

Part II. A State-by-State Practice Guide

Chapter 16

California

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KeyCite®: Cases and other legal materials listed in KeyCite Scope can be researched through the KeyCite service on Westlaw®. Use KeyCite to check citations for form, parallel references, prior and later history, and comprehensive citator information, including citations to other decisions and secondary materials.

§ 16:1 Overview

1. Name of the Process

General Assignment for the Benefit of Creditors¹

2. Is the proceeding statutory or governed by case law?

California general assignments are governed by a nonjudicial application of a series of statutes found across a number of “Codes,” as well case law established from as far back as the early 1930s. The primary statutes are as follows:

[Section 16:1]

¹The process discussed herein may not be the only process available in this state, but was the process chosen by the contributor. Please refer to the Scope at the beginning of the chapter for further information.

Civil Code:

§ 1954.1	Landlord Provisions ²
§ 1950.1	Recovery of Security Deposits ³
§ 3439.07	Remedies of Creditor in Action for Relief Against (Fraudulent) Transfer ⁴
§ 3440	Transfer of Personal Property Without Immediate Transfer of Possession Fraudulent ⁵
§ 3440.1(e)	Exceptions ⁶

Code of Civil Procedure:

§ 493.030(a) et. seq.	Pre-Assignment Attachments ⁷
§ 1204, 1204.5	Priorities (wages; customer depositors) ⁸
§ 1800	Recovery of Preferential Transfers ⁹
§ 1800 (c) (3)	Unperfected Security Interests ¹⁰
§ 1801	Exemptions ¹¹
§ 1802	Written Notice of Assignments ¹²

²Cal. Civ. Code § 1954.1.

³Cal. Civ. Code § 1950.1.

⁴Cal. Civ. Code § 3439.07.

⁵Cal. Civ. Code § 3440.

⁶Cal. Civ. Code § 3440.1(e).

⁷Cal. Civ. Proc. Code §§ 493.030(a) et seq.

⁸Cal. Civ. Proc. Code §§ 1204, 1204.5.

⁹Cal. Civ. Proc. Code § 1800.

¹⁰Cal. Civ. Proc. Code § 1800(c)(3).

¹¹Cal. Civ. Proc. Code § 1801.

¹²Cal. Civ. Proc. Code § 1802.