the financial institution's responses as to some or all of such account numbers may be combined in a single writing.

(4) A response furnished in good faith by the financial institution pursuant to paragraph 3 of this subdivision (h) (i) shall not be deemed to violate the privacy of any person in whose name the specified account stands nor the privacy of any other person, and (ii) shall not require the consent of the person in whose name the account stands nor that of any other person.

(5) A financial institution shall not notify the person in whose name the specified account stands or any other person related to the specified account of the receipt of any request made pursuant to this subdivision (h) and affecting such person's or persons' accounts at the financial institution, provided that the financial institution shall have no liability for its failure to comply with the provisions of this paragraph (5) of subdivision (h).

CODE OF CIVIL PROCEDURE § 700.140

(a) Subject to ~~Section~~Sections 684.115 and 700.160, to levy upon a deposit account, the levying officer shall personally serve a copy of the writ of execution and a notice of levy on the financial institution with which the deposit account is maintained, ~~or shall personally serve the~~.

~~(b) The execution lien that arises upon service of a~~ writ of execution and notice of levy ~~to a centralized location within the county designated by the financial institution. If the writ of execution is received at the designated central location, it shall apply to all deposit accounts held by the financial institution regardless of the location of that property. The execution lien reaches only amounts in the~~ deposit account at the time of service on the financial institution, including ~~the amount of any item in the~~ deposit ~~account that is in the process of being~~not yet finally collected; unless the ~~item~~deposit is returned unpaid to the financial institution. ~~This section does not require a financial institution to designate a central location for personal service of the writ of execution and notice of levy.~~

~~(b) At the time of levy or promptly thereafter, the~~(c) The levying officer shall serve a copy of the writ of execution and a notice of levy on any third person in whose name ~~the~~any deposit account ~~described therein~~ stands. ~~Service~~ Such service shall be made personally or by mail.:

~~(1) At the time of levy or promptly thereafter, if the party seeking the levy informs the levying officer of such person and his, her or its residence or business address.~~

~~(2) Promptly following the levying officer's receipt of a garnishee's memorandum if service was not accomplished pursuant to subdivision (c)(1) if the garnishee's memorandum identifies such person and his, her or its residence or business address.~~

~~(e) During the time the execution lien is in effect, the~~(d) The financial institution shall not honor a ~~withdrawal request or a~~ check or other order for the payment of money ~~drawn against, and shall not pay a withdrawal from, the deposit account that would reduce the deposit account to an amount that is less than the amount levied upon. For the purposes of this subdivision, in determining the amount of the deposit account,~~from the deposit account if presentment of such withdrawal request or item to the financial institution occurs during the time the execution lien is in effect unless, following such withdrawal or payment, sufficient funds are available to cover the levy. For these purposes, a withdrawal from the deposit account to cover the financial institution ~~shall not include the amount of items deposited to the credit of the deposit account that are in the process of being collected.~~'s standard fee or charge for processing the levy shall not be considered a payment of money from the account in violation of this subdivision.

~~(de)~~ During the time the execution lien is in effect, the financial institution is not liable to any person for any of the following:

(1) Performance of the duties of a garnishee under the levy.

(2) Nonpayment of a check or other order for the payment or transfer of money drawn or presented against the deposit account if the nonpayment is pursuant to the requirements of subdivision (~~e~~d).

(3) Refusal to pay a withdrawal from the deposit account if the refusal is pursuant to the requirements of subdivision (~~e~~d).

(e) When the amount levied upon pursuant to this section is paid to the levying officer, the execution lien on the deposit account levied upon terminates.

(f) For the purposes of this section, ~~neither~~none of the following is a third person in whose name the deposit account stands:

(1) A person who is only a person named as the beneficiary of a Totten trust account.

(2) A person who is only a payee designated in a pay-on-death provision in an account pursuant to Section 18318.5 of the Financial Code or Section 5140 of the Probate Code, or other similar provision.

(3) A person who is only acting in a representative or custodial capacity with respect to benefits paid or payable by the United States government. Rather, accounts maintained by the representative or custodian shall be deemed to stand in such beneficiary's name, and the amounts therein shall be covered by a levy against such beneficiary.

