1 **Rule 69A. Seizure of property.**

2 Unless otherwise directed by the writ, the officer ~~shall~~ must seize property as follows:

3 (a) **Debtor's preference.** When there is more property than necessary to satisfy the

4 amount due, the officer ~~shall~~ must seize such part of the property as the defendant may

5 indicate. If the defendant does not indicate a preference, the officer ~~shall~~ must first seize

6 personal property, and if sufficient personal property cannot be found, then the officer

7 ~~shall~~ must seize real property.

8 (b) **Real property.** Real property ~~shall~~ must be seized by ~~filing~~ recording the writ and a

9 description of the property with the county recorder and leaving the writ and

10 description with an occupant of the property. If there is no occupant of the property, the

11 officer ~~shall~~ must post the writ and description in a conspicuous place on the property. If

12 another person claims an interest in the real property, the officer ~~shall~~ must serve the

13 writ and description on the other person.

14 (c) **Personal property.**

15 ~~(c)~~(1) Farm products, as that term is defined in Utah Code Section 70A-9a-102, may

16 be seized by filing the writ and description of the property with the central filing

17 system established by Utah Code Section 70A-9a-320.

18 ~~(c)~~(2) Securities shall be seized as provided in Utah Code Section 70A-8-111.

19 ~~(c)~~(3) In the discretion of the officer, property of extraordinary size or bulk, property

20 that would be costly to take into custody or to store, and property not capable of

21 delivery may be seized by serving the writ and a description of the property on the

22 person holding the property. The officer ~~shall~~ must request of the person holding the

23 property an affidavit describing the nature, location, and estimated value of the

24 property.

25 ~~(c)~~(4) Otherwise, personal property ~~shall~~ must be seized by serving the writ and a

26 description of the property on the person holding the property and taking the

27 property into custody.

28

29   *Effective date:*