

Introduction to Enforcement of Judgments

- ❖ **Judgment Liens**
- ❖ **Examination of Judgment Debtors
and Third Parties**
- ❖ **Levy of Execution**
 - The Debtor's Possible Responses
 - Related Provisional Remedy
- ❖ **Wage Garnishments**
- ❖ **Consideration of Other Options**

JUDGMENT

(JUD-100)

JUD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO. (Optional): (916) 446-0791 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Banc of America Leasing & Capital, LLC		FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY APR 25 2017 Clerk of the Superior Court By <u>ASHMIKA SEGRAN-TEO</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch: Hall of Justice & Records PLAINTIFF: Banc of America Leasing & Capital, LLC DEFENDANT: Clinton's Restaurants, Inc.		CASE NUMBER: 16CIV03028
JUDGMENT <input type="checkbox"/> By Clerk <input checked="" type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input checked="" type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial		

1. ☒ **BY DEFAULT**
- a. Defendant was properly served with a copy of the summons and complaint.
- b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
- c. Defendant's default was entered by the clerk upon plaintiff's application.
- d. ☐ **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
- e. ☒ **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
- (1) ☐ plaintiff's testimony and other evidence.
- (2) ☒ plaintiff's written declaration (Code Civ. Proc., § 585(d)).
2. ☐ **ON STIPULATION**
- a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
- b. ☐ the signed written stipulation was filed in the case.
- c. ☐ the stipulation was stated in open court ☐ the stipulation was stated on the record.
3. ☐ **AFTER COURT TRIAL**. The jury was waived. The court considered the evidence.
- a. The case was tried on (date and time):
before (name of judicial officer):
- b. Appearances by:
- ☐ Plaintiff (name each): ☐ Plaintiff's attorney (name each):
- (1) (1)
- (2) (2)
- ☐ Continued on Attachment 3b.
- ☐ Defendant (name each): ☐ Defendant's attorney (name each):
- (1) (1)
- (2) (2)
- ☐ Continued on Attachment 3b.
- c. ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
- d. ☐ A statement of decision (Code Civ. Proc., § 632) ☐ was not ☐ was requested.

PLAINTIFF: Banc of America Leasing & Capital, LLC	CASE NUMBER: 16CIV03028
DEFENDANT: Clinton's Restaurants, Inc.	

- JUDGMENT IS ENTERED AS FOLLOWS BY: ☒ THE COURT ☐ THE CLERK
4. ☐ **Stipulated Judgment**. Judgment is entered according to the stipulation of the parties.
5. **Parties**. Judgment is
- a. ☒ for plaintiff (name each): Banc of America Leasing & Capital, LLC
- c. ☐ for cross-complainant (name each):
- and against defendant (names): Clinton's Restaurants, Inc.
- and against cross-defendant (name each):
- ☐ Continued on Attachment 5a. ☐ Continued on Attachment 5c.
- b. ☐ for defendant (name each):
- d. ☐ for cross-defendant (name each):
6. **Amount**.
- a. ☒ Defendant named in item 5a above must pay plaintiff on the complaint:
- | | |
|---|--------------|
| (1) <input checked="" type="checkbox"/> Damages | \$ 94,856.20 |
| (2) <input checked="" type="checkbox"/> Prejudgment interest at the annual rate of 18 % | \$ 6,876.66 |
| (3) <input checked="" type="checkbox"/> Attorney fees | \$ 2,857.84 |
| (4) <input checked="" type="checkbox"/> Costs | \$ 510.00 |
| (5) <input type="checkbox"/> Other (specify): | \$ 0.00 |
| (6) TOTAL | \$105,100.70 |
- b. ☐ Plaintiff to receive nothing from defendant named in item 5b.
- ☐ Defendant named in item 5b to recover costs \$ 0.00
- ☐ and attorney fees \$ 0.00
- c. ☐ Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:
- | | |
|---|---------|
| (1) <input type="checkbox"/> Damages | \$ 0.00 |
| (2) <input type="checkbox"/> Prejudgment interest at the annual rate of % | \$ 0.00 |
| (3) <input type="checkbox"/> Attorney fees | \$ 0.00 |
| (4) <input type="checkbox"/> Costs | \$ 0.00 |
| (5) <input type="checkbox"/> Other (specify): | \$ 0.00 |
| (6) TOTAL | \$ 0.00 |
- d. ☐ Cross-complainant to receive nothing from cross-defendant named in item 5d.
- ☐ Cross-defendant named in item 5d to recover costs \$ 0.00
- ☐ and attorney fees \$ 0.00

7. ☐ Other (specify):

Date: **APR 25 2017**

V. Raymond Sarge
JUDICIAL OFFICER

Date: ☐ Clerk, by ☐ Deputy

(SEAL)	CLERK'S CERTIFICATE (Optional) I certify that this is a true copy of the original judgment on file in the court. Date: Clerk, by <input type="checkbox"/> Deputy
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JUDGMENT LIENS

- ▶ Establishing Priority Over Other Creditors
- ▶ Establishing Secured Position for Bankruptcy
- ▶ Judgment Liens on Real Property – Abstract of Judgment
- ▶ Judgment Liens on Personal Property – Notice of Judgment Lien on Personal Property aka J-1
- ▶ Judgment Liens Created by Other Enforcement Procedures
- ▶ Relation Back Doctrine

ABSTRACT OF JUDGMENT

- ▶ \$40.00 issuance fee
- ▶ Record issued Abstract of Judgment with County Recorder's Office
- ▶ Creates lien on property owned or acquired by debtor
- ▶ Lien last ten years from date of judgment
- ▶ Can renew indefinitely by filing and recording application for renewal of judgment
- ▶ May survive bankruptcy

ABSTRACT OF JUDGMENT

(EJ-001)

EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

Kevin P. Whiteford, CSBN 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814
TEL NO: (916) 446-0790 FAX NO. (optional):
E-MAIL ADDRESS (Optional):

☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo
STREET ADDRESS: 400 County Center
MAILING ADDRESS: 400 County Center
CITY AND ZIP CODE: Redwood City, CA 94063
BRANCH NAME: Southern Branch: Hall of Justice & Records

FOR RECORDER'S USE ONLY

PLAINTIFF: Banc of America Leasing & Capital, LLC
DEFENDANT: Clinton's Restaurants, Inc.

CASE NUMBER: 16CIV03028

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS ☐ Amended

FOR COURT USE ONLY


1. The ☒ judgment creditor ☐ assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's
Name and last known address
Clinton's Restaurants, Inc.
648 S. Broadway
Los Angeles, CA 90014

b. Driver's license no. [last 4 digits] and state: ☒ Unknown
c. Social security no. [last 4 digits]: ☒ Unknown
d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):
Clinton's Restaurants, Inc.
648 S. Broadway, Los Angeles, CA 90014

2. ☐ Information on additional judgment debtors is shown on page 2.
3. Judgment creditor (name and address):
Banc of America Leasing & Capital, LLC
c/o Serlin & Whiteford, LLP - 700 E Street
Sacramento, CA 95814
Date: April 25, 2017
KEVIN P. WHITEFORD
(TYPE OR PRINT NAME)

4. ☐ Information on additional judgment creditors is shown on page 2.
5. ☐ Original abstract recorded in this county:

a. Date:
b. Instrument No.: 
(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$ 105,100.70

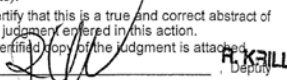
7. All judgment creditors and debtors are listed on this abstract.

8. a. Judgment entered on (date): 04/25/2017
b. Renewal entered on (date):

9. ☐ This judgment is an installment judgment.

10. ☐ An ☐ execution lien ☐ attachment lien is endorsed on the judgment as follows:
a. Amount: \$
b. In favor of (name and address):

11. A stay of enforcement has
a. ☒ not been ordered by the court.
b. ☐ been ordered by the court effective until (date):

12. a. ☒ I certify that this is a true and correct abstract of the judgment entered in this action.
b. ☐ A certified copy of the judgment is attached.
Clerk, by  Deputy

RODINA M. CATALANO
This abstract issued on (date):
MAY - 2 2017

Form Adopted for Mandatory Use
Judicial Council of California
EJ-001 (Rev. July 1, 2014)

PLAINTIFF: Banc of America Leasing & Capital, LLC
DEFENDANT: Clinton's Restaurants, Inc.

COURT CASE NO.: 16CIV03028

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address): 14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown
Social security no. [last 4 digits]: ☐ Unknown
Summons was personally served at or mailed to (address):

17. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown
Social security no. [last 4 digits]: ☐ Unknown
Summons was personally served at or mailed to (address):

18. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown
Social security no. [last 4 digits]: ☐ Unknown
Summons was personally served at or mailed to (address):

19. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown
Social security no. [last 4 digits]: ☐ Unknown
Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

Notice of Judgment Lien

(JL-1)

- ▶ Places lien on limited personal property
 - ☐ A/R if CA debtor
 - ☐ Equipment and Farm Products in CA
 - ☐ Certain Inventory and Negotiable Docs of Title
- ▶ Expires 5 years from date of filing
- ▶ File with CA Secretary of State; \$10.00 filing fee
- ▶ File Judgment Lien Change (JL3) for Continuation

NOTICE OF JUDGMENT LIEN

FOLLOW INSTRUCTIONS CAREFULLY (front and back of form)

A. NAME & PHONE OF FILER'S CONTACT (optional)

B. SEND ACKNOWLEDGMENT TO: (NAME AND ADDRESS)

Kevin P. Whiteford, CSBN 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

17-7582561648

04/27/2017 17:00



FILED

CALIFORNIA
SECRETARY OF STATE



61027690002 UCC FILING

THIS SPACE FOR FILING OFFICE USE ONLY

1. JUDGMENT DEBTOR'S EXACT LEGAL NAME - Insert only one name, either 1a or 1b. Do not abbreviate or combine names.

1a. ORGANIZATION'S NAME

CLINTON'S RESTAURANTS, INC.

1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

648 S. Broadway

CITY

Los Angeles

STATE

CA

POSTAL CODE

90014

COUNTRY

USA

2. JUDGMENT CREDITOR'S NAME - Do not abbreviate or combine names.

2a. ORGANIZATION'S NAME

BANC OF AMERICA LEASING & CAPITAL, LLC

2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE

SUFFIX

2c. MAILING ADDRESS

c/o Serlin & Whiteford, LLP
700 E Street

CITY

Sacramento

STATE

CA

POSTAL CODE

95814

COUNTRY

USA

3. ALL PROPERTY SUBJECT TO ENFORCEMENT OF A MONEY JUDGMENT AGAINST THE JUDGMENT DEBTOR TO WHICH A JUDGMENT LIEN ON PERSONAL PROPERTY MAY ATTACH UNDER SECTION 697.530 OF THE CODE OF CIVIL PROCEDURE IS SUBJECT TO THIS JUDGMENT LIEN.

A. Title of court where judgment was entered: Superior Court of California, San Mateo County

B. Title of the action: Banc of America Leasing & Capital, LLC vs. Clinton's Restaurants, Inc.

C. Number of this action: 16CIV03028

D. Date judgment was entered: 04/25/2017

E. Date of subsequent renewals of judgment (if any): -0-

F. Amount required to satisfy judgment at date of this notice: \$ 105,100.70

G. Date of this notice: April 25, 2017

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

[Signature]
SIGNATURE - SEE INSTRUCTION NO. 4

Dated: April 25, 2017

(If not indicated, use same as date in item 3G.)

Kevin P. Whiteford, Attorney
SERLIN & WHITEFORD, LLP

FOR: Banc of America Leasing & Capital, LLC

FILING OFFICE COPY

NOTICE OF JUDGMENT LIEN (FORM JL1) (Rev. 6/01)
Approved by the Secretary of State

Legal
Solutions
& Plus

SS-J1

JUDGMENT LIEN CHANGE FORM

(JL-3)

POS-030

JUDGMENT LIEN CHANGE FORM

FOLLOW INSTRUCTIONS CAREFULLY (front and back of form)

A. NAME & PHONE NUMBER OF FILER'S CONTACT (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Kevin P. Whiteford
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

1775724895

02/23/2017 17:00

FILED
CALIFORNIA
SECRETARY OF STATE

59886590002 UCC 3 FILING

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. SECRETARY OF STATE FILE NO. (Original Notice of Judgment Lien)

12-7307311348

1b. DATE OF FILING ORIGINAL NOTICE OF JUDGMENT LIEN

03/19/2012

2. NOTICE OF CONTINUATION OF JUDGMENT LIEN ON PERSONAL PROPERTY

☒ THIS NOTICE IS FILED TO CONTINUE THE EFFECTIVENESS OF THE NOTICE OF JUDGMENT LIEN IDENTIFIED IN ITEMS 1a & 1b.
(California Code of Civil Procedure section 697.510.)

3. JUDGMENT DEBTOR'S EXACT LEGAL NAME - Insert a name in 3a or 3b only. Do not abbreviate or combine names.

3a. ORGANIZATION'S NAME

3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

3c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

4. JUDGMENT CREDITOR'S EXACT NAME - Insert a name in 4a or 4b only. Do not abbreviate or combine names.

4a. ORGANIZATION'S NAME

4b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

4c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

5. RELEASE OF JUDGMENT LIEN ON PERSONAL PROPERTY

☐ THE JUDGMENT LIEN ON THE PERSONAL PROPERTY SUBJECT TO LIEN IS HEREBY RELEASED AS DESCRIBED IN ITEM 7 BELOW.
(California Code of Civil Procedure section 697.650.)

6. SUBORDINATION OF JUDGMENT LIEN ON PERSONAL PROPERTY

☐ THE JUDGMENT LIEN ON THE PERSONAL PROPERTY SUBJECT TO LIEN IS HEREBY SUBORDINATED AS DESCRIBED IN ITEM 7 BELOW.
(California Code of Civil Procedure section 697.650.)

7. DESCRIPTION OF RELEASE OR SUBORDINATION OF PERSONAL PROPERTY

8.