(h) For purposes of this section, final payment of a deposit shall be deemed to have occurred in accordance with Commercial Code sections 4215 or 11210 or with automated clearing house or Federal Reserve System rule, regulation, operating circular or similar governing document, as applicable to the deposit. If for any reason a deposit is returned by the financial institution upon which it is drawn, such deposit shall not be deemed finally collected for purposes of this subdivision regardless of any later payment by the financial institution upon which the deposit is drawn.

CODE OF CIVIL PROCEDURE § 700.150

(a) Subject to Section 700.160, to levy upon property in a safe- deposit box, the levying officer shall personally serve a copy of the writ of execution and a notice of levy on the financial institution with which the safe- deposit box is maintained.

(b) At the time of the levy or promptly thereafter, the levying officer shall serve a copy of the writ of execution and a notice of levy on any third person in whose name the safe- deposit box stands. Service shall be made personally or by mail.

(c) During the time the execution lien is in effect, the financial institution may not permit the removal of any of the contents of the safe- deposit box except as directed by the levying officer.

(d) Upon receipt of a garnishee's memorandum from the financial institution, ~~as required by Section 701.030,~~ indicating a safe- deposit box is under levy, the levying officer shall promptly mail a written notice to the judgment creditor demanding an additional fee as required by Section 26723 of the Government Code, plus the costs to open the safe- deposit box and seize and store the contents. The levying officer shall release the levy on the safe- deposit box if the judgment creditor does not pay the required fee, plus costs, within three business days plus the extended time period specified in subdivision (a) of Section 1013 for service by mail by the levying officer.

(e) The levying officer may first give the person in whose name the safe- deposit box stands an opportunity to open the safe- deposit box to permit the removal pursuant to the levy of the property levied upon. The financial institution may refuse to permit the forcible opening of the safe- deposit box to permit the removal of the property levied upon unless the levying officer or the judgment creditor pays in advance the cost of forcibly opening the safe- deposit box and of repairing any damage caused thereby.

(f) The levying officer shall give the judgment creditor at least three (3) court days advance notice of the date and time the levying officer will open the safe deposit box and seize the contents thereof, and the judgment creditor shall be entitled to be present at that time.

(g) During the time the execution lien is in effect, the financial institution is not liable to any person for any of the following:

- (1) Performance of the duties of a garnishee under the levy.
- (2) Refusal to permit access to the safe- deposit box by the person in whose name it stands.
- (3) Removal of any of the contents of the safe- deposit box pursuant to the levy.

(h) If the levying officer removes any property from the safe deposit box to satisfy the levy, but allows other property to remain in the safe deposit box, the execution lien is released automatically with respect to any property that remains in the safe deposit box.

CODE OF CIVIL PROCEDURE § 700.160

(a) Except as provided in subdivision (b), a deposit account or safe- deposit box standing in the name of a person other than the judgment debtor, either alone or together with ~~other~~ third persons, is not subject to levy under Section 700.140 or 700.150 unless the ~~levy is authorized by court order. The levying officer shall serve a copy of the court order on the third person at the time the copy of the writ of execution and the notice of levy are served on the third person.~~ legal process served on the third party includes a court order authorizing such levy.

(b) A court order is not required ~~as a prerequisite~~ to levy on a deposit account or safe- deposit box standing in the name of any of the following:

(1) The judgment debtor, whether alone or together with third persons.

(2) The judgment debtor's spouse or registered domestic partner, whether alone or together with other third persons. ~~An, provided an~~ affidavit ~~showing that the person in whose name the account stands is the judgment debtor's spouse shall be~~ is delivered to the financial institution at the time of levy. ~~showing that person to be the judgment debtor's spouse or registered domestic partner.~~

(3) A fictitious business name ~~if, provided (A) a copy of~~ an unexpired fictitious ~~business name statement filed pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code lists as the persons doing business under the fictitious business name either (A) the judgment debtor or (B) the judgment debtor's spouse or (C) the judgment debtor and the judgment debtor's spouse, but does not list any other person. A copy of a fictitious business name statement, certified as provided~~ name statement certified in accordance with Section 17926 of the Business and Professions Code, ~~that satisfies these requirements shall be~~ is delivered to the financial institution at the time of levy, ~~and (B) the fictitious business name statement does not list any person other than the judgment debtor, the judgment debtor's spouse or the judgment debtor's registered domestic partner as the person or persons doing business under the fictitious business name, and (C) if a person other than the defendant~~ judgment debtor is listed in the statement, an affidavit ~~showing~~ stating that ~~the~~ such other person is the judgment debtor's spouse ~~shall also be~~ or registered domestic partner is delivered to the financial institution at the time of the levy.

