

West's Ann.Cal.C.C.P. § 487.010

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Effective: [See Text Amendments]

West's Annotated California Codes [Currentness](#)

Code of Civil Procedure ([Refs & Annos](#))

Part 2. Of Civil Actions ([Refs & Annos](#))

▢ [Title 6.5. Attachment \(Refs & Annos\)](#)

▢ [Chapter 7. Property Subject to Attachment \(Refs & Annos\)](#)

→ § 487.010. Subject property

The following property of the defendant is subject to attachment:

- (a) Where the defendant is a corporation, all corporate property for which a method of levy is provided by Article 2 (commencing with [Section 488.300](#)) of Chapter 8.
- (b) Where the defendant is a partnership or other unincorporated association, all partnership or association property for which a method of levy is provided by Article 2 (commencing with [Section 488.300](#)) of Chapter 8.
- (c) Where the defendant is a natural person, all of the following property:
 - (1) Interests in real property except leasehold estates with unexpired terms of less than one year.
 - (2) Accounts receivable, chattel paper, and general intangibles arising out of the conduct by the defendant of a trade, business, or profession, except any such individual claim with a principal balance of less than one hundred fifty dollars (\$150).
 - (3) Equipment.
 - (4) Farm products.
 - (5) Inventory.
 - (6) Final money judgments arising out of the conduct by the defendant of a trade, business, or profession.
 - (7) Money on the premises where a trade, business, or profession is conducted by the defendant and, except for the first one thousand dollars (\$1,000), money located elsewhere than on such premises and deposit accounts, but, if the defendant has more than one deposit account or has at least one deposit account and money located elsewhere than on the premises where a trade, business, or profession is conducted by the defendant, the court, upon application of the plaintiff, may order that the writ of attachment be levied so that an aggregate amount of one thousand dollars (\$1,000) in the form of such money and in such accounts remains free of levy.
 - (8) Negotiable documents of title.
 - (9) Instruments.
 - (10) Securities.

(11) Minerals or the like (including oil and gas) to be extracted.

(d) In the case of a defendant described in subdivision (c), community property of a type described in subdivision (c) is subject to attachment if the community property would be subject to enforcement of the judgment obtained in the action in which the attachment is sought. Unless the provision or context otherwise requires, if community property that is subject to attachment is sought to be attached:

(1) Any provision of this title that applies to the property of the defendant or to obligations owed to the defendant also applies to the community property interest of the spouse of the defendant and to obligations owed to either spouse that are community property.

(2) Any provision of this title that applies to property in the possession or under the control of the defendant also applies to the community property in the possession or under the control of the spouse of the defendant.

CREDIT(S)

(Added by Stats.1974, c. 1516, p. 3353, § 9, operative Jan. 1, 1977. Amended by Stats.1976, c. 437, p. 1127, § 24; Stats.1982, c. 1198, p. 4287, § 46, operative July 1, 1983.)

LAW REVISION COMMISSION COMMENTS

1976 Amendment (Revised Comment)

The amendment of the introductory clause of Section **487.010** makes clear that only the defendant's property is subject to attachment. All other property is exempt from attachment in the action as provided by subdivision (d) of Section 487.020. The fact that the defendant's property is subject to attachment does not in any way mean that the plaintiff may cause it to be attached in a particular action without incurring liability for abuse of process should the levy be excessive.

Subdivision (b) is amended to make clear that, where the defendant is an unincorporated association, all the property of the association for which a method of levy is provided is subject to attachment.

Subdivision (c) is amended to make clear that leasehold estates with an unexpired term of less than one year are not subject to attachment where the defendant is an individual. This amendment continues former law. See former Section 537.3(b) (6).

The provision concerning deposit accounts--formerly appearing in paragraph (2) of subdivision (c)--has been combined with the provision concerning money in paragraph (7). The effect of this amendment is that all of an individual defendant's money on the premises where he conducts a trade, business, or profession is subject to attachment. In addition, all but \$1,000 of the individual's deposit accounts and money not located on the premises where he conducts a trade, business, or profession is subject to attachment. However, where the individual defendant either has more than one deposit account or has one or more deposit accounts and money not on the premises, the plaintiff must apply to the court in order to levy on such money or on the deposit accounts so that the total remaining free from attachment is \$1,000. The plaintiff may apply for such order at the time of the hearing on issuance of the writ or thereafter.