SIGNATURE OF JUDGMENT CREDITOR (See instructions for item 8.)
Kevin P. Whiteford, SERLIN & WHITEFORD, LLP, Attorneys
FOR BANC OF AMERICA LEASING & CAPITAL, LLC

February 22, 2017
DATE

FILING OFFICE COPY

JUDGMENT LIEN (FORM JL3) - (REV. 04/2010)

APPROVED BY SECRETARY OF STATE

BOA/Design Options Holdings, LLC

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Kevin P. Whiteford, CSBN 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

TELEPHONE NO.: (916) 446-0790 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): BANC OF AMERICA LEASING & CAPITAL, LLC

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo

STREET ADDRESS: 400 County Center

MAILING ADDRESS: 400 County Center

CITY AND ZIP CODE: Redwood City, CA 94063

BRANCH NAME: Southern Branch: Hall of Justice & Records

PETITIONER/PLAINTIFF: BANC OF AMERICA LEASING & CAPITAL, LLC

RESPONDENT/DEFENDANT: DESIGN OPTIONS HOLDINGS, LLC

FOR COURT USE ONLY

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

CASE NUMBER:

CIV509117

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 700 E Street, Sacramento, CA 95814

3. On (date): 02/22/2017 I mailed from (city and state): Sacramento, California the following documents (specify):

NOTICE OF CONTINUATION OF JUDGMENT LIEN ON PERSONAL PROPERTY (Judgment Lien Change Form)

☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)
(form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):

a. ☐ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. ☒ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

a. Name of person served: Design Options Holdings, LLC

b. Address of person served:

273 Montgomery Avenue
Bala Cynwyd, PA 19004

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 22, 2017

CATHY L. NGUYEN

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use
Judicial Council of California
POS-030 (New January 1, 2005)

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Legal
Solutions
& Plus
Code of Civil Procedure, §§ 1013, 1013a

Acknowledgment of Satisfaction (EJ-100)

- ▶ Name of judgment creditor and judgment debtor MUST match to how it was listed on the recorded Abstract of Judgment
- ▶ Needs to be Notarized

EJ-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number): After recording, return to:		
TEL NO.: _____ FAX NO. (optional): _____ E-MAIL ADDRESS (Optional): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
PLAINTIFF: _____ DEFENDANT: _____		CASE NUMBER: _____ <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>
ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT <input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> MATURED INSTALLMENT		<div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>

1. Satisfaction of the judgment is acknowledged as follows:
 - a. ☐ Full satisfaction
 - (1) ☐ Judgment is satisfied in full.
 - (2) ☐ The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.
 - b. ☐ Partial satisfaction
The amount received in partial satisfaction of the judgment is \$ _____
 - c. ☐ Matured installment
All matured installments under the installment judgment have been satisfied as of (date): _____
2. Full name and address of judgment creditor:*
3. Full name and address of assignee of record, if any:
4. Full name and address of judgment debtor being fully or partially released:*
5. a. Judgment entered on (date): _____
 b. ☐ Renewal entered on (date): _____
6. ☐ An ☐ abstract of judgment ☐ certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER
7. ☐ A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify): _____

NOTICE TO JUDGMENT DEBTOR: If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.

Date: _____

(SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY**)

Application and Order for Appearance and Examination

(AT-138/EJ-125)

- **Judgment Debtor Examination Application and Order in One Form**
 - ☐ Ex Parte Application (mail it in)
 - ☐ Limitations on location and frequency
- **Third Party Examination**
 - ☐ Requires Additional Declaration
 - ☐ Description of Property on Back
- **Needs to be personally served at least 10 days prior to examination date**
 - ☐ Service creates one year judgment lien

Application and Order for Appearance and Examination

(AT-138/EJ-125)

- **\$60.00 filing fee**

☐ Some counties charge a mandatory \$30.00 court reporter fee

- **Bring a Court Reporter**
- **Serve with a Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, etc. (Judicial Council form SUBP-002) (CCP 708.130)**

Application and Order for Appearance and Examination (AT-138/EJ-125)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Kevin P. Whiteford FIRM NAME: SERLIN & WHITEFORD, LLP STREET ADDRESS: 700 E Street CITY: Sacramento TELEPHONE NO.: (916) 446-0790 E-MAIL ADDRESS: ATTORNEY FOR (name): DE LAGE LANDEN FINANCIAL SERVICES, INC.		STATE BAR NO.: 142916 STATE: CA ZIP CODE: 95814 FAX NO.: FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JUN 28 2017 Sherri R. Carter, Executive Officer/Clerk By: Sky Soyeon Hahn, Deputy CRS Reservation ID No. 170531223139 CASE NUMBER: 16K08638
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF DE LAGE LANDEN FINANCIAL SERVICES, INC. DEFENDANTS MEDISPA, INC.		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		

ORDER TO APPEAR FOR EXAMINATION

- TO (name): Edwin H. Choi, as agent of S Medispa, Inc.
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: August 7, 2017 Time: 1:30 p.m. Dept. or Div.: 77 Rm.:
Address of court ☒ is shown above ☐ is:

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: JUN 28 2017
YOLANDA OROZCO
JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- ☒ Original judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order applies for an order requiring (name): Edwin H. Choi, as agent of S Medispa, Inc. to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor.
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 31, 2017

KEVIN P. WHITEFORD
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

(Continued on reverse)

AT-138/EJ-125 Information for Judgment Creditor Regarding Service If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

- NOTICE TO PERSON SERVED** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.
- NOTICE TO JUDGMENT DEBTOR** The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation* (form MC-410). (Civil Code, § 54.8.)

Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, etc.

(SUBP-002)

SUEP-002	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): DE LAGE LANDEN FINANCIAL SERVICES, INC.	FOR COURT USE ONLY
NAME OF COURT: Superior Court of California, Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse PLAINTIFF/PETITIONER: DE LAGE LANDEN FINANCIAL SERVICES, INC.	
DEFENDANT/RESPONDENT: S MEDISPA, INC.	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	CASE NUMBER: 16K08638

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
Edwin H. Choi, as agent of S Medispa, Inc.

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: August 7, 2017 Time: 1:30 p.m. ☒ Dept.: 77 ☐ Div.: ☐ Room:
b. Address: 111 North Hill Street, Los Angeles, California 90012

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

3. YOU ARE (item a or b must be checked):

- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party or attorney: KEVIN P. WHITEFORD b. Telephone number: 916-446-0790

5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: July 5, 2017

KEVIN P. WHITEFORD
(TYPE OR PRINT NAME)


(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorneys for De Lage Landen Financial Services, Inc.

(Declaration in support of subpoena on reverse)

(TITLE)

Page 1 of 3

SUBP-002	
PLAINTIFF/PETITIONER: DE LAGE LANDEN FINANCIAL SERVICES, INC. DEFENDANT/RESPONDENT: S MEDISPA, INC.	CASE NUMBER: 16K08638

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING (Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):

in the above-entitled action.

2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produced; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

[SEE ATTACHED DECLARATION]
(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ SUBPOENAING PARTY ☐ ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

Application and Order for Appearance and Examination

(AT-138/EJ-125)

- **What Happens at an Examination?**
- **May Need to Continue for Further Document Production**
- **Bench Warrants**
- **Attorney Fees and Costs as Sanctions**
 - ❑ Application for OSC under CCP 708.170
- **Turnover Orders**
- **Determination of Third Party Claims**

LEVY OF EXECUTION

- **Writ of Execution is the Court's Direction to Sheriff to Seize Property to Satisfy a Judgment**
- **Letter of Instructions to Server and Sheriff**
 - ☐ \$40.00 Sheriff Fee to open levy file
- **Judicial Council Forms**
 - ☐ If levy is on assets of an individual, you must serve the Exemptions Packet
- **If no Memorandum of Garnishee received by Sheriff, it is Creditor's responsibility to follow up with Bank**
- **Central Locations for Service of Legal Process for Financial Institutions**
 - ☐ California Department of Business Oversight
<https://dfpi.ca.gov/central-locations-for-service-of-legal-process/>

Central Locations for Service of Legal Process for Financial Institutions

Central Locations for Service of Legal Process

In accordance with [Code of Civil Procedure Section 684.115](#) (AB 2364), the table below provides links to the designated locations for service of legal process that have been filed with the DFPI by financial institutions* doing business in California. For more information, please see [Information on Central Locations for Service of Legal Process](#) or contact Licensing@dfpi.ca.gov.

Please Note

- The DFPI has no authority to provide advice or guidance about serving process on a financial institution and has no information other than the central location information listed below and on the [Information on Central Locations for Service of Legal Process](#) page.
- The law states: "Should a financial institution required to designate a central location fail to do so, each branch of that institution located in this state shall be deemed to be a central location at which service of legal process may be made, and all of the institution's branches or offices located within this state shall be deemed to be a branch or office covered by central process." To find out if a financial institution changed its name or merged, you may wish to visit the [National Information Center](#) web site.
- Those institutions that designate locations for service of legal process will be added to the table below. The [Code of Civil Procedure Section 684.115](#) provides the DFPI a period of ten (10) business days to post online the designated location information after it is received.

The information in the table below is also available for download: [Central Locations for Service of Legal Process \(Excel\)](#).

**Includes state or national banks, all banks, state or federal savings and loan associations, credit unions, or like organizations, and corporations engaged in safe deposit businesses.*

Designated locations for service of legal process

Note: You can sort by each column, or filter the list by entering any part of a column's content in the Search field. You can also click a institution's link to see detailed information.

Show 10 entries

Search:

Post Date	Institution Name	Institution ID Number	Institution Type	Street Address	City	State
01/05/17	1st Capital Bank	58485	FDIC ID Number	1093 South Main Street Suite 210	Salinas	CA
01/15/13	1st United Services Credit Union	9550038	DBO License Number	805 Marina Village Parkway	Alameda	CA
01/15/13	1st Valley Credit	9530208	DBO License Number	401 West 2nd Street	San Bernardino	CA
01/15/13	Alaska USA Federal Credit Union	5913	NCUA ID Number	19111 Town Center Drive	Apple Valley	CA
01/15/13	Alliance Credit Union	955-0345	DBO License Number	3315 Almaden Expressway Suite 55	San Jose	CA
08/01/13	Allied Healthcare Federal Credit Union	11005	NCUA ID Number	2801 Atlantic Avenue	Long Beach	CA
01/09/13	AllUS Credit Union	65113	NCUA ID Number	20 West Market Street	Salinas	CA
01/15/13	AltaOne Federal Credit Union	5612	NCUA ID Number	701 South China Lake Blvd	Ridgecrest	CA
01/15/13	Altura Credit Union	9530201	DBO License Number	2847 Campus Parkway	Riverside	CA
01/15/13	Amalgamated Bank	622	FDIC ID Number	472 East Colorado Blvd	Pasadena	CA

Showing 1 to 10 of 219 entries

Previous
Next

LETTER TO REGISTERED PROCESS SERVER



700 E Street
Sacramento, CA 95814

Telephone (916) 446-0790
Telecopier (916) 446-0791

Mark A. Serlin
mserlin@globelaw.com

Kevin P. Whiteford
kwhiteford@globelaw.com

May 8, 2017

VIA HAND DELIVERY

Service of Process
RIVER CITY PROCESS SERVICE, INC.
901 H Street, Suite 207
Sacramento, CA 95814

Re: *Banc of America Leasing & Capital, LLC v. Clinton's Restaurants, Inc.*
Superior Court of California, San Mateo County Case No. 16CIV03028

Dear Server:

This firm is counsel to Judgment Creditor Banc of America Leasing & Capital, LLC in the above-referenced action. Enclosed please find the following for processing:

1. A letter of instruction for hand delivery to the Los Angeles County Sheriff's Office, including our check for \$40.00;
2. An original and five (5) copies of a writ of execution directed to the Los Angeles County Sheriff and issued against Clinton's Restaurants, Inc. ("Judgment Debtor");
3. Notices of Levy directed to City National Bank and Judgment Debtor; and
4. Memorandum of Garnishee.

There is one writ to levy, directed to the Los Angeles County Sheriff. Please levy the writ against the following property of Judgment Debtor:

- A. Money in any and all deposit accounts of judgment debtor Clinton's Restaurants, Inc., individually or held with others, at any branches of City National Bank, including but not limited to City National Bank account number [REDACTED], pursuant to Code of Civil Procedure §700.140; and
- B. The contents of any and all safe deposit boxes of judgment debtor Clinton's Restaurants, Inc., individually or held with others, at any branches of City National Bank, pursuant to Code of Civil Procedure §700.150.

RIVER CITY PROCESS SERVICE, INC.

May 8, 2017

Page 2

Service of process of the execution papers should **NOT** be made by the Sheriff, but rather should be made by your firm, as a registered process server. A letter of instructions to the Sheriff is enclosed for hand delivery.

Would you please see to it that a levy file is opened up with the Los Angeles County Sheriff's office, located at 110 N. Grand Ave., Room 525, Los Angeles, California 90012, pursuant to Code of Civil Procedure section 699.080, for the purpose of levying execution of the writ. Then please levy on the deposit accounts and safe deposit boxes of Judgment Debtor by serving copies of the writ, notices of levy, and memorandum of garnishee on City National Bank branch located at 555 S. Flower Street, Los Angeles, California 90071, and upon the Judgment Debtor, in accordance with Code of Civil Procedure §§700.140 and 700.150. You can serve Judgment Debtor via U.S. mail as follows:

Clinton's Restaurants, Inc.
648 S. Broadway
Los Angeles, CA 90014

Once you have completed service of process, please file the appropriate proofs of service with the Los Angeles County Sheriff's office and return conformed copies to me. Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

KEVIN P. WHITEFORD

KPW/ms

Enclosures as stated.

S:\Active Files\banc of america\clintons\correspondence\rivcity.ltr1.wpd

LETTER TO SHERIFF

**SERLIN &
WHITEFORD, LLP**
ATTORNEYS AT LAW

700 E Street
Sacramento, CA 95814

Telephone (916) 446-0790
Telecopier (916) 446-0791

Mark A. Serlin
mserlin@globelaw.com

Kevin P. Whiteford
kwhiteford@globelaw.com

September 29, 2017

VIA HAND DELIVERY

Los Angeles County Sheriff's Office
Civil Division
110 N. Grand Avenue, Room 525
Los Angeles, CA 90012

Re: *Banc of America Leasing & Capital, LLC v. Clinton's Restaurants, Inc.*
Superior Court of California, San Mateo County Case No. 16CIV03028

Dear Sheriff:

This firm is counsel to Plaintiff Banc of America Leasing & Capital, LLC in the above-referenced matter. Enclosed please find the following documents:

1. A check in the amount of \$40.00;
2. An original and three (3) copies of a writ of execution directed to the Los Angeles County Sheriff and issued against Clinton's Restaurants, Inc. ("Judgment Debtor");
3. Notices of Levy directed to City National Bank and Judgment Debtor; and
4. Memorandum of Garnishee.

I am delivering the Writ of Execution to you in order to effect a levy of execution against any funds of Judgment Debtor in the possession of City National Bank, as a financial institution. Please levy the writ against the following property of Judgment Debtor:

- A. Money in any and all deposit accounts of judgment debtor Clinton's Restaurants, Inc., individually or held with others, at any branches of City National Bank, including but not limited to City National Bank account number [REDACTED], pursuant to Code of Civil Procedure §700.140; and
- B. The contents of any and all safe deposit boxes of judgment debtor Clinton's Restaurants, Inc., individually or held with others, at any branches of City National Bank, pursuant to Code of Civil Procedure §700.150.