(4) The additional name of a judgment debtor listed on the ~~writ of execution~~ legal process pursuant to an affidavit of identity as provided by Section 680.135, whether alone or together with third persons.

(c) In any case where a deposit account in the name of a person other than the judgment debtor, whether alone or together with the judgment debtor, is levied upon, the financial institution shall not pay to the levying officer the amount levied upon until being notified to do so by the levying officer. The levying officer may not require the financial institution to pay the amount levied upon until the expiration of 15 days after service of notice of levy on the third person.

CODE OF CIVIL PROCEDURE § 701.015

(a) The Legislature finds that the Federal Court decision, Da-Green Electronics, Ltd. v. Bank of Yorba Linda, 891 F.2d 1396, which interpreted the law of this state, rendered the law of this state unclear regarding the duties of a financial institution that has been served with legal process when the records of the financial institution indicate that a deposit account stands in the name of (i) a person who has a name similar but not identical to the person identified in the legal process as the judgment debtor, or (ii) a person operating under an organizational structure that is different than the identified organizational structure, if any, of the judgment debtor whose funds are sought by the legal process (such as when the judgment debtor is a corporation and the depositor is a partnership or limited liability company with the same or a substantially similar name as the corporation). While being mindful of the rights of judgment creditors to recover their judgments, and of individuals, businesses and other organizations who hold deposit accounts to access or realize on such accounts, the Legislature seeks to provide procedures for the affected parties to follow when a legal process fails to identify the judgment debtor in exactly the same fashion as the depositor is identified on the records of financial institution.

(b) If the judgment debtor is identified in the legal process by a name that is similar but not identical to the name in which the deposit account or safe deposit box stands according to the financial institution's records, and, after applying the financial institution's usual procedures designed to locate accounts and property of judgment debtors and taking into consideration all of the circumstances, including but not limited to, possible spelling errors and any other information contained in the legal process (including but not limited to the judgment debtor's address and tax identification number, if provided) and comparable information about the person in whose name the deposit account or safe deposit box stands contained in the financial institution's records, the financial institution reasonably concludes that the judgment debtor and the person in whose name the deposit account or safe deposit box stands may be the same person, the financial institution shall:

(i) Describe the basis for its decision in its garnishee's memorandum furnished pursuant to section 701.030, including the name of the person in whose name the deposit account or safe deposit box stands according to the financial institution's records;

(ii) Hold the funds in the account as specified in section 700.140, or in the case of a safe deposit box, maintain the safe deposit box as specified in section 700.150, and furnish one copy of the garnishee's memorandum to counsel for the judgment creditor on the same day as the garnishee's memorandum is furnished to the levying officer pursuant to section 701.030. The copy shall be furnished to counsel through the use of such counsel's electronic mail address, if indicated in the legal process, or, if an electronic mail address is not indicated in the legal process, through the use of such counsel's facsimile telephone number, if indicated in the legal process, or, if neither an electronic mail address or a facsimile telephone number for such counsel is indicated in the legal process, by first class mail addressed to such counsel at the address indicated in the legal process, and the copy shall be deemed furnished when it is transmitted by electronic mail or telecopy, or posted by mail, as applicable.

