



San Luis Obispo County Sheriff's Office



Civil Division

GENERAL GUIDE TO THIRD PARTY CLAIMS

This information is provided to help the Third Party Claimant with the claim process. It is **recommended** that all claimants consult with their attorney for legal advice and correct preparation of the required documentation. This guide should not be construed as legal advice by the Sheriff's Office nor is it intended to be a substitute for your attorney. The Sheriff's levy officer will be checking your claim to insure the below listed items are included, nothing more.

THE FORM SHOULD

1. Apply to property which is actually under levy by the Sheriff.
2. The person making the claim must not be the defendant/debtor.

CONTENTS OF THIS CLAIM (CCP 720.130 and 720.230)

1. The third party claim must be executed under oath:
 - a. A Notary must verify both the oath and the signature.
 - b. Or, it may be signed under penalty of perjury (CCP 2015.5)
2. The claim must include:
 - a. The name of third person making claim and address in this state.
 - b. A description of the property.
 - c. A description of the interest claimed including a statement of facts upon which the claim is based (CCP 720.130), or a description of the security interest claimed with a statement of facts (CCP 720.230).
 - d. An estimate of the market value (CCP 720.130) or total sum due and interest (CCP 720.230).
3. A copy of any writing upon which the claim is based shall be attached to the claim (CCP 720.130). For security interests, a copy of the security interest and any financial statement shall be attached to the claim. For a lien, a copy of any writing upon which the claim is based shall be attached to the claim (CCP 720.230).

Again, it is **firmly** recommended that this process be prepared and submitted by your attorney. The Sheriff's Civil Division personnel cannot provide legal advice.