Where an individual is sued for his individual liability as a partner or a member of an association, subdivision (c) provides the property of the individual which may be reached by the attachment. Consequently, _____ all

individuals against whom attachment may properly be issued pursuant to Section 483.010 are treated the same regardless of whether their personal liability arises out of their conduct of a trade, business, or profession as a sole proprietor, a partner, or a member of an association (13 Cal.L.Rev.Comm. Reports 801, amended by 16 Cal.L.Rev.Comm. Reports 1673).

1982 Amendment

Subdivisions (a) and (b) of Section **487.010** are amended to correct cross-references. Subdivision (c) is amended to conform to Sections 481.090 ("document of title" defined), 481.115 ("general intangibles" defined), 481.117 ("instrument" defined), 481.170 ("person" defined), 488.325 (levy on minerals and the like to be extracted), and 488.480 (levy on final money judgment). Subdivision (d) is new and is analogous to Section 695.020 in the Enforcement of Judgments Law (16 Cal.L.Rev.Comm. Reports 652, 1613).

LEGISLATIVE COMMITTEE COMMENTS--SENATE

1974 Addition

Section **487.010** is substantially the same as former Section 537.3. The introductory paragraph of former Section 537.3 provided that property exempt from execution was not subject to attachment. The next to last paragraph of subdivision (b) of Section 537.3 provided that property necessary for the support of the defendant and his family was not subject to attachment. These provisions are continued in Section 487.020.

Subdivisions (a) and (b) of Section **487.010** are the same in substance as subdivision (a) of Former Section 537.3. These subdivisions have been revised in part to make clear that property for which a method of levy is not provided is not subject to attachment, e.g., copyrights and patents.

Subdivision (c) is substantially the same as subdivision (b) of former Section 537.3. Some terms have been changed, but their meaning is still substantially the same, and some types of property have been added.

The method of levy on real property tends to minimize the impact of the defendant of an attachment of such property. See [Sections 488.315 and 700.015] (levy on real property). Accordingly, attachment of real property is permitted whether or not the real property is business-related property.

Section **487.010** does not affect rules governing priorities between creditors. See, e.g., [CODE CIV.PROC. § 1206](#) (laborer's preferred claim). Moreover, special rules as to what property is subject to attachment apply where the attachment is issued pursuant to Chapter 12 (nonresident attachment). See Section 492.040 (11 Cal.L.Rev.Comm. Reports 701; 12 Cal.L.Rev.Comm. Reports 560, amended by 16 Cal.L.Rev.Comm. Reports 1673).

HISTORICAL AND STATUTORY NOTES

2009 Electronic Pocket Part Update

1982 Amendment. Substituted "Section 488.300" for "Section 488.310" in subds. (a) and (b); substituted "a natural person" for "an individual" in the introductory clause of subd. (c); substituted "general intangibles arising out of the conduct by the defendant of a trade, business, or profession," for "choses in action" in subd. (c) (2); inserted "Final money" in subd. (c) (6); added "of title" to subd. (c) (8); deleted "Negotiable" preceding "Instruments" in subd. (c) (9); and added subds. (c) (11), (d) (1), and (d) (2).

1979 Main Volume

The 1976 amendment included in subd. (b) partnership "or other unincorporated association"; inserted a new subd. (c)(1); renumbered former subd. (c)(1) as subd. (c)(2); transferred the substance of former subd. (c)(2) to the end of subd. (c)(7); and deleted subd. (d) relating to suit against an individual for his individual liability as a partner in a partnership.

Inapplicability to writs of attachment issued prior to Jan. 1, 1977, see Historical Note under § 481.010.

Derivation: Former § 537.3, added by Stats.1972, c. 550, p. 942, § 5.

West's Ann. Cal. C.C.P. § 487.010, CA CIV PRO § 487.010

Current with legislation through Ch. 765 of the 2008 Reg.Sess., Ch. 1 of the 2007-2008 1st Ex.Sess., Ch. 1 of the 2007-2008 2nd Ex.Sess., Ch. 7 of the 2007-2008 3rd Ex.Sess., and all propositions on 2008 ballots.

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