(iii) Provisionally assume that the legal process applies to the deposit account or safe deposit box, as applicable, and hold the funds in the account as specified in section 700.140, or in the case of a safe deposit box, maintain the safe deposit box as specified in section 700.150, in each

case without liability to person in whose name the deposit account or safe deposit box stands, provided that (i) the financial institution shall not pay to the levying officer the amount in question unless the financial institution is directed in writing to do so by the levying officer or a court order received by the financial institution before the close of its business on the fourth court day after the garnishee's memorandum was furnished as herein provided; and (ii) if, by the close of its business on the fourth court day after the garnishee's memorandum was furnished as herein provided, the financial institution has not been served with written directions from the levying officer or a court order instructing the financial institution to pay the levying officer the amount in question, or if, before such time the financial institution is served with written directions from the levying officer or a court order instructing the financial institution to release the deposit to the depositor, the financial institution shall thereafter and without further notice to any party conclusively presume that the legal process does not apply to the deposit account and release such account or safe deposit box to the person in whose name the deposit account or safe deposit box stands without liability to the judgment creditor.

(c) (i) If the name or other information about the judgment debtor contained in the legal process indicates or suggests that the judgment debtor operates under a different organizational structure than the structure indicated by the name in which the deposit account or safe deposit box stands or by other information in the financial institution's records for the account or safe deposit box (such as might be the case if the legal process identifies the judgment debtor as "S Company, LLC," which suggests a limited liability company structure or "S, doing business as S Company," which suggests a sole proprietorship structure, and the financial institution's records state that the person in whose name the deposit account or safe deposit box stands is "S Company, Inc.," which suggests a corporate structure), the financial institution shall neither treat the deposit account or safe deposit box as affected by the legal process, nor refer to the deposit account or safe deposit box in its garnishee's memorandum furnished pursuant to section 701.030, even if the name of the judgment debtor is identical or similar to the name of the person in whose name the deposit account or safe deposit box stands.

(ii) If the name (or names) of the judgment debtor, contained in the legal process, is identical or similar to the name of the person in whose name the deposit account or safe deposit box stands and the name or other information about the judgment debtor identified the legal process is ambiguous with regard to the organizational structure under which the judgment debtor operates, but the financial institution reasonably concludes that such ambiguous organizational structure may be consistent with the structure indicated by the name in which the deposit account or safe deposit box stands or by other information in the financial institution's records for the account or safe deposit box (such as might be the case if the legal process identifies the judgment debtor as "S Company," which is ambiguous as to the judgment debtor's organizational structure, and the financial institution's records state that the person in whose name the deposit account or safe deposit box stands is "S Company, Inc."), the provisions of subdivision (b) of this section shall apply.

(iii) If the name (or names) of the judgment debtor contained in the legal process, regardless of any identified organizational structure, is identical or similar to the fictitious business name used by a person in whose name the deposit account or safe deposit box stands, but is not identical or similar to the owner of that fictitious business name as shown on the financial institution's records (such as might be the case if the legal process identifies the judgment debtor as "S

Company” and the financial institutions records state that the name of the depositor or holder of a safe deposit box is “John Smith dba S Company”), the legal process shall not apply to the deposit account or safe deposit box and the provisions of subdivision (b) of this section shall not apply.

(d) If the judgment creditor’s counsel receives a copy of the garnishee’s memorandum from the financial institution, as contemplated by subdivision (b) (ii), the judgment creditor may apply to the court, ex parte, for a determination whether the financial institution shall forward to the levying officer any funds held provisionally pursuant to subdivision (b)(iii) or make the safe deposit box available to the levying officer, and, in accordance with such subdivision the financial institution shall act upon any resulting court order timely received.

(e) If the legal process does not identify the judgment creditor’s counsel, all references in this section to such counsel shall instead refer to the judgment creditor.

CODE OF CIVIL PROCEDURE § 701.030

(a) At the time of service of a copy of ~~the writ of execution and a notice of levy~~legal process on a third person, the levying officer shall request the third person to give the levying officer a garnishee's memorandum containing the information required by this section. Within 10 days after the ~~request~~legal process is ~~made~~served, the third person shall mail or deliver the garnishee's memorandum to the levying officer whether or not the levy is effective.

(b) The garnishee's memorandum shall be executed under oath and shall contain the following information, as applicable:

(1) A description of any property of the judgment debtor sought to be levied upon that is not delivered to the levying officer and the reason for not delivering the property.