LOS ANGELES COUNTY SHERIFF

May 8, 2017

Page 2

Service of process of the execution papers will **NOT** be made by the Sheriff, but rather be made by River City Process Service, Inc. Of course, the property to be levied upon is not a dwelling unit.

I have requested that River City Process Service, Inc. levy the writ against the deposit accounts and safe deposit boxes of Judgment Debtor at any branches of City National Bank by serving City National Bank located at 555 S. Flower Street, Los Angeles, California 90071.

River City Process Service, Inc. will levy the writ as instructed above and serve the relevant papers upon Judgment Debtor at the following address:

Clinton's Restaurants, Inc.
648 S. Broadway
Los Angeles, CA 90014

Once River City Process Service, Inc. has completed service of process, River City Process Service, Inc. will file the appropriate proofs of service with the Los Angeles County Sheriff's office and return conformed copies to me. Any eventual payments of money collected pursuant to this writ should be paid to my office at the following address:

SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


KEVIN P. WHITEFORD

KPW/ms

Enclosures as stated.

S:\Active Files\banc of america\clinton's\correspondence\sheriff-1a.ltr1.City National.wpd

WRIT OF EXECUTION (EJ-130)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO. 142916		FOR COURT USE ONLY	
NAME Kevin P. Whiteford			
FIRM NAME Serlin & Whiteford, LLP			
STREET ADDRESS 900 Howe Avenue, Suite 250			
CITY Sacramento	STATE CA	ZIP CODE 95825	
TELEPHONE NO. 916-446-0790	FAX NO.:		
EMAIL ADDRESS:			
ATTORNEY FOR (name) De Lage Landen Financial Services, Inc.			
<input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
STREET ADDRESS 200 West Compton Blvd.			
MAILING ADDRESS 200 West Compton Blvd.			
CITY AND ZIP CODE Compton, 90220			
BRANCH NAME Compton Courthouse			
PLAINTIFF/PETITIONER: DE LAGE LANDEN FINANCIAL SERVICES, INC.		CASE NUMBER 20CMCV00052	
DEFENDANT/RESPONDENT: OT TRUCKLINES, INC., et al.			
<input checked="" type="checkbox"/> EXECUTION (Money Judgment)		<input type="checkbox"/> Limited Civil Case (including Small Claims)	
<input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property		<input checked="" type="checkbox"/> Unlimited Civil Case (including Family and Probate)	
<input type="checkbox"/> SALE <input type="checkbox"/> Real Property			

1. To the Sheriff or Marshal of the County of: **Placer**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name): **De Lage Landen Financial Services, Inc.**

is the ☒ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

OT Trucklines, Inc.
6429 Pacific Blvd., #200
Huntington Park, CA 90255

☒ Additional judgment debtors on next page

5. Judgment entered on (date): **08/24/2020**
(See type of judgment in item 22.)

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ:

- a. ☒ has not been requested.
b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

9. ☐ Writ of Possession/Writ of Sale information on next page.

10. ☐ This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

11. Total judgment (as entered or renewed) \$ **268,847.54**

12. Costs after judgment (CCP 685.090) \$ **0.00**

13. Subtotal (add 11 and 12) \$ **268,847.54**

14. Credits to principal (after credit to interest) \$ **0.00**

15. Principal remaining due (subtract 14 from 13) \$ **268,847.54**

16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ **1,104.85**

17. Fee for issuance of writ (per GC 70626(a)(l)) \$ **40.00**

18. Total amount due (add 15, 16, and 17) \$ **269,992.39**

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ **73.65**
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ **0.00**

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Sherri R. Carter Executive Officer / Clerk of Court

Date: **09/10/2020** Clerk, by **D. Rojas**, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Page 1 of 3

Plaintiff/Petitioner: DE LAGE LANDEN FINANCIAL SERVICES, INC.	CASE NUMBER 20CMCV00052
Defendant/Respondent: OT TRUCKLINES, INC., et al.	

21. ☒ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

Tom Kim
6429 Pacific Blvd., #200
Huntington Park, CA 90255

22. The judgment is for (check one):

- a. ☐ wages owed.
b. ☐ child support or spousal support.
c. ☒ other.

23. ☐ Notice of sale has been requested by (name and address):

24. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:
- a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:

c. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

WRIT OF EXECUTION (cont'd)

(EJ-130)

EJ-130

Plaintiff/Petitioner DE LAGE LANDEN FINANCIAL SERVICES, INC. Defendant/Respondent OT TRUCKLINES, INC., et al.	CASE NUMBER: 20CMCV00052
--	-----------------------------

25. b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (itemize in 25e) specified in the judgment or supplemental order.
- c. ☐ Sale of personal property.
- d. ☐ Sale of real property.
- e. The property is described ☐ below ☐ on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

NOTICE OF LEVY (to Bank)

(EJ-150)

EJ-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): After recording, return to: Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TEL NO.: (916) 446-0790 FAX NO. (optional): E-MAIL ADDRESS (Optional): <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo County STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch: Hall of Justice & Records	
FOR RECORDER'S USE ONLY PLAINTIFF: Banc of America Leasing & Capital, LLC DEFENDANT: Clinton's Restaurants, Inc.	
NOTICE OF LEVY under Writ of <input checked="" type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale	

LEVYING OFFICER (Name and Address): Los Angeles County Sheriff Civil Division 110 N. Grand Ave., Room 525 Los Angeles, CA 90012 Tele: (213) 972-3930	
LEVYING OFFICER FILE NO.:	COURT CASE NO.: 16CIV03028

TO THE PERSON NOTIFIED (name): City National Bank

- The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:
 - Judgment debtor (name): Clinton's Restaurants, Inc.
 - The property to be levied upon is described
☐ in the accompanying writ of possession or writ of sale.
☒ as follows: Money and contents of any and all deposit accounts and safe deposit boxes at any branch of City National Bank in the name of Clinton's Restaurants, Inc., individually or held with others, including but not limited to City National Bank account number [REDACTED]
- The amount necessary to satisfy the judgment creditor's judgment is

a. Total amount due (less partial satisfactions)	\$	105,125.70
b. Levy fee	\$	40.00
c. Sheriff's disbursement fee	\$	12.00
d. Recoverable costs	\$	
e. Total (a through d)	\$	105,177.70
f. Daily interest	\$	28.79
- You are notified as
 - ☐ a judgment debtor.
 - ☒ a person other than the judgment debtor (state capacity in which person is notified) Financial institution at which the judgment debtor maintains deposit accounts and safe deposit boxes.

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

- ☐ mailed on (date):
☐ delivered on (date):
☐ posted on (date):
☐ filed on (date):
☐ recorded on (date):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ Levying officer

☐ Registered process server

Page 1 of 2

SHORT TITLE: Banc of America Leasing & Capital, LLC v.
Clinton's Restaurants, Inc.

LEVYING OFFICER FILE NO.:

COURT CASE NO.:

16CIV03028

-INFORMATION FOR JUDGMENT DEBTOR-

- The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
- You may claim any available exemption for your property. A list of exemptions is attached. If you wish to claim an exemption for personal property, you must do so within 10 days after this notice was delivered to you or 15 days after this notice was mailed to you by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
- You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
- You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
- If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
- All sales at an execution sale are final; there is no right of redemption.

- INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR -

- If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
- You must complete the accompanying Memorandum of Garnishes.
- If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to sections 720.010-720.800 of the Code of Civil Procedure.
- Make checks payable to the levying officer.

NOTICE OF LEVY (to Debtor)

(EJ-150)

EJ-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): After recording, return to: Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TEL NO.: (916) 446-0790 FAX NO. (optional): E-MAIL ADDRESS (Optional): <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo County STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch: Hall of Justice & Records	

PLAINTIFF: Banc of America Leasing & Capital, LLC	FOR RECORDER'S USE ONLY LEVYING OFFICER (Name and Address): Los Angeles County Sheriff Civil Division 110 N. Grand Ave., Room 525 Los Angeles, CA 90012 Tele: (213) 972-3930
DEFENDANT: Clinton's Restaurants, Inc.	LEVYING OFFICER FILE NO.: COURT CASE NO.: 16CIV03028

NOTICE OF LEVY

under Writ of ☒ Execution (Money Judgment) ☐ Sale

TO THE PERSON NOTIFIED (name): Clinton's Restaurants, Inc.

- The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:
 - Judgment debtor (name): Clinton's Restaurants, Inc.
 - The property to be levied upon is described:
☐ in the accompanying writ of possession or writ of sale.
☒ as follows: Money and contents of any and all deposit accounts and safe deposit boxes at any branch of City National Bank in the name of Clinton's Restaurants, Inc., individually or held with others, including but not limited to City National Bank account number [REDACTED]
- The amount necessary to satisfy the judgment creditor's judgment is
 - Total amount due (less partial satisfactions)\$ 105,125.70
 - Levy fee\$ 40.00
 - Sheriff's disbursement fee\$ 12.00
 - Recoverable costs\$
 - Total (a through d)\$ 105,177.70
 - Daily interest\$ 28.79
- You are notified as
 - ☒ a judgment debtor.
 - ☐ a person other than the judgment debtor (state capacity in which person is notified):

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

- ☐ mailed on (date):
☐ delivered on (date):
☐ posted on (date):
☐ filed on (date):
☐ recorded on (date):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ Levying officer ☐ Registered process server

Page 1 of 2

SHORT TITLE: Banc of America Leasing & Capital, LLC v. Clinton's Restaurants, Inc.	LEVYING OFFICER FILE NO.:	COURT CASE NO.: 16CIV03028
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-INFORMATION FOR JUDGMENT DEBTOR-

- The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
- You may claim any available exemption for your property. A list of exemptions is attached. If you wish to claim an exemption for personal property, you must do so within 10 days after this notice was delivered to you or 15 days after this notice was mailed to you by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
- You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
- You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
- If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
- All sales at an execution sale are final; there is no right of redemption.

- INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR -

- If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
- You must complete the accompanying Memorandum of Garnishee.
- If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to sections 720.010-720.800 of the Code of Civil Procedure.
- Make checks payable to the levying officer.

MEMORANDUM OF GARNISHEE

(AT-167/EJ-152)

AT-167/EJ-152

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		LEVYING OFFICER (Name and Address):	
TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):		Los Angeles County Sheriff Civil Division 110 N. Grand Ave., Room 525 Los Angeles, CA 90012 Tele: (213) 972-3930	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch: Hall of Justice & Records		LEVYING OFFICER FILE NO.:	
PLAINTIFF/PETITIONER: Banc of America Leasing & Capital, LLC DEFENDANT/RESPONDENT: Clinton's Restaurants, Inc.		COURT CASE NO.: 16CIV03028	
MEMORANDUM OF GARNISHEE (Attachment–Enforcement of Judgment)			

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does *not* apply to garnishment of earnings.

- a. Garnishee (name): City National Bank
b. Address: 555 S. Flower Street, Los Angeles, California 90071
- Judgment Creditor (name): Banc of America Leasing & Capital, LLC
- ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
- If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

5. For writ of execution only. Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

(Continued on reverse)

AT-167/EJ-152

SHORT TITLE: Banc of America Leasing & Capital, LLC v. Clinton's Restaurants, Inc.	LEVYING OFFICER FILE NO.:	CASE NUMBER: 16CIV03028
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6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:

7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

8. For writ of execution only. Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CITY NATIONAL BANK

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

If you need more space to provide the information required by this memorandum, you may attach additional pages.

☐ Total number of pages attached:

LEVY OF EXECUTION

- **Garnishee, here a bank, must fill out and return a Memorandum of Garnishee to the Sheriff**
 - ☐ Ten days to return to the Sheriff; Sheriff sends to judgment creditor
 - ☐ Garnishee advises whether any property exists and whether garnishee will turn it over to the Sheriff
 - ☐ Signed under oath by garnishee
 - ☐ Garnishee must promptly turn over levied property, or face liability to judgment creditor
 - ☐ If Garnishee fails to deliver Memorandum, then Garnishee can be held liable for attorney fees and costs for judgment creditor to obtain the information
 - ☐ If garnishee refuses to cooperate, may need to set a third party judgment debtor examination

LEVY OF EXECUTION

- **If judgment debtor is an individual, then the judgment debtor must also be served with the Exemption Package:**
 - ☐ A list of exempt property;
 - ☐ A list of the current dollar values of exemptions; and
 - ☐ A Claim of Exemption form
- **These documents are served on the judgment debtor with the notice of levy.**

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(EJ-155)

EJ-155

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy in enforcing a judgment.

Exemptions are found in the United States Code (USC) and in the California codes, primarily the Code of Civil Procedure (CCP).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file the claim of exemption form that you received with the *Notice of Levy* packet.

AMOUNT OF EXEMPTIONS: For the exemption amount, please refer to the code section listed below for each type of property. The current amounts of certain exemptions are listed in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). The amounts of some of the exemptions are amended every three years and become effective immediately on April 1 under the provisions of Code of Civil Procedure section 703.150.

