

CHAPTER 640

SPECIFIC ATTACHMENT

Referred to in §331.653

[P]

Seizure of boats or rafts, chapter 667

640.1	When authorized.	640.4	Form of writ.
640.2	Fraudulently induced sales.	640.5	Bond to discharge.
640.3	Granted by court or judge — terms.		

640.1 When authorized.

In an action to enforce a security interest in or a lien upon personal property, or for the recovery, sale, or partition of such property, or by a plaintiff having a future estate or interest therein for the security of the plaintiff's rights, where it satisfactorily appears by the petition, verified on oath, or by affidavits or the proofs in the cause, that the plaintiff has a just claim, and that the property has been or is about to be sold, concealed, or removed from the state, or where plaintiff states on oath that the plaintiff has reasonable cause to believe, and does believe, that unless prevented by the court the property will be sold, concealed, or removed, an attachment may be granted against the property.

[R60, §3225; C73, §3000; C97, §3913; C24, 27, 31, 35, 39, §12147; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §640.1]

Referred to in §640.3

640.2 Fraudulently induced sales.

In an action by a vendor of property fraudulently purchased to vacate the contract and have a restoration of the property or compensation therefor, where the petition shows such fraudulent purchase of property and the amount of the plaintiff's claim, and is verified, an attachment against the property may be granted.

[R60, §3226; C73, §3001; C97, §3914; C24, 27, 31, 35, 39, §12148; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §640.2]

Referred to in §640.3

640.3 Granted by court or judge — terms.

The attachment in the cases mentioned in sections 640.1 and 640.2 may be granted by the court in which the action is brought, upon such terms and conditions as to security by the plaintiff for the damages which may be occasioned, and with such directions as to the disposition to be made of the property attached as may be just and proper under the circumstances of each case.

[R60, §3227; C73, §3002; C97, §3915; C24, 27, 31, 35, 39, §12149; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §640.3]

640.4 Form of writ.

The attachment shall describe the specific property against which it is issued, and have endorsed upon it the direction of the court as to the disposition to be made of the attached property, and be directed, executed, and returned as other attachments.

[R60, §3230; C73, §3003; C97, §3916; C24, 27, 31, 35, 39, §12150; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §640.4]

640.5 Bond to discharge.

The court may, in any of the cases mentioned under this head of specific attachments, direct the terms and conditions of the bond to be executed by the defendant, with security, in order to obtain a discharge of the attachment or to release the attached property.

[R60, §3231; C73, §3004; C97, §3917; C24, 27, 31, 35, 39, §12151; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §640.5]