(2) A description of any property of the judgment debtor not sought to be levied upon that is in the possession or under the control of the third person at the time of levy.

(3) A statement of the amount and terms of any obligation to the judgment debtor sought to be levied upon that is due and payable and is not paid to the levying officer, and the reason for not paying the obligation.

(4) A statement of the amount and terms of any obligation to the judgment debtor sought to be levied upon that is not due and payable at the time of levy.

(5) A statement of the amount and terms of any obligation to the judgment debtor at the time of levy not sought to be levied upon.

(6) A description of claims and rights of other persons to the property or obligation levied upon that are known to the third person and the names and addresses of such other persons.

(7) A statement that the garnishee holds neither any property nor any obligations in favor of the judgment debtor.

(8) Any information required to be included pursuant to subdivision (b)(i) of section 701.015.

(c) If a garnishee's memorandum is received from the third person, the levying officer shall promptly mail or deliver a copy of the memorandum to the judgment creditor and attach the original to the writ when it is returned to the court. If a garnishee's memorandum is not received from the third person, the levying officer shall so state in the return.

(d) Except as provided in subdivisions (e) and (f), if a third person does not give the levying officer a garnishee's memorandum within the time provided in subdivision (a) or does not provide complete information, the third person may, in the court's discretion, be required to pay the costs and reasonable attorney's fees incurred in any proceedings to obtain the information required in the garnishee's memorandum.

(e) Notwithstanding subdivision (a), when the levy is made upon a deposit account or upon property in a safe deposit box, the financial institution need not give a garnishee's memorandum to the levying officer if the financial institution fully complies with the levy and, if a garnishee's memorandum is required, the garnishee's memorandum need provide information with respect only to property which is carried on the records available at the office or branch where the levy is

made. provided that if a levy has been served at a central location designated by a financial institution in accordance with section 684.115, the garnishee's memorandum shall apply to all offices and branches of the financial institution except to the extent acceptance of the levy at such central location is limited pursuant to paragraph (3) of subdivision (a) of section 684.115.

(f) Notwithstanding subdivision (a), the third person need not give a garnishee's memorandum to the levying officer if both of the following conditions are satisfied:

(1) The third person has delivered to the levying officer all of the property sought to be levied upon.

(2) The third person has paid to the levying officer the amount due at the time of levy on any obligation to the judgment debtor that was levied upon and there is no additional amount that thereafter will become payable on the obligation levied upon.

CODE OF CIVIL PROCEDURE § 703.570

- (a) The hearing on the motion shall be held not later than ~~20~~ 30 days from the date the notice of motion was filed with the court unless continued by the court for good cause.
- (b) Not less than 10 days prior to the hearing, the judgment creditor shall serve a notice of the hearing and a copy of the notice of opposition to the claim of exemption on the claimant and on the judgment debtor, if other than the claimant. Service shall be made personally or by mail.

CODE OF CIVIL PROCEDURE § 708.510

(a) Except as otherwise provided by law, upon application of the judgment creditor on noticed motion, the court may order the judgment debtor to assign to the judgment creditor or to a receiver appointed pursuant to Article 7 (commencing with Section 708.610) all or part of a right to payment due or to become due, whether or not the right is conditioned on future developments, including but not limited to the following types of payments:

(1) Wages due from the federal government that are not subject to withholding under an earnings withholding order.

(2) Rents.

(3) Commissions.

(4) Royalties.

(5) Payments due from a patent or copyright.

(6) Insurance policy loan value.

(b) The notice of the motion shall be served on the judgment debtor. Service shall be made personally or by mail.

(c) Subject to subdivisions (d), (e), and (f), in determining whether to order an assignment or the amount of an assignment pursuant to subdivision (a), the court may take into consideration all relevant factors, including the following:

(1) The reasonable requirements of a judgment debtor who is a natural person and of persons supported in whole or in part by the judgment debtor.

(2) Payments the judgment debtor is required to make or that are deducted in satisfaction of other judgments and wage assignments, including earnings assignment orders for support.

(3) The amount remaining due on the money judgment.

(4) The amount being or to be received in satisfaction of the right to payment that may be assigned.