Type of Property	Code and Section	Type of Property	Code and Section
ABLE Accounts	Welf & I C § 4880(c)	Benefit Payments (cont.)	
Accounts (See Deposit Accounts)		Relocation Benefits	CCP § 704.180
Appliances	CCP § 704.020	Retirement Benefits and Contributions:	
Art and Heirlooms	CCP § 704.040	Private	CCP § 704.115
Automobiles	CCP § 704.010	Public	CCP § 704.110
BART District Benefits	Pub Util C § 28896	Segregated Benefit Funds	Ins C § 10498.5
Benefit Payments:		Social Security Benefits	42 USC § 407
BART District Benefits	CCP § 704.110	Strike Benefits	CCP § 704.120
Charity	CCP § 704.170	Supplemental Security Income	42 USC § 1383
Civil Service Retirement Benefits (Federal)	5 USC § 8346	Transit District Retirement Benefits (Alameda and Contra Costa Counties)	42 USC § 407(d)
County Employees Retirement Benefits	CCP § 704.110	Unemployment Benefits and Contributions	CCP § 704.120
Disability Insurance Benefits	Govt C § 31452	Veterans Benefits	38 USC § 5301
Fire Service Retirement Benefits	CCP § 704.130	Veterans Medal of Honor Benefits	38 USC § 1562
Fraternal Organization Funds Benefits	CCP § 704.110	Welfare Payments	CCP § 704.170
Health Insurance Benefits	Govt C § 32210	Welf & I C § 17409	
Irrigation System	CCP § 704.130	Workers Compensation	CCP § 704.160
Retirement Benefits	CCP § 704.110	Boats	CCP § 704.060
Judges Survivors Benefits (Federal)	28 USC § 376(n)	Books	CCP § 704.170
Legislators Retirement Benefits	CCP § 704.110	Building Materials (Residential)	CCP § 704.030
Life Insurance Benefits:		Business:	
Group	CCP § 704.160	Licenses	CCP § 695.060
Individual	CCP § 704.160	Tools of Trade	CCP § 699.720(a)(1)
Lighthouse Keepers Surviving Spouses Benefits	33 USC § 775	Cars and Trucks (including proceeds)	CCP § 704.060
Longshore & Harbor Workers Compensation or Benefits	33 USC § 916	Cash	CCP § 704.010
Military Benefits:		Cemeteries:	
Retirement	10 USC § 1440	Land Proceeds	Health & SC § 7925
Survivors	10 USC § 1450	Plots	CCP § 704.200
Municipal Utility District Retirement Benefits	CCP § 704.110	Charity	CCP § 704.170
Peace Officers Retirement Benefits	CCP § 704.110	Claims, Actions and Awards:	
Pension Plans (and Death Benefits):		Personal Injury	CCP § 704.140
Private	CCP § 704.115	Worker's Compensation	CCP § 704.160
Public	CCP § 704.110	Wrongful Death	CCP § 704.150
Public Assistance	Welf & I C § 17409	Clothing	CCP § 704.020
		Condemnation Proceeds	CCP § 704.720(b)
		County Employees Retirement Benefits	CCP § 704.110
		Damages (See Personal Injury and Wrongful Death)	Govt C § 31452
		Deposit Accounts:	
		Deposit Accounts (generally)	CCP § 704.220

Page 1 of 2

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

EJ-155

Type of Property	Code and Section	Type of Property	Code and Section
Deposit Accounts (cont.)		Military Personnel—Property	50 USC § 3934
Deposit Accounts (hardship)	CCP § 704.225	Motor Vehicle (Including Proceeds)	CCP § 704.060
Escrow or Trust Funds	Fin C § 17410	Municipal Utility District Retirement Benefits	CCP § 704.110
Social Security Direct Deposits	CCP § 704.080	Peace Officers Retirement Benefits	CCP § 704.110
Direct Deposit Account:		Pension Plans:	
Social Security	CCP § 704.080	Private	CCP § 704.115
Supplemental Security Income	CCP § 704.080	Public	CCP § 704.110
Public Benefits	CCP § 704.080	Personal Effects	CCP § 704.020
Disability Insurance Benefits	CCP § 704.130	Personal Injury Actions or Damages	CCP § 704.140
Dwelling House	CCP § 704.740	Prisoner's Funds	CCP § 704.090
Earnings	CCP § 704.070	Property Not Subject to Enforcement of Money Judgments	CCP § 704.210
Educational Grant	15 USC § 1673(a) Ed C § 21116	Prosthetic and Orthopedic Devices	CCP § 704.050
Employment Bonds	Lab C § 404	Provisions (for Residence)	CCP § 704.020
Federal Emergency Management Agency (FEMA) funds	CCP § 704.230	Public Assistance	CCP § 704.170
Financial Assistance:		Public Assistance	Welf & I C § 17409
Charity	CCP § 704.170	Public Employees:	
Public Assistance	CCP § 704.170	Death Benefits	CCP § 704.110
Student Aid	CCP § 704.190	Pension	CCP § 704.110
Welfare (See Public Assistance)		Retirement Benefits	CCP § 704.110
Fire Service Retirement	CCP § 704.110	Vacation Credits	CCP § 704.113
Fraternal Organizations Funds and Benefits	CCP § 704.130	Railroad Retirement Benefits	45 USC § 231m
Fuel for Residence	CCP § 704.170	Railroad Unemployment Insurance	45 USC § 352(e)
Furniture	CCP § 704.020	Relocation Benefits	CCP § 704.180
General Assignment for Benefit of Creditors	CCP § 1801	Retirement Benefits and Contributions:	
Health Aids	CCP § 704.050	Private	CCP § 704.115
Health Insurance Benefits	CCP § 704.130	Public	CCP § 704.110
Home:		Segregated Benefit Funds	Ins C § 10498.5
Building Materials	CCP § 704.030	Service-members Property	50 USC § 523(b)
Dwelling House	CCP § 704.740	Social Security Direct Deposit	42 USC § 407
Homestead	CCP § 704.720	Account	CCP § 704.080
Household	CCP § 704.730	Strike Benefits	CCP § 704.120
House trailer	CCP § 704.710	Supplemental Security Income	42 USC § 1383(d)
Mobilehome	CCP § 704.720	Student Aid	42 USC § 407
Homestead	CCP § 704.730	Tools of Trade	CCP § 704.190
Household Furnishings	CCP § 704.020	Transit District Retirement Benefits (Alameda and Contra Costa Counties)	CCP § 704.060
Insurance:		Travelers Check Sales Proceeds	Fin C § 1875
Disability Insurance	CCP § 704.130	Unemployment Benefits and Contributions	CCP § 704.120
Fraternal Benefit Society	CCP § 704.110	Uniforms	CCP § 704.060
Group Life	CCP § 704.100	Vacation Credits (Public Employees)	CCP § 704.113
Health Insurance Benefits	CCP § 704.130	Veterans Benefits	38 USC § 5301
Individual	CCP § 704.100	Veterans Medal of Honor Benefits	38 USC § 1562
Insurance Proceeds—		Wages	CCP § 704.070
Motor Vehicle	CCP § 704.010	CCP § 706.050	
Irrigation System	CCP § 704.110	CCP § 706.051	
Retirement Benefits	CCP § 704.110	Welfare Payments	CCP § 704.170
Judges Survivors Benefits (Federal)	28 USC § 376(n)	Welf & I C § 17409	
Legislators Retirement Benefits	CCP § 704.110	Workers Compensation Claims or Awards	CCP § 704.160
Licenses	CCP § 695.060	Wrongful Death Actions or Damages	CCP § 704.150
Lighthouse Keepers Surviving Spouses Benefits	33 USC § 775		
Longshore & Harbor Workers Compensation or Benefits	33 USC § 916		
Military Benefits:			
Retirement	10 USC § 1440		
Survivors	10 USC § 1450		

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT (EJ-156)

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EJ-156

EXEMPTIONS UNDER SECTION 703.140(b)

The following lists the current dollar amounts of exemptions from enforcement of judgment under Code of Civil Procedure section 703.140(b) used in a case under title 11 of the United States Code (bankruptcy).

These amounts are effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

Code Civ. Proc., § 703.140(b)	Type of Property	Amount of Exemption
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence,	\$ 29,275
(2)	The debtor's interest in one or more motor vehicles	\$ 5,850
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	\$ 725
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	\$ 1,750
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	\$ 1,550
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	\$ 8,725
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unexpired life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	\$ 15,850
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury of the debtor or an individual of whom the debtor is a dependent	\$ 29,275

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EJ-156

EXEMPTIONS UNDER SECTION 704.010 et seq.

The following lists the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure.

The amount of the automatic exemption for a deposit account under section 704.220(a) is effective September 1, 2020, and unless otherwise provided by statute after that date, will be adjusted annually effective July 1 by the Department of Social Services under Welf. & Inst. Code, § 11453 to reflect the minimum basic standard of care for a family of four as established by § 11452.*

The other amounts are all effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

Code Civ. Proc. Section	Type of Property	Amount of Exemption
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage, or destruction)	\$ 3,325
704.030	Material to be applied to repair or maintenance of residence	\$ 3,500
704.040	Jewelry, heirlooms, art	\$ 8,725
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$4,850)	\$ 8,725
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$9,700)	\$ 17,450
704.220	Deposit account, generally (exemption without claim; amount per judgment debtor, section 704.220(a),(e)) ¹	\$ 1,788*
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b)) ²	
	• Public benefits, one depositor is designated payee	\$ 1,750
	• Social security benefits, one depositor is designated payee	\$ 3,500
	• Public benefits, two or more depositors are designated payees ³	\$ 2,600
	• Social security benefits, two or more depositors are designated payees ³	\$ 5,250
704.090	Inmate trust account	\$ 1,750
	Inmate trust account (restitution fine or order)	\$ 325 ⁴
704.100	Aggregate loan value of unexpired life insurance policies	\$ 13,975

¹ This exemption does not preclude or reduce other exemptions for deposit accounts. However, if the exemption amount for the deposit account applicable under other automatic exemptions—such as those applicable for direct deposit of social security benefits or public benefits—is greater under the other exemptions, then those apply instead of this one. (Code Civ. Proc., § 704.220(b).)

² The amount of a deposit account with direct deposited funds that exceeds exemption amounts shown is also exempt to the extent it consists of payments of public benefits or social security benefits. (Code Civ. Proc., § 704.080(c).)

³ If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (Code Civ. Proc., § 704.080(b)(3) and (4).)

⁴ This amount is not subject to adjustments under Code Civ. Proc., § 703.150.

CLAIM OF EXEMPTION

(EJ-160)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR LEVYING OFFICER USE ONLY (Levying Officer Name and Address)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER FILE NUMBER: _____
CLAIM OF EXEMPTION (Enforcement of Judgment)	FOR COURT USE ONLY

Copy all the information required above (except the top left space) from the Notice of Levy. The top left space is for your name or your attorney's name and address. The original and one copy of this form must be filed with the levying officer.

DO NOT FILE WITH THE COURT.

- My name is: _____
- Papers should be sent to:
 - ☐ me.
 - ☐ my attorney (I have filed with the court and served on the judgment creditor a request that papers be sent to my attorney and my attorney has consented in writing on the request to receive these papers.)
 at the address ☐ shown above ☐ following (specify): _____
- ☐ I am not the judgment debtor named in the notice of levy. The name and last known address of the judgment debtor is (specify): _____
- The property I claim to be exempt is (describe): _____
- The property is claimed to be exempt under the following code and section (specify): _____
- The facts which support this claim are (describe): _____
- ☐ The claim is made pursuant to a provision exempting property to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. **A Financial Statement form is attached to this claim.**
- ☐ The property claimed to be exempt is
 - ☐ a motor vehicle, the proceeds of an execution sale of a motor vehicle, or the proceeds of insurance or other indemnification for the loss, damage, or destruction of a motor vehicle.
 - ☐ tools, implements, materials, uniforms, furnishings, books, equipment, a commercial motor vehicle, a vessel, or other personal property used in the trade, business or profession of the judgment debtor or spouse.
 - all other property of the same type owned by the judgment debtor, either alone or in combination with others, is (describe): _____
- ☐ The property claimed to be exempt consists of the loan value of unmaturing life insurance policies (including endowment and annuity policies) or benefits from matured life insurance policies (including endowment and annuity policies). All other property of the same type owned by the judgment debtor or the spouse of the judgment debtor, either alone or in combination with others, is (describe): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

FINANCIAL STATEMENT

(WG-007/EJ-165)

WG-007/EJ-165

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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FINANCIAL STATEMENT

(Wage Garnishment—Enforcement of Judgment)

NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.		Spouse	
b.			
c.			
d.			
e.			

2. My monthly income

- a. My gross monthly pay is: 2a. \$ _____
- b. My payroll deductions are (specify purpose and amount):
- (1) Federal and state withholding, FICA, and SDI \$ _____
- (2) \$ _____
- (3) \$ _____
- (4) \$ _____

My TOTAL payroll deduction amount is (add (1) through (4)): b. \$ _____

c. My monthly take-home pay is (a minus b): c. \$ _____

d. Other money I get each month from (specify source): d. \$ _____

e. TOTAL MONTHLY INCOME (c plus d) e. \$ _____

3. I, my spouse, and my other dependents own the following property:

- a. Cash 3a. \$ _____
- b. Checking, savings, and credit union accounts (list banks):
- (1) \$ _____
- (2) \$ _____
- (3) \$ _____
- c. Cars, other vehicles, and boat equity (list make, year of each):
- (1) \$ _____
- (2) \$ _____
- (3) \$ _____
- d. Real estate equity d. \$ _____
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately):

e. \$ _____

WG-007/EJ-165

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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4. The monthly expenses for me, my spouse, and my other dependents

- a. Rent or house payment and maintenance 4 a. \$ _____
- b. Food and household supplies b. \$ _____
- c. Utilities and telephone c. \$ _____
- d. Clothing d. \$ _____
- e. Medical and dental payments e. \$ _____
- f. Insurance (life, health, accident, etc.) f. \$ _____
- g. School, child care g. \$ _____
- h. Child, spousal support (prior marriage) h. \$ _____
- i. Transportation & auto expenses (insurance, gas, repair) (list car payments in item 5) i. \$ _____
- j. Installment payments (insert total and itemize below in item 5) j. \$ _____
- k. Laundry and cleaning k. \$ _____
- l. Entertainment l. \$ _____
- m. Other (specify):

m. \$ _____

n. TOTAL MONTHLY EXPENSES (add a through m): n. \$ _____

5. I, my spouse, and my other dependents owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
-----------------	-----	--------------	--------------	----------------------------------

6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe): (If more space is needed, attach page labeled Attachment 6.)

7. ☐ An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 (specify each person's name and monthly amount):

8. ☐ A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 (specify each person's name and monthly amount):

9. ☐ My spouse has signed below.

☐ I have no spouse.