(d) A right to payment may be assigned pursuant to this article only to the extent necessary to satisfy the money judgment.

(e) When earnings or periodic payments pursuant to a pension or retirement plan are assigned pursuant to subdivision (a), the amount of the earnings or the periodic payments assigned shall not exceed the amount that may be withheld from a like amount of earnings under Chapter 5 (commencing with Section 706.010) (Wage Garnishment Law).

(f) Where a specific amount of the payment or payments to be assigned is exempt by another statutory provision, the amount of the payment or payments to be assigned pursuant to subdivision (a) shall not exceed the amount by which the payment or payments exceed the exempt amount.

[\(g\) The term "right to payment," as used in this section, shall not include any right a depositor might have with regard to a deposit account maintained at a financial institution.](#)

FINANCIAL CODE § 952

Notice to any bank of an adverse claim (the person making the adverse claim being hereinafter called “adverse claimant”) to a deposit standing on its books to the credit of or to personal property held for the account of any person shall be disregarded, and the bank, notwithstanding the notice, shall honor the checks, notes, or other instruments requiring payment of money by or for the account of the person to whose credit the account stands and on demand shall deliver that property to, or on the order of, the person for whose account the property is held, without any liability on the part of the bank; subject, however, to the exceptions provided in subdivisions (a) and (b) :

(a) If an adverse claimant delivers to the bank at the office at which the deposit is carried or at which the property is held an affidavit of the adverse claimant stating that of the adverse claimant’s own knowledge the person to whose credit the deposit stands or for whose account the property is held is a fiduciary for the adverse claimant and that the adverse claimant has reason to believe the fiduciary is about to misappropriate the deposit or the property, and stating the facts on which the claim of fiduciary relationship and the belief are founded, the bank shall refuse payment of the deposit and shall refuse to deliver the property for a period of not more than three court days (including the day of delivery) from the date that the bank received the adverse claimant’s affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the bank at the office at which the deposit is carried or at which the property is held a restraining order, injunction, or other appropriate order against the bank from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names the deposit stands or for whose account the property is held are parties, the bank shall comply with the order or injunction, without liability on its part.

(c) This section shall be applicable even though the name of the person appearing on the bank’s books to whose credit the deposit stands or for whose account the property is held is modified by a qualifying or descriptive term such as “agent²²,” “trustee²²,” or other word or phrase indicating that the person may not be the owner in his or her own right of the deposit or property.

(d) Nothing in the California Multiple-Party Accounts Law contained in Part 2 (commencing with Section 5100) of Division 5 of the Probate Code limits the applicability of this section.

(e) For purposes of this section, the term “office at which the deposit is carried” shall mean the branch, office or other location where the account containing the subject deposit is carried or maintained.

(f) Notwithstanding subdivisions (a) and (b) of this section, (i) if a central location has been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of Civil Procedure, the adverse claimant shall serve a notice of adverse claim or related affidavit, order, injunction or other order contemplated herein at the central location, or (ii) if a central location has not but should have been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of

Civil Procedure, the adverse claimant shall may serve a notice of adverse claim or related affidavit, order, injunction or other order contemplated herein at any branch of such institution located in California.

FINANCIAL CODE § 1650

Notice to a bank operating a [safetysafe](#) deposit department or to a company conducting a [safetysafe](#) deposit business of an adverse claim (the person making the adverse claim being hereinafter in this section called “adverse claimant”) to any personal property in a [safetysafe](#) deposit box maintained by a bank or company and rented to any person, or to any personal property held by the bank or company in safekeeping or storage for any person shall be disregarded, and the bank or company, notwithstanding such notice, shall permit access to the box to the person to whom it is rented or shall deliver the contents thereof to or on the order of the person or shall deliver the property held in storage or safekeeping to or on the order of the person for whom it is held, without any liability on the part of the bank or company; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the bank at the office at which the [safetysafe](#) deposit is maintained or the property is held his affidavit stating that of his own knowledge the person in whose name the box stands or for whom the property is held is a fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the contents of the box or the property, and stating the facts upon which such claim of fiduciary relationship and such belief are founded, the bank or company shall refuse access to the [safetysafe](#) deposit box or refuse to deliver the personal property for a period of not more than three (3) court days (including the day of delivery) from the date that the bank or company received the adverse claimant’s affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the bank or company at the office at which the [safetysafe](#) deposit box is maintained or the property is held a restraining order, injunction, or other appropriate order against the bank or company from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names said box stands or for whom the property is held are parties, the bank or company shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the bank’s or company’s books as the renter of the box or as the depositor of the property held in storage or safekeeping is modified by a qualifying or descriptive term such as “agent”, “trustee”, or other word or phrase indicating that the person may not be the owner in his own right of the contents of the box or of the property held in storage or safekeeping. Before giving access to any safe- deposit box, the bank or company may demand payment to it of all costs and expenses of opening the safe- deposit box and all costs and expenses of repairing any damage to the safe- deposit box caused by the opening thereof.