☐ My spouse and I are living separate and apart.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE)
_____ (TYPE OR PRINT NAME OF SPOUSE)	_____ (SIGNATURE OF SPOUSE)

CLAIMS OF EXEMPTION

- **The Judgment Debtor May Claim Levied Property Is Exempt From Enforcement**
 - ☐ Statutory exemptions ensure judgment debtors are left with at least a minimum property and income to survive
 - ☐ Judgment debtor must assert exemptions by filing Claim of Exemption form with the Sheriff
- **Judgment debtor must file the claim of exemption with the Sheriff**
 - ☐ Claim of exemption must be filed by the judgment debtor within 15 days if personally served with notice of levy, and 20 days (plus 5 for mailing) if notice of levy served by mail (new 9/20)
 - ☐ Claim of exemption must include Financial Statement where exemption claim is based on property being “necessary for support”
 - ☐ Claim of exemption is waived if not timely filed
- **Sheriff serves notice of the claim of exemption on judgment creditor**

CLAIMS OF EXEMPTION

- **Judgment creditor then has 10 days *from mailing* to oppose the claim of exemption**
 - ☐ Property released by sheriff if opposition not timely
- **Judgment creditor must file with the court and the sheriff:**
 - ☐ Notice of Hearing on Claim of Exemption (within 30 days)
 - ☐ Notice of Opposition to Claim of Exemption
 - ☐ Notice of Motion for Order Determining the Claim of Exemption
 - ☐ Briefs and declarations
- **The judgment creditor must also serve these papers on the exemption claimant at least 10 days (plus five for mailing) before the hearing**
- **The sheriff files the judgment debtor's exemption papers with the court**

NOTICE OF HEARING ON CLAIM OF EXEMPTION (WG-010/EJ-175)

WG-010/EJ-175	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SBN: _____ fax: _____	TELEPHONE NO.: _____ FOR COURT USE ONLY
ATTORNEY FOR (Name): NAME OF COURT, JUDICIAL DISTRICT OR BRANCH COURT, IF ANY	
PLAINTIFF: DEFENDANT:	LEVYING OFFICER FILE NO.: _____
NOTICE OF HEARING ON CLAIM OF EXEMPTION (Wage Garnishment—Enforcement of Judgment)	COURT CASE NO.: _____

1. TO:

<input type="checkbox"/> Name and address of levying officer	<input type="checkbox"/> Name and address of judgment debtor
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Claimant, if other than judgment debtor (name and address):	<input type="checkbox"/> Judgment debtor's attorney (name and address):
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

2. A hearing to determine the claim of exemption of

☐ judgment debtor

☐ other claimant

will be held as follows:

a. date:	time:	<input type="checkbox"/> dept.:	<input type="checkbox"/> div.:	<input type="checkbox"/> rm.:
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b. address of court:

3. ☐ The judgment creditor will not appear at the hearing and submits the issue on the papers filed with the court.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF JUDGMENT CREDITOR OR ATTORNEY)

If you do not attend the hearing, the court may determine your claim based on the Claim of Exemption, Financial Statement (when one is required), Notice of Opposition to Claim of Exemption, and other evidence that may be presented.

WG-010/EJ-175	
SHORT TITLE:	LEVYING OFFICER FILE NO.
	COURT CASE NO.

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify):

I served the attached Notice of Hearing on Claim of Exemption and the attached Notice of Opposition to Claim of Exemption by enclosing true copies in a sealed envelope addressed to each person whose name and address is given below and depositing the envelope in the United States mail with the postage fully prepaid.

(1) Date of deposit: _____ (2) Place of deposit (city and state): _____

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

PROOF OF SERVICE—PERSONAL DELIVERY

I am over the age of 18 and not a party to this cause. My residence or business address is (specify):

I served the attached Notice of Hearing on Claim of Exemption and the attached Notice of Opposition to Claim of Exemption by personally delivering copies to the person served as shown below.

PERSONS SERVED		
Name	Delivery At	
	Date:	Time: Address:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

NOTICE OF OPPOSITION TO CLAIM OF EXEMPTION (EJ-170)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): SBN: fax:		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PLAINTIFF: DEFENDANT:			
NOTICE OF OPPOSITION TO CLAIM OF EXEMPTION (Enforcement of Judgment)			LEVYING OFFICER FILE NO.:
			COURT CASE NO.:

— DO NOT USE THIS FORM FOR WAGE GARNISHMENTS —

The original of this form and a Notice of Hearing on Claim of Exemption must be filed with the court.

A copy of this Notice of Opposition and the Notice of Hearing *must* be filed with the levying officer.

A copy of this Notice of Opposition and the Notice of Hearing must be served on the judgment debtor and other claimant at least 10 days *before* the hearing.

TO THE LEVYING OFFICER:

1. Name and address of judgment creditor

2. Name and address of judgment debtor

Social Security Number (if known):

3. ☐ Name and address of claimant (if other than judgment debtor)

4. The notice of filing claim of exemption states it was mailed on (date):

5. The item or items claimed as exempt are

- a. ☐ not exempt under the statutes relied upon in the Claim of Exemption.
- b. ☐ not exempt because the judgment debtor's equity is greater than the amount provided in the exemption.
- c. ☐ other (specify):

6. The facts necessary to support item 5 are

- ☐ continued on the attachment labeled Attachment 6.
- ☐ as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

CLAIMS OF EXEMPTION

- **The hearing must be held within 30 days of service of the notice of claim of exemption on the judgment creditor**
 - ☐ Judgment creditor may need to apply ex parte to move hearing up or issue an order for sheriff to hold property pending hearing
 - ☐ Otherwise, levied property released by sheriff if exemption not determined within 30 days
- **Burden of proof on exemption claimant at hearing**
- **Judgment creditor not required to attend hearing; can check box 3 on notice and submit on the papers**
- **Clerk required to send a copy of the order to the sheriff, but the judgment creditor should immediately serve notice of entry of order on judgment debtor and sheriff**

THIRD PARTY CLAIM

- **Someone who is not the judgment debtor may claim ownership or a security interest in levied property by filing a third party claim under CCP 720.110 et seq.**
- **Optional summary procedure**
 - ☐ Failure to file third party claim does not waive third party's rights or interests in levied property
 - ☐ But procedure stops the levy process and avoids more costly litigation
- **Outcome of third party claim procedure is a judgment that has res judicata effect**
- **No Judicial Counsel forms for creditor**

THIRD PARTY CLAIM

- **Third party claim procedure initiated by filing the claim with the sheriff**
- **The third party claim must be executed under penalty of perjury and contain:**
 - ☐ Claimant's name and address for service
 - ☐ Description of the property
 - ☐ Description of the interest claimed, including supporting statement of facts upon which claim based
 - ☐ Estimate of market value of interest claimed, and
 - ☐ A copy of any writings upon which the claim is based
- **Claim must be filed after levy but before sale or other disposition of the property by the sheriff**
- **Sheriff serves notice of the claim on the judgment creditor**

THIRD PARTY CLAIM

ATTORNEY OR PARTY WITHOUT ATTORNEY (name and Address): Michael A. Lanphere, SBN: 117684 Lanphere Law Group, P.C. 400 N. Tustin Ave., Suite 225 Santa Ana, CA 92705 ATTORNEY FOR (Name): ULTRA ESCROW INCORPORATED and JEFF MCINDOO	TELEPHONE NO.: 714-867-8100 FOR COURT USE ONLY JUDGE DEC 21 AM 11:22 COURT SACS DIVISION CENTRAL CRTS LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana 92701	
CASE NAME: DE LAGE LANDEN FINANCIAL SERVICES, INC. v. ULTRA ESCROW INCORPORATED	
THIRD PARTY CLAIM (CCP 720.110, 720.130, 720.230)	CASE NUMBER: 30-2016-00878520 LEVYING OFFICER FILE NUMBER:

I, Jeff McIndoo, declare as follows:

- I am not a party to the above-captioned action, but I have an interest in:
 - ☐ real property that has been levied upon under a writ of attachment or writ of execution
 - ☒ personal property that has been levied upon under a writ of attachment, writ of execution, prejudgment or postjudgment writ of possession, or a writ of sale.
- My address in California where I can be served with legal papers by mail is: 14351 Myford Road, Suite H Tustin, CA 92780
- I have an interest in the following described property: all monies belonging to Ultra Escrow Incorporated at City National Bank, including account number 555034296
- I have an ☒ ownership ☐ security ☐ lien ☐ other interest in the above-described property by virtue of the following facts: I am a Member and the President of Ultra Escrow Incorporated
- The estimated market value of the above-described property interest is \$ 19,343.22.
☐ This is a security interest or lien and the applicable rate of interest is _____ percent.
- Attached are true and correct copies of documents that support my claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 20, 2016 at (city) Santa Ana (state) CA

Jeff McIndoo
 (Print Name of Third Party)
 jdgm.shlac.001.rev.12.21.06

[Signature]
 (Signature of Third Party)
THIRD PARTY CLAIM

THIRD PARTY CLAIM

- **If judgment creditor does nothing, the levy will be released by the sheriff**
- **Judgment creditor may file a bond to prevent release of the levied property; lesser of \$10,000 or 2 times execution lien**
 - ☐ Creditor's undertaking must be filed within 10 days (plus 5 for mailing) after sheriff serves creditor with claim
 - ☐ Bonds and counter-bond authorized by statute, with each party able to object to the other's bond
- **Creditor may also file a petition for hearing on the third party claim and seek a restraining order against release of property**
 - ☐ Opposition to the third party claim must be under oath and supported by admissible evidence
 - ☐ Creditor serves on claimant and judgment debtor personally or by mail

THIRD PARTY CLAIM

- **Creditor may also file a petition for hearing on the third party claim and seek an ex parte restraining order against release of property**
 - ☐ Hearing on third party claim may proceed whether or not the levied property has been released
- **Third party claimant may also file petition for hearing**
- **Petition must be filed with the court within 15 days of the date that the third party claimant filed the third party claim or claimant's release bond**
 - ☐ Deadline is jurisdictional

PETITION FOR HEARING ON THIRD PARTY CLAIM

ELECTRONICALLY RECEIVED
Superior Court of California,
County of Orange
12/30/2016 at 12:29:18 PM
Clerk of the Superior Court
By Devon Villanueva, Deputy Clerk

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
JAN - 9 2017

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

Kevin P. Whiteford, CSBN: 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814
Telephone: (916) 446-0790

Attorneys for Plaintiff and Petitioner
DE LAGE LANDEN
FINANCIAL SERVICES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

DE LAGE LANDEN FINANCIAL SERVICES, INC.,	CASE NO. 30-2016-00878520-CU-EN-CJC Unlimited Civil
Plaintiff,	Levying Officer File No. 30-2016-00878520-CU-EN-CJC
vs.	PETITION FOR HEARING ON THIRD-PARTY CLAIM AND ORDER
ULTRA ESCROW INCORPORATED,	
Defendant.	

TO THE SUPERIOR COURT OF CALIFORNIA FOR ORANGE COUNTY:

1. Petitioner hereby applies as authorized by Section 730.310 of the Code of Civil Procedure for a hearing to determine the validity of a third party claim filed in the above-entitled court pursuant to Section 720.210 of the Code of Civil Procedure.

2. De Lage Landen Financial Services, Inc., petitioner, is the plaintiff and judgment creditor in the above-captioned action.

3. On December 9, 2016, the Los Angeles County Sheriff (the "Levying Officer"), under a writ of execution, levied on the funds held in deposit accounts of defendant and judgment debtor Ultra Escrow Incorporated maintained at City National Bank.

4. On December 21, 2016, nonparty Jeff McIndoo delivered to the Levying Officer a verified claim, asserting ownership of all monies belonging to Ultra Escrow Incorporated at City National Bank, including account number 555034296.

5. On January 4, 2017, Petitioner will file with the Levying Officer an undertaking to have the above-described property held.

6. WHEREFORE, petitioner requests that a date for hearing be set by this court to determine the validity of the third-party claims and the proper disposition of the above-described property that is the subject of the claim.

DATED: December 30, 2016

SERLIN & WHITEFORD, LLP

By: 

KEVIN P. WHITEFORD
Attorneys for Plaintiff and Petitioner
DE LAGE LANDEN
FINANCIAL SERVICES, INC.


ORDER

The petition of De Lage Landen Financial Services, Inc. for a hearing to determine the validity of a third-party claim and the proper disposition of the property that is the subject of the claim, being before this court, and good cause appearing therefor,

IT IS ORDERED that the petition be, and hereby is, granted and that it be, and hereby is, set for hearing in Department C14 of this Court, located at 700 Civic Center Drive West, Santa Ana, California, on 2/10/17, 2017, at 9:00 a.m., or as soon thereafter as the matter can be heard.

IT IS FURTHER ORDERED that a copy of the petition and a copy of this order be served on the Los Angeles County Sheriff, and on City National Bank and on Ultra Escrow Incorporated at least 10 days before the date set for said hearing.

Dated: 1/9/17


JUDGE OF THE SUPERIOR COURT
ROBERT J. MOSS

DECLARATION IN OPPOSITION TO THIRD PARTY CLAIM

Kevin P. Whiteford, CSBN: 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814
Telephone: (916) 446-0790

Attorneys for Plaintiff and Petitioner
DE LAGE LANDEN
FINANCIAL SERVICES, INC.

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
12/30/2016 at 12:28:00 PM
Clerk of the Superior Court
By Davon Velasquez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

DE LAGE LANDEN FINANCIAL
SERVICES, INC.,

Plaintiff,

vs.

ULTRA ESCROW INCORPORATED,

Defendant.

CASE NO. 30-2016-00878520-CU-EN-CJC
Unlimited Civil

Levying Officer File No.
30-2016-00878520-CU-EN-CJC

**DECLARATION IN OPPOSITION TO
THIRD-PARTY CLAIM OF INTEREST IN
LEVIED PROPERTY; AND OPPOSITION**

**Date: February 24, 2017
Time: 09:00AM
Dept: C-14**

I, Kevin P. Whiteford, declare:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of California, and a partner in the law firm of Serlin & Whiteford, LLP, counsel of record for Plaintiff and Judgment Creditor De Lage Landen Financial Services, Inc. (hereinafter "DLL") in the above-captioned matter. I have personal knowledge of the facts stated herein, and if called upon to do so, I could and would testify competently thereto.

2. This declaration is in opposition to the third party claim of Jeff McIndoo (hereinafter "Claimant"), who is not a party to the action, and who claims to own the funds in the bank accounts levied on by DLL.

3. The property levied on in this action is the money in deposit accounts maintained by Judgment Debtor Ultra Escrow Incorporated (hereinafter "Debtor") at City National Bank, when

those accounts were levied, by virtue of a writ of execution on December 9, 2016. Attached hereto as Exhibit A and incorporated herein by this reference is a true and correct copy of the writ of execution issued by the Court for levy in Los Angeles County.

4. Attached hereto as Exhibit B and incorporated herein by this reference is a true and correct copy of the proof of service for the December 9, 2016 levy on the deposit accounts of Debtor at City National Bank, which was filed with the Los Angeles County Sheriff on December 14, 2016.

5. Claimant's third party claim is based on the false assertion that Claimant has an ownership interest in the assets of the corporate Debtor based on Claimant's status as a "Member and the President of Ultra Escrow Incorporated." Corporations are separate entities with the power to own property in their own name. It is black letter law that owners and officers of corporations have not direct ownership interest in corporate property. As such, there is no factual or legal basis for Claimant's contention that he owns an interest in the levied bank accounts.

6. Claimant's third party claim contains no other evidence that would indicate Claimant has an ownership interest in the levied bank accounts. In fact, the documents submitted by Claimant establish the opposite fact. Claimant authenticates bank statements showing an account levied upon by Creditor is an account held solely in Debtor's name. Claimant's declaration also authenticates two corporate resolutions confirming money deposited to Debtor's bank accounts were paid in capital. This indisputably makes the funds property of Debtor, not Claimant.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Sacramento, California, on December 29, 2016.


KEVIN P. WHITEFORD

OPPOSITION TO THIRD PARTY CLAIM

Creditor respectfully submits the following points and authorities in opposition to Claimant's third party claim.

//

THIRD PARTY CLAIM

- The hearing on the third party claim is required to be held within 20 days after the petition is filed and served, but notice of hearing requires minimum 16 court days notice
- Judgment creditor concurrently files and serves the notice of hearing and a sworn statement of opposition
- Judgment creditor serves the third party claimant, judgment debtor, and sheriff
- Sheriff then files the third party claim with the court, along with the judgment creditor's statement, any undertakings (bonds)
- Burden of proof on third party claimant
- No discovery permitted; no jury at trial/hearing

WRITS OF ATTACHMENT

- **Provides Enforcement Before Entry of Judgment**
- **Available for Commercial Claims Over \$500**
- **Requires Motion and Order**
 - ☐ Plaintiff must establish probable validity of claim
 - ☐ Probable Validity = more likely than not to prevail.
 - ☐ Requires at least a prima facie showing
- **Requires Undertaking (Civil Bond) - Typically \$10,000**
- **Permits Discovery of Defendant's Assets**

WRITS OF ATTACHMENT

- **CCP 488.600 makes the statutes governing levies of execution under CCP §701.010, et seq. directly applicable to levies of attachment**
- **However, Property Subject to Attachment More Limited Than Execution:**
 - ☐ All property of entities (corporation, partnership, LLC) for which there is a statutory method of levy
 - ☐ Individuals: real property, accounts receivable, chattel paper, general intangibles, equipment and inventory, money, final money judgments, securities, negotiable instruments
 - ☐ Can reach fraudulently conveyed property

APPLICATION FOR RIGHT TO ATTACH ORDER (AT-105)

AT-105

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small></p> <p>Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO. (Optional):</p> <p><small>E-MAIL ADDRESS (Optional):</small></p> <p><small>ATTORNEY FOR (Name):</small> DE LAGE LANDEN FINANCIAL SERVICES, INC.</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse</p> <p>PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC.</p> <p>DEFENDANT: W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS</p> <p>APPLICATION FOR <input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER <input type="checkbox"/> TEMPORARY PROTECTIVE ORDER <input checked="" type="checkbox"/> ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT <input type="checkbox"/> After Hearing <input type="checkbox"/> Ex Parte <input type="checkbox"/> Against Property of Nonresident</p>	<p><small>FOR COURT USE ONLY</small></p> <p>ELECTRONICALLY FILED</p> <p><i>Superior Court of California, County of San Francisco</i></p> <p>08/25/2016 Clerk of the Court BY: ANNA TORRES Deputy Clerk</p> <p>Reservation No.: 07250919-01</p> <p><small>CASE NUMBER:</small> CGC-16-550749</p>
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1. Plaintiff (name): DE LAGE LANDEN FINANCIAL SERVICES, INC.
 applies ☒ after hearing ☐ ex parte for
 - a. ☒ a right to attach order and writ of attachment.
 - b. ☐ an additional writ of attachment.
 - c. ☐ a temporary protective order.
 - d. ☐ an order directing the defendant to transfer to the levying officer possession of
 - (1) ☐ property in defendant's possession.
 - (2) ☐ documentary evidence in defendant's possession of title to property.
 - (3) ☐ documentary evidence in defendant's possession of debt owed to defendant.

2. Defendant (name): W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS
 - a. ☐ is a natural person who
 - (1) ☐ resides in California.
 - (2) ☐ does not reside in California.
 - b. ☒ is a corporation
 - (1) ☒ qualified to do business in California.
 - (2) ☐ not qualified to do business in California.
 - c. ☐ is a California partnership or other unincorporated association.
 - d. ☐ is a foreign partnership that
 - (1) ☐ has filed a designation under Corporations Code section 15800.
 - (2) ☐ has not filed a designation under Corporations Code section 15800.
 - e. ☐ is other (specify):

3. Attachment is sought to secure recovery on a claim upon which attachment may issue under (check one):
☒ Code of Civil Procedure section 483.010 ☐ Welfare and Institutions Code section 15657.01.
4. Attachment is not sought for a purpose other than the recovery on a claim upon which the attachment is based.
5. Plaintiff has no information or belief that the claim is discharged or the prosecution of the action is stayed in a proceeding under title 11 of the United States Code (Bankruptcy).

AT-105

<p><small>SHORT TITLE</small> DE LAGE LANDEN FINANCIAL SERVICES, INC. vs. W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS</p>	<p><small>CASE NUMBER</small> CGC-16-550749</p>
--	---

6. a. ☐ Plaintiff's claim or claims arise out of conduct by the defendant who is a natural person of a trade, business, or profession. The claim or claims are not based on the sale or lease of property, a license to use property, the furnishing of services, or the loan of money where any of the foregoing was used by the defendant primarily for personal, family, or household purposes.
- b. ☐ Plaintiff's claim or claims arise out of conduct of a natural person who or an entity that has taken, secreted, appropriated, obtained or retained, or assisted in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use, with intent to defraud, or by using undue influence.
7. The facts showing plaintiff is entitled to a judgment on the claim up on which the attachment is based are set forth with particularity in the
 - a. ☐ verified complaint.
 - b. ☒ attached affidavit or declaration.
 - c. ☐ following facts (specify):

8. The amount to be secured by the attachment is: \$159,722.31
 - a. ☒ which includes estimated costs of: \$1,500.00
 - b. ☒ which includes estimated allowable attorney fees of: \$15,000.00
9. Plaintiff is informed and believes that the following property sought to be attached for which a method of levy is provided is subject to attachment:
 - a. ☒ Any property of a defendant who is **not** a natural person.
 - b. ☐ Any property of a nonresident defendant.
 - c. ☐ Property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010 (specify):

- d. ☐ Property covered by a bulk sales notice with respect to a bulk transfer by defendant on the proceeds of the sale of such property (describe):

- e. ☐ Plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold (specify license number):

10. Plaintiff is informed and believes that the property sought to be attached is not exempt from attachment.
11. ☐ The court issued a Right to Attach Order on (date):
 (Attach a copy.)
12. ☐ Nonresident defendant has not filed a general appearance.

APPLICATION FOR RIGHT TO ATTACH ORDER (AT-105)

(cont'd)

SHORT TITLE: DE LAGE LANDEN FINANCIAL SERVICES, INC. vs. W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS	CASE NUMBER: CGC-16-550749
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13. a. Plaintiff ☐ alleges on ex parte application for order for writ of attachment
☐ is informed and believes on application for temporary protective order
that plaintiff will suffer great or irreparable injury if the order is not issued before the matter can be heard on notice because
(1) ☐ it may be inferred that there is a danger that the property sought to be attached will be
(a) ☐ concealed.
(b) ☐ substantially impaired in value.
(c) ☐ made unavailable to levy by other than concealment or impairment in value.
(2) ☐ defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil
Procedure section 485.010(b)(2).
(3) ☐ a bulk sales notice was recorded and published pursuant to division 6 of the Commercial Code with respect to a bulk
transfer by the defendant.
(4) ☐ an escrow has been opened under the provisions of Business and Professions Code section 24074 with respect to
the sale by the defendant.
(5) ☐ other circumstances (specify):

- b. The statements in item 13a are established by ☐ the attached affidavit or declaration
☐ the following facts (specify):

14. ☐ Plaintiff requests the following relief by temporary protective order (specify):

15. Plaintiff
a. ☐ has filed an undertaking in the amount of: \$
b. ☒ has not filed an undertaking.

Date: July 27, 2016

DOUG SHORE
(TYPE OR PRINT NAME OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

DE LAGE LANDEN FINANCIAL SERVICES, INC.

DOUG SHORE
(SIGNATURE OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 27, 2016

DOUG SHORE
(TYPE OR PRINT NAME)

DE LAGE LANDEN FINANCIAL SERVICES, INC.

DOUG SHORE
(SIGNATURE OF DECLARANT)

16. Number of pages attached: 38

AT-106 (Rev. July 1, 2015)

APPLICATION FOR RIGHT TO ATTACH ORDER,
TEMPORARY PROTECTIVE ORDER, ETC. (Attachment)

Page 3 of 3

(AT-115)

AT-115

**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*
08/25/2016
Clerk of the Court
BY: ANNA TORRES
Deputy Clerk

- CASE NUMBER:
CGC-16-550749

- (3) **Code of Civil Procedure section 483.015.** The amount to be attached includes the amount of the indebtedness claimed by plaintiff, plus estimated costs and allowable attorney fees, reduced by the sum of the following:
- (a) the amount of any unsatisfied money judgment held by defendant against plaintiff;
 - (b) the amount of any indebtedness of plaintiff claimed by defendant in a cross-complaint filed in the action (if a writ of attachment could issue on the claim);
 - (c) the amount of any cross-demand for money owed by plaintiff to defendant that is barred by the statute of limitations (but assertable as a Code of Civil Procedure section 431.70 defense) if the debt was one upon which a writ of attachment could have been issued before the statute of limitations ran; and
 - (d) the amount of any security interest held by plaintiff in defendant's property, together with any decrease in the value of the underlying security caused by plaintiff or a prior security holder.

NOTICE OF APPLICATION AND HEARING FOR RIGHT TO ATTACH ORDER (AT-115) (cont'd)

AT-115

SHORT TITLE: DE LAGE LANDEN FINANCIAL SERVICES, INC. vs. W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS	CASE NUMBER: CGC-16-550749
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- 6 h. (4) **Code of Civil Procedure section 483.020.** An attachment ordered in an unlawful detainer proceeding may include
- (a) the amount of rent past due when the complaint is filed;
 - (b) an additional amount for the estimated rent due from the date the complaint was filed until the estimated date of judgment or delivery of possession to plaintiff; plus
 - (c) estimated costs and attorney fees.

Any prepaid rent or lease deposits held by plaintiff are disregarded in the calculation of the amount of attachment. However, the amount of attachment will be reduced by the amounts described in Code of Civil Procedure section 483.015 (see Item 6h(3) above).

- i. Either you or your attorney or both of you may be present at the hearing.
- j. YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH PLAINTIFF'S APPLICATION. THE ATTORNEY SHOULD BE CONSULTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST YOU BEFORE THE TIMES FOR FILING YOUR OPPOSITION AND CLAIMS OF EXEMPTION AND AT THE HEARING.

Date: August 24, 2016

KEVIN P. WHITEFORD


(SIGNATURE OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

RIGHT TO ATTACH ORDER AND ORDER (AT-120)

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small> Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO. (Optional): <small>E-MAIL ADDRESS (Optional):</small> ATTORNEY FOR (Name): DE LAGE LANDEN FINANCIAL SERVICES, INC.		<small>FOR COURT USE ONLY</small> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 100px;"> ENDORSED FILED San Francisco County Superior Court OCT 19 2016 CLERK OF THE COURT KAREN LIU Deputy Clerk </div>
<small>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO</small> STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		Reservation No.: 07250919-01
PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC. DEFENDANT: W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS		CASE NUMBER: CGC-16-550749
<input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT AFTER HEARING <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT AFTER HEARING		

1. a. The application of plaintiff (name): DE LAGE LANDEN FINANCIAL SERVICES, INC.
 for ☒ a right to attach order and order for issuance of writ of attachment
☐ an order for issuance of additional writ of attachment
 against the property of defendant (name): W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS
 came on for hearing as follows:
 (1) Judge (name): Judge Harold E. Kahn
 (2) Hearing date: September 19, 2016 Time: 9:30 a.m. ☒ Dept: 302 ☐ Div.: ☐ Rm.:
 b. The following persons were present at the hearing:
 (1) ☐ Plaintiff (name): DE LAGE LANDEN FINANCIAL SERVICES, INC. (3) ☐ Plaintiff's attorney (name): KEVIN P. WHITEFORD
 (2) ☐ Defendant (name): W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS (4) ☐ Defendant's attorney (name): KATELYN M. KNIGHT
2. THE COURT FINDS FINDINGS
 a. Defendant (specify name): W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS is a ☒ natural person ☐ partnership
☐ unincorporated association ☒ corporation ☐ other (specify):
 b. The claim upon which the application is based is one upon which an attachment may be issued.
 c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
 d. The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.
 e. The amount to be secured by the attachment is greater than zero.
 f. ☒ Defendant failed to prove that all the property described in plaintiff's application is exempt from attachment.
 g. ☐ The following property of defendant, described in plaintiff's application:
 (1) ☐ is exempt from attachment (specify):
 (2) ☐ is not exempt from attachment (specify):
 h. ☐ The following property, not described in plaintiff's application, claimed by defendant to be exempt:
 (1) ☐ is exempt from attachment (specify):
 (2) ☐ is not exempt from attachment (specify):
 i. ☒ An undertaking in the amount of: \$ 10,000.00 is required before a writ shall issue, and plaintiff
☒ has ☒ has not filed an undertaking in that amount.
 j. A Right to Attach Order was issued on (date): _____ pursuant to
☐ Code of Civil Procedure section 484.090 (on hearing) ☐ Code of Civil Procedure section 485.220 (ex parte)
 k. ☐ other (specify): _____

SHORT TITLE: DE LAGE LANDEN FINANCIAL SERVICES, INC. vs. W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS	AT-120 CASE NUMBER: CGC-16-550749
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ORDER

3. THE COURT ORDERS
 a. Plaintiff has a right to attach property of defendant (name): W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS
 in the amount of: \$159,722.31
 b. ☐ The property described in items 2g(1) and 2h(1) of the findings is exempt and shall not be attached.
 c. The clerk shall issue ☒ a writ of attachment ☐ an additional writ of attachment in the amount stated in item 3a
☐ forthwith ☒ upon the filing of an undertaking in the amount of: \$10,000.00
 (1) ☒ for any property of a defendant who is **not** a natural person for which a method of levy is provided.
 (2) ☐ for the property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010 described as follows (specify): _____
 (3) ☐ for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of sale of such property, described as follows (specify): _____
 (4) ☐ for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (specify): _____
 d. ☐ Defendant shall transfer to the levying officer possession of
 (1) ☐ any documentary evidence in defendant's possession of title to any property described in item 3c;
 (2) ☐ any documentary evidence in defendant's possession of debt owed to defendant described in item 3c;
 (3) ☐ the following property in defendant's possession (specify): _____

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

e. ☐ Other (specify): _____

f. Total number of boxes checked in item 3: -3-

Date: OCT 19 2016

RICHARD ULMER
 JUDICIAL OFFICER
 HONORABLE HAROLD E. KAHN RICHARD ULMER

CIVIL BOND –
UNDERTAKING

Liberty Mutual Insurance Company

In The SUPERIOR Court
County of SAN FRANCISCO
State of CALIFORNIA

ENDORSED
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT
2016 SEP 20 AM 8:21

CLERK OF THE COURT
By: E. ALEGRE
DEPUTY CLERK

DE LAGE LANDEN FINANCIAL SERVICES, INC.,

Plaintiff,

vs.

W 9 MICROSOLUTIONS, INC. dba WARP 9
MICROSOLUTIONS; and DOES 1 through
50, inclusive,

Defendants.

Case No. CGC-16-550749

UNDERTAKING UNDER
SECTION 489.210 C.C.P.

LIBERTY MUTUAL INSURANCE COMPANY
790 THE CITY DRIVE SOUTH, SUITE 200
ORANGE, CA 92868

WHEREAS, the above named Plaintiff, as Principal,
desires to give an undertaking for Writ of Attachment as provided in
Section 489.210 C.C.P.

NOW, THEREFORE, the Surety, does hereby obligate itself, jointly and severally, to *****
*****W 9 MICROSOLUTIONS, INC. dba WARP 9 MICROSOLUTIONS***** under said
statutory obligations in the sum of Ten thousand and 00/100*****
***** Dollars (\$ 10,000.00.)

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by
Craig Jorgensen who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an
unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Martinez, California on September 19, 2016

Bond No. 024-069-559

The premium charge for this bond
is \$ 200.00 per annum.

LIBERTY MUTUAL INSURANCE COMPANY

Craig Jorgensen Attorney-in-Fact

CIVIL BOND

WRIT OF ATTACHMENT (AT-135)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO. (Optional): E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): DE LAGE LANDEN FINANCIAL SERVICES, INC. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		
PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC.		
DEFENDANT: W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS		
WRIT OF ATTACHMENT <input checked="" type="checkbox"/> AFTER HEARING <input type="checkbox"/> EX PARTE		CASE NUMBER: CGC-16-550749

1. TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF: SAN FRANCISCO
2. TO ANY REGISTERED PROCESS SERVER: You are only authorized to serve this writ in accord with CCP 488.080.
3. This writ is to attach property of defendant (name and last known address):
 W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS
 665 Third Street, Suite 523, San Francisco, CA 94107
 and the attachment is to secure: \$ 159,722.31
4. Name and address of plaintiff: DE LAGE LANDEN FINANCIAL SERVICES, INC.
 c/o Serlin & Whiteford, LLP
 700 E Street, Sacramento, CA 95814
5. YOU ARE DIRECTED TO ATTACH the following property or so much thereof as is clearly sufficient to satisfy the amount to be secured by the attachment (describe property and state its location; itemize by letter): Any property of a defendant who is not a natural person.

☐ This information is on an attached sheet.

6. ☐ An interest in the real property described in item 5 stands upon the records of the county, in the name of the following person other than the defendant:
 - a. Name:
 - b. Mailing address, if known, as shown by the records of the office of the county tax assessor (specify):

7. ☐ The real property on which the
 - ☐ crops described in item 5 _____ are growing
 - ☐ timber described in item 5 _____ to be cut is standing stands upon the records of the county in the name of
 - a. Name:
 - b. Address:



Date: OCT 28 2016

CLERK OF THE COURT RONNIE OTE Deputy
 Clerk, by _____

WRITS OF ATTACHMENT

- Levied in Essentially the Same Manner as Writ of Execution
- Sheriff Generally Takes Levied Property Into Possession and Holds Pending Outcome of Case
- Can Levy in Multiple Counties
- Must Take Care Not to Over-Levy
- Levy Real Property by Recording
- Can Levy Personal Property by Secretary of State Filing
- Book Levy After Judgment

NOTICE OF ATTACHMENT(to Bank)

(AT-165)

AT-165

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)

After recording return to:

Kevin P. Whiteford, CSBN 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814
TELEPHONE NO.: (916) 446-0790

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): DE LAGE LANDEN FINANCIAL SERVICES, INC.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS: 400 McAllister Street

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: Civic Center Courthouse

PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC.

DEFENDANT: W 9 MICROSOLUTIONS, INC. dba WARP 9
MICROSOLUTIONS

NOTICE OF ATTACHMENT

[This form is used in connection with levy under a writ of attachment.]

FOR RECORDER'S USE ONLY

CASE NUMBER

CGC-16-550749

LEVYING OFFICER (Name and Address):

San Francisco County Sheriff
Civil Division
1 Dr. Carlton B. Goodlett Pl., Rm. 456
San Francisco, CA 94102

FOR COURT USE ONLY

TO THE PERSON NOTIFIED (name): Wells Fargo Bank, N.A.

1. Plaintiff in this action seeks to attach property in which defendant has an interest. The property to be attached is

- a. ☒ (describe property): Contents of any and all deposit accounts and safe deposit boxes at any branches of Wells Fargo Bank, N.A. in the name of W 9 Microsolutions, Inc. dba Warp 9 Microsolutions, including but not limited to Wells Fargo Bank, N.A. account no. [REDACTED]
- b. ☐ described in the Writ of Attachment and Order for Issuance of Writ of Attachment, attached hereto and incorporated by reference.

2. You are notified as

- a. ☐ a defendant.
- b. ☒ a person other than defendant (state capacity in which person is being notified):
Financial institution at which defendant W 9 Microsolutions, Inc. dba Warp 9 Microsolutions maintains deposit accounts and safe deposit boxes.

(Read Information for Defendant or Information for Person Other than Defendant on reverse.)

3. A notice was filed with the

- a. ☐ Secretary of State.
- b. ☐ Department of Motor Vehicles.
- c. ☐ Department of Housing and Community Development.

4. Notice of Attachment was

- a. ☐ mailed on (date):
- b. ☐ delivered on (date):
- c. ☐ posted on (date):
- d. ☐ filed on (date):
- e. ☐ recorded on (date):

Signed by:

▶

☐ Levying officer

☐ Registered process server

Page 1 of 2

—INFORMATION FOR DEFENDANT—

1. The levying officer may be required to take custody of property described in item 1 in your possession or under your control. You have a right to be represented by an attorney in this lawsuit.
2. You may claim any available exemption for your property. An exemption for real property may be claimed any time before the entry of judgment. If the right to attach order or writ of attachment was issued without a noticed hearing and you wish to claim an exemption for personal property, you must do so within 30 days after the levying officer serves you with the Notice of Attachment describing the property. If you do not claim an exemption, you may lose it and the property is subject to attachment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
3. Plaintiff has filed an undertaking. You have the right to object to the undertaking and may apply for an order to substitute an undertaking for your property which has been or is subject to being attached.
4. You have a duty to release tangible personal property to the levying officer. You have the rights and duties specified in Code of Civil Procedure section 488.395 if your farm products or inventory of a going business have been or are subject to attachment.
5. If the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
6. You may apply for a release of the attachment to the extent that the value of your interest in the property exceeds the amount necessary to satisfy the attachment.
7. You may apply to the court for an order modifying or vacating any temporary protective order in the interests of justice or for an order terminating the same upon filing an undertaking.
8. If the writ of attachment has been issued against you because you are a nonresident, you may have the right to attach order set aside by filing a general appearance.
9. If the writ of attachment was issued on an ex parte application, you may apply for an order that the right to attach order be set aside, the writ quashed, and any property levied upon pursuant to the writ be released.
10. If you recover judgment against plaintiff, you may apply for a release of all property attached by plaintiff under the Writ of Attachment. If judgment is recovered against you and you appeal, you have the right to obtain the release of your property by filing a sufficient undertaking.
11. You may object to the amount sought to be secured by the attachment.
12. You may recover damages for wrongful attachment.

—INFORMATION FOR PERSON OTHER THAN DEFENDANT—

1. If the property attached or sought to be attached is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the plaintiff's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the attachment lien. You must execute and deliver any documents needed to transfer the property.
2. You must complete the accompanying Memorandum of Garnishee.
3. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to Code of Civil Procedure sections 720.010-720.800.
4. If you have an interest in the property attached or sought to be attached and the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
5. Make checks payable to the levying officer.

NOTICE OF ATTACHMENT(to Debtor)

(AT-165)

AT-165

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

After recording return to:

Kevin P. Whiteford, CSBN 142916
SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

TELEPHONE NO.: (916) 446-0790

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): DE LAGE LANDEN FINANCIAL SERVICES, INC.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS: 400 McAllister Street

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: Civic Center Courthouse

PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC.

DEFENDANT: W 9 MICRO SOLUTIONS, INC. dba WARP 9
MICRO SOLUTIONS

NOTICE OF ATTACHMENT

[This form is used in connection with levy under a writ of attachment.]

FOR RECORDER'S USE ONLY

CASE NUMBER

CGC-16-550749

LEVYING OFFICER (Name and Address):

San Francisco County Sheriff

Civil Division

1 Dr. Carlton B. Goodlett Pl., Rm. 456

San Francisco, CA 94102

FOR COURT USE ONLY

TO THE PERSON NOTIFIED (name): W 9 MICRO SOLUTIONS, INC. dba
WARP 9 MICRO SOLUTIONS

1. Plaintiff in this action seeks to attach property in which defendant has an interest. The
property to be attached is

a. ☒ (describe property): Contents of any and all deposit accounts and safe deposit boxes at any
branches of Wells Fargo Bank, N.A. in the name of W 9 Microsolutions, Inc. dba WARP 9
Microsolutions, including but not limited to Wells Fargo Bank, N.A. account no. [REDACTED]

b. ☐ described in the Writ of Attachment and Order for Issuance of Writ of
Attachment, attached hereto and incorporated by reference.

2. You are notified as

a. ☒ a defendant.

b. ☐ a person other than defendant (state capacity in which person is being notified):

(Read Information for Defendant or Information for Person Other than Defendant on reverse.)

3. A notice was filed with the

a. ☐ Secretary of State.

b. ☐ Department of Motor Vehicles.

c. ☐ Department of Housing and Community Development.

4. Notice of Attachment was

a. ☐ mailed on (date):

b. ☐ delivered on (date):

c. ☐ posted on (date):

d. ☐ filed on (date):

e. ☐ recorded on (date):

Signed by:



☐ Levying officer

☐ Registered process server

Page 1 of 2

—INFORMATION FOR DEFENDANT—

1. The levying officer may be required to take custody of property described in item 1 in your possession or under your control. You have a right to be represented by an attorney in this lawsuit.
2. You may claim any available exemption for your property. An exemption for real property may be claimed any time before the entry of judgment. If the right to attach order or writ of attachment was issued without a noticed hearing and you wish to claim an exemption for personal property, you must do so within 30 days after the levying officer serves you with the Notice of Attachment describing the property. If you do not claim an exemption, you may lose it and the property is subject to attachment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
3. Plaintiff has filed an undertaking. You have the right to object to the undertaking and may apply for an order to substitute an undertaking for your property which has been or is subject to being attached.
4. You have a duty to release tangible personal property to the levying officer. You have the rights and duties specified in Code of Civil Procedure section 488.395 if your farm products or inventory of a going business have been or are subject to attachment.
5. If the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
6. You may apply for a release of the attachment to the extent that the value of your interest in the property exceeds the amount necessary to satisfy the attachment.
7. You may apply to the court for an order modifying or vacating any temporary protective order in the interests of justice or for an order terminating the same upon filing an undertaking.
8. If the writ of attachment has been issued against you because you are a nonresident, you may have the right to attach order set aside by filing a general appearance.
9. If the writ of attachment was issued on an ex parte application, you may apply for an order that the right to attach order be set aside, the writ quashed, and any property levied upon pursuant to the writ be released.
10. If you recover judgment against plaintiff, you may apply for a release of all property attached by plaintiff under the Writ of Attachment. If judgment is recovered against you and you appeal, you have the right to obtain the release of your property by filing a sufficient undertaking.
11. You may object to the amount sought to be secured by the attachment.
12. You may recover damages for wrongful attachment.

—INFORMATION FOR PERSON OTHER THAN DEFENDANT—

1. If the property attached or sought to be attached is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the plaintiff's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the attachment lien. You must execute and deliver any documents needed to transfer the property.
2. You must complete the accompanying Memorandum of Garnishee.
3. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to Code of Civil Procedure sections 720.010-720.800.
4. If you have an interest in the property attached or sought to be attached and the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
5. Make checks payable to the levying officer.

MEMORANDUM OF GARNISHEE

(AT-167/EJ-152)

AT-167/EJ-152

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		LEVYING OFFICER (Name and Address):	
TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):		FAX NO.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		LEVYING OFFICER FILE NO.:	
PLAINTIFF/PETITIONER: DE LAGE LANDEN FINANCIAL SERVICES, INC. DEFENDANT/RESPONDENT: W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS		COURT CASE NO.: CGC-16-550749	
MEMORANDUM OF GARNISHEE (Attachment-Enforcement of Judgment)			

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does *not* apply to garnishment of earnings.

1. a. Garnishee (name): Wells Fargo Bank, N.A.
b. Address: 1266 Market Street, San Francisco, California 94102
2. Judgment Creditor (name): DE LAGE LANDEN FINANCIAL SERVICES, INC.
3. ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
4. If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

5. For writ of execution only. Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

AT-167/EJ-152

SHORT TITLE: DE LAGE LANDEN FINANCIAL SERVICES, INC. vs. W 9 MICRO SOLUTIONS, INC. dba WARP 9 MICRO SOLUTIONS	LEVYING OFFICER FILE NO.:	CASE NUMBER: CGC-16-550749
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6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:

7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

8. For writ of execution only. Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

WELLS FARGO BANK, N.A.

(TYPE OR PRINT NAME)

(SIGNATURE)

If you need more space to provide the information required by this memorandum, you may attach additional pages.