(d) Notwithstanding subdivisions (a) and (b) of this section, (i) if a central location has been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of Civil Procedure, the adverse claimant shall serve a notice of adverse claim or related affidavit, order, injunction or other order contemplated herein at the central location, or (ii) if a central location has not but should have been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of

Civil Procedure, the adverse claimant shall may serve a notice of adverse claim or related affidavit, order, injunction or other order contemplated herein at any branch of such institution located in California.

UNEMPLOYMENT INSURANCE CODE § 1755

(a) If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent or within 10 years after the last entry of a judgment under Article 5 (commencing with Section 1815) or within 10 years after the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, collect the delinquency or enforce any liens by levy served either personally or by certified mail, to all persons having in their possession or under their control any credits or personal property belonging to the delinquent person or employing unit, or owing any debts to the person or employing unit at the time of the receipt of the notice of levy or coming into their possession or under their control for the period of one year from the time of receipt of the notice of levy. Any person upon whom a levy has been served having in his or her possession or under his or her control any credits or personal property belonging to the delinquent person or employing unit or owing any debts to the person or employing unit at the time of the receipt of the levy or coming into his or her possession or under his or her control for the period of one year from the time of receipt of the notice of levy, shall surrender the credits or personal property to the director or pay to the director the amount of any debt owing the delinquent employer within five days of service of the levy, and shall surrender the credits or personal property, or the amount of any debt owing to the delinquent employer coming into his or her possession or under his or her control within one year of receipt of the notice of levy within five days of the date of coming into possession or control of the credits or personal property, or the amount of any debt owing to the delinquent employer is incurred. Any person in possession of any credits or personal property or owing any debts to the delinquent person or employing unit who surrenders the credits or personal property or pays the debts owing the delinquent person or employing unit shall be discharged from any obligation or liability to the delinquent person or employing unit with respect to the credits or personal property surrendered or debts paid to the director. If the levy is made on a deposit or credits or personal property in the possession or under the control of a bank or savings and loan association, the notice of levy shall be delivered or mailed to the branch or office of the bank or savings and loan association at which the deposit is carried or at which credits or personal property is held. ~~If the levy is made on a bank or savings and loan association it will apply to all credits or personal property as provided in this section, except that it will apply to credits and personal property in a deposit account, as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code, only at the time the notice of levy is received by the bank or savings and loan association.~~ For purposes of this section, the term “office at which the deposit is carried” shall mean the branch, office or other location where the account containing the subject deposit is carried or maintained.

(b) If the person to be served with a levy pursuant to subdivision (a) is a financial institution, the levy will apply to such deposit only to the extent of the funds held on deposit at the time the notice of levy is received by the financial institution.

(c) Notwithstanding subdivision (a) of this section, if the person to be served with a levy pursuant to subdivision (a) is a financial institution and the levy applies to a deposit account maintained by such financial institution, and (i) central location has been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of Civil Procedure, the adverse claimant shall serve a levy contemplated herein at the central location, or (ii) if a central location has not but should have

been designated by the bank pursuant section 684.115 of the Code of Civil Procedure for service of “legal process,” as that term is defined in section 684.110 of the Code of Civil Procedure, the adverse claimant shall may serve a levy contemplated herein at any branch of such institution located in California.