☐ Total number of pages attached:

(Continued on reverse)

Page 1 of 2

WAGE GARNISHMENT

- Order can be signed by Sheriff or Registered Process Server
- \$35 Sheriff's fee
- Can withhold up to 25% of net wages (50% for support)
- Period of withholding starts 10 days after service of order and continues until judgment paid in full, unless terminated
- Applies to all wages payable for any period that ends during the withholding period
- Judicial Counsel forms generally mandatory
- Must serve employer within 180 days of issuance of writ of execution
- Employer serves employee within 10 days

LETTER TO REGISTERED PROCESS SERVER

**SERLIN &
WHITEFORD, LLP**
ATTORNEYS AT LAW

700 E Street
Sacramento, CA 95814

Telephone (916) 446-0790
Telecopier (916) 446-0791

Mark A. Serlin
mserlin@globelaw.com

Kevin P. Whiteford
kwhiteford@globelaw.com

March 30, 2017

VIA HAND DELIVERY

Service of Process
RIVER CITY PROCESS SERVICE, INC.
901 H Street, Ste. 207
Sacramento, CA 95814

Re: [REDACTED] v. *Dance Hall Investors, Inc., et al.*
Superior Court of California, County of Placer No. S-CV [REDACTED]

Dear Server:

This firm is counsel to Judgment Creditor Dance Hall Investors, Inc. in the above-referenced action. Enclosed please find the following for processing:

1. Levy instructions directed to the Sacramento County Sheriff's Department;
2. Our check in the sum of \$35.00 made payable to the Sacramento County Sheriff for the levy fees;
3. Original and four copies of a Writ of Execution;
4. Original and four copies of an Application for Earnings Withholding Order (Wage Garnishment);
5. Original and four copies of an Earnings Withholding Order;
6. Four copies of an Employee Instructions form;
7. Four copies of a List of Exemptions; Current Dollar Amounts of Exemptions from Enforcement of Judgments;
8. Claim of Exemption and Financial Statement blank forms;
9. Four copies of an Employer's Return; and
10. Four copies of form WG-035 Confidential Statement of Judgment Debtor's Social Security Number.

Please open a levy file with the Sacramento County Sheriff's Department, located at 3341 Power Inn Road #313, Sacramento, California 95826, for the purposes of levying execution of the writ. Then, please levy (wage garnishment) on the judgment debtor, [REDACTED] by serving her employer, **Folsom Hall Investors, Inc. dba Keller Williams Realty, Folsom** located at **2295 Iron Point Rd., Suite 160, Folsom, California 95630**, with the enclosed documents. You will need to sign and date the Earnings Withholding Order BEFORE serving it on the judgment debtor's employer.

RIVER CITY PROCESS SERVICE, INC.
March 30, 2017
Page 2

Once you have completed service of process, please file the appropriate proofs of service with the Sacramento County Sheriff's Department within five days of the date of levy, and return conformed copies to me.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


KEVIN P. WHITEFORD

KPW/cln
Enclosures as stated.
S:\Active Files\dance hall investors\correspondence\rivcity.ltr1.ewo.wpd

LETTER TO SHERIFF

**SERLIN &
WHITEFORD, LLP**
ATTORNEYS AT LAW

700 E Street
Sacramento, CA 95814
Telephone (916) 446-0790
Telecopier (916) 446-0791

Mark A. Serlin
mserlin@globelaw.com
Kevin P. Whiteford
kwhiteford@globelaw.com

March 30, 2017

VIA HAND DELIVERY

Sacramento County Sheriff's Office
Civil Division
3341 Power Inn Road #313
Sacramento, CA 95826

Re: [REDACTED] v. *Dance Hall Investors, Inc., et al.*

Superior Court of California, Placer County Case No: S-CV-[REDACTED]

Dear Sheriff:

This firm is counsel to Judgment Creditor Dance Hall Investors, Inc. the above-referenced matter. We would like to levy the wages of judgment debtor [REDACTED]. She is currently working at Folsom Hall Investors, Inc. dba Keller Williams Realty, Folsom. Enclosed please find the following:

1. Original and two copies of a Writ of Execution;
2. Original and one copy of an Application for Earnings Withholding Order;
3. Copy of the Earnings Withholding Order; and
4. Our check in the amount of \$35.00.

I have requested that River City Process Service, Inc. open a file with your office for the purpose of levying a writ against wages earned by the judgment debtor, [REDACTED]. The judgment debtor's employer is Folsom Hall Investors, Inc. dba Keller Williams Realty, Folsom, located at 2295 Iron Point Road, #160, Folsom, California 95630. Please note that we are not seeking to levy on any dwelling.

Once River City Process Service, Inc. has completed service of process, it will file the appropriate proofs of service with your office and return conformed copies to me.


Please retain the Writ and keep the file open until the 180 day expiration of the Writ. Any eventual garnishment of wages of the above-referenced judgment debtor collected pursuant to this Writ should be paid to my office at the following address:

SACRAMENTO COUNTY SHERIFF
March 30, 2017
Page 2

SERLIN & WHITEFORD, LLP
700 E Street
Sacramento, CA 95814

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


KEVIN P. WHITEFORD

KPW/cln
Enclosures as stated.

S:\Active Files\dance hall investors\correspondence\sheriff.sacramento.tr1.ewo.wpd

APPLICATION FOR EARNINGS WITHHOLDING ORDER (WG-001)

WG-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kevin P. Whiteford, CSBN 142916 SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): DANCE HALL INVESTORS, INC.		LEVYING OFFICER (Name and Address): Sacramento County Sheriff Civil Division 3341 Power Inn Road #313 Sacramento, CA 95826 Civil: (916) 875-2665
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: P.O. Box 619072, Roseville, CA 95661 CITY AND ZIP CODE: Roseville, CA 95678 BRANCH NAME: Bill Santucci Justice Center		
PLAINTIFF/PETITIONER: [REDACTED] DEFENDANT/RESPONDENT: DANCE HALL INVESTORS, INC.		COURT CASE NUMBER: S-CV- [REDACTED]
APPLICATION FOR EARNINGS WITHHOLDING ORDER (Wage Garnishment)		LEVYING OFFICER FILE NUMBER:

TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF: SACRAMENTO
OR ANY REGISTERED PROCESS SERVER

1. The judgment creditor (name): DANCE HALL INVESTORS, INC. requests
issuance of an Earnings Withholding Order directing the employer to withhold the earnings of the judgment debtor (employee).

Name and address of employer	Name and address of employee
Folsom Hall Investors, Inc. dba Keller Williams Realty, Folsom 2295 Iron Point Road, #160 Folsom, California 95630	[REDACTED] Way Granite Bay, CA 95746

2. The amounts withheld are to be paid to
 a. ☒ The attorney (or party without an attorney) named at the top of this page.
 b. ☐ Other (name, address, and telephone):
 Social Security no. ☒ on form WG-035 ☐ unknown

3. a. Judgment was entered on (date): 12/20/2016
 b. Collect the amount directed by the Writ of Execution unless a lesser amount is specified here: \$ _____
4. Check any that apply:
 a. ☐ The Writ of Execution was issued to collect delinquent amounts payable for the support of a child, former spouse, or spouse of the employee.
 b. ☐ The Writ of Execution was issued to collect a judgment based entirely on a claim for elder or dependent adult financial abuse.
 c. ☐ The Writ of Execution was issued to collect a judgment based in part on a claim for elder or dependent adult financial abuse. The amount that arises from the claim for elder or dependent adult financial abuse is (state amount): \$ _____
5. ☐ Special instructions (specify):
6. Check a or b:
 a. ☒ I have not previously obtained an order directing this employer to withhold the earnings of this employee.
 —OR—
 b. ☐ I have previously obtained such an order, but that order (check one):
☐ was terminated by a court order, but I am entitled to apply for another Earnings Withholding Order under the provisions of Code of Civil Procedure section 706.105(h).
☐ was ineffective.

KEVIN P. WHITEFORD
(TYPE OR PRINT NAME)


(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: March 30, 2017

KEVIN P. WHITEFORD
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

EARNINGS WITHHOLDING ORDER (WG-002)

WG-01

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Kevin P. Whiteford FIRM NAME: SERLIN & WHITEFORD, LLP STREET ADDRESS: 700 E Street CITY: Sacramento TELEPHONE NO.: (916) 446-0790 E-MAIL ADDRESS: ATTORNEY FOR (name): DANCE HALL INVESTORS, INC. SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: P.O. Box 619072, Roseville, CA 95661 CITY AND ZIP CODE: Roseville, CA 95678 BRANCH NAME: Bill Santucci Justice Center		STATE BAR NO.: STATE: CA ZIP CODE: 95814 FAX NO.:
LEVYING OFFICER (Name and address): Sacramento County Sheriff's Office Civil Division 3341 Power Inn Road #313 Sacramento, CA 95826 Civil: (916) 875-2665		
PLAINTIFF/PETITIONER: [REDACTED]		
DEFENDANT/RESPONDENT: DANCE HALL INVESTORS, INC.		
EARNINGS WITHHOLDING ORDER (Wage Garnishment)		LEVYING OFFICER FILE NO.: COURT CASE NO.: S-CV- [REDACTED]

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

EMPLOYER: Enter the following date to assist your recordkeeping.

Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer
Folsom Hall Investors, Inc. dba
Keller Williams Realty, Folsom
2295 Iron Point Rd., Suite 160
Folsom, CA 95630

Name and address of employee
[REDACTED]
Granite Bay, CA 95746

Social Security No. ☒ on form WG-035 ☐ unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part the earnings of the employee (see instructions on reverse of this form). Pay the withheld sums to the levying officer (name and address above).

If the employee works for you now, you must give the employee a copy of this order and the *Employee Instructions* (for WG-003) within 10 days after receiving this order.

Complete both copies of the form *Employer's Return* (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$292,267.90

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the 10th day, do not withhold earnings payable for that pay period. Do withhold from earnings that are payable for any pay period ending on or after that 10th day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment; you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (date): 12/20/2016

The judgment creditor (if different from the plaintiff) is (name): DANCE HALL INVESTORS, INC.

4. The *INSTRUCTIONS TO EMPLOYER* on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ LEVYING OFFICER ☒ REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

Page 1

INSTRUCTIONS TO EMPLOYER ON
EARNINGS WITHHOLDING ORDERS

WG-002

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins 10 calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *Employer's Return* (form WG-005)) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. Return the *Earnings Withholding Order* to the levying officer with a statement of the reason it is being returned.

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

COMPUTATION INSTRUCTIONS

California law provides how much earnings to withhold, if any, for different amounts of disposable earnings and different pay periods, and takes into consideration different minimum wage amounts. The method of calculation is at Code of Civil Procedure section 706.050 and is described in the column to the right. You may also look on the California Courts Self-Help website for assistance in determining the maximum withholding amounts for different amounts of disposable income, for different pay periods, and with different minimum wage amounts. The information is at www.courts.ca.gov/self-help-employervagewcivil.htm.

THESE COMPUTATION INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

IMPORTANT WARNINGS

- IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF EARNINGS WITHHOLDING ORDERS FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
- IT IS ILLEGAL TO AVOID AN EARNINGS WITHHOLDING ORDER BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
- IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE EARNINGS WITHHOLDING ORDER TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.
IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

EMPLOYEE INSTRUCTIONS

(WG-003)

WG-003

EMPLOYEE INSTRUCTIONS

-NOTICE-

IMPORTANT LEGAL NOTICE TO EMPLOYEE ABOUT EARNINGS WITHHOLDING ORDERS (Wage Garnishment)

The **Earnings Withholding Order** requires your employer to pay part of your earnings to the sheriff or other levying officer. The levying officer will pay the money to a creditor who has a court judgment against you. The information below may help you protect the money you earn.

-NOTICIA-

NOTICIA LEGAL IMPORTANTE RESPECTO A LAS ÓRDENES DE RETENCIÓN DE SUELDO

La **Orden de Retención de Sueldo** requiere que su empleador pague una parte de su sueldo a un oficial de embargo. El oficial le pagará el dinero retenido a su acreedor que ha conseguido una decisión judicial en contra de usted. Pida usted que un amigo o su abogado le lea este papel oficial. Esta información le puede ayudar a proteger su sueldo.

CAN YOU BE FIRED BECAUSE OF THIS?

NO. You cannot be fired unless your earnings have been withheld before for a different court judgment. If this is the first judgment for which your wages will be withheld and your employer fires you because of this, the California Labor Commissioner, listed in the phone book of larger cities, can help you get your job back.

HOW MUCH OF YOUR PAY WILL BE WITHHELD?

The reverse of the Earnings Withholding Order (abbreviated in this notice as EWO) that applies to you contains Employer Instructions. These explain how much of your earnings can be withheld. Generally, the amount is about 25% of your take home pay until the amount due has been withheld. The levying officer will notify the employee of an additional assessment charged for paying out money collected under this order and that amount will also be withheld.

If you have trouble figuring this out, ask your employer for help.

IS THERE ANYTHING YOU CAN DO?

YES. There are several possibilities.

1. See an attorney. If you do not know an attorney, check with the lawyer referral service or the legal aid office in your county (both are listed in the yellow pages under "Attorneys").

An attorney may be able to help you make an agreement with your creditor, or may be able to help you stop your earnings from being withheld. You may wish to consider bankruptcy or asking the bankruptcy court to help you pay your creditors. These possibilities may stop your wages from being withheld.

An attorney can help you decide what is best for you. Take your **EWO** to the attorney to help you get the best advice and the fastest help.

2. Try to work out an agreement yourself with your creditor. Call the creditor or the creditor's attorney, listed on the **EWO**. If you make an agreement, the withholding of your wages will stop or be changed to a smaller amount you agree on. (See item 4 on the reverse for another way to make an offer to your creditor.)

3. You can ask for an **EXEMPTION**. An exemption will protect more, or maybe even all of your earnings. You can get an exemption if you need your earnings to support yourself or your family, **but you cannot get an exemption if:**

- a. You use some of your earnings for luxuries and they aren't really necessary for support; **OR**
- b. You owe money to an attorney because of a court order in a family law case; **OR**
- c. You owe the debt for past due child support of spousal support (alimony); **OR**
- d. You owe the debt to a former employee for wages.

HOW DO YOU ASK FOR AN EXEMPTION?

(See the other side of this form for instructions about claiming an exemption.)

HOW DO YOU ASK FOR AN EXEMPTION?

1. Call or write the levying officer for three (3) copies each of the forms called "Claim of Exemption" and "Financial Statement." These forms are free. The name and address of the levying officer are in the big box on the right at the top of the **EWO**.
2. Fill out both forms. On the forms are some sentences or words which have boxes ☐ in front of them. The box means the words which follow may not apply to your case. If the words do apply, put a check in the box.

Remember, it is **your** job to prove with the Financial Statement form that your earnings are needed for support. Write down the details about your needs.
3. For example, if your child has special medical expenses, tell which child, what illnesses, who the doctor is, how often the doctor must be visited, the cost per visit, and the costs of medicines. These details should be listed in item 6. If you need more space, put "See attachment 6" and attach a typed 8½ by 11 sheet of paper on which you have explained your expenses in detail.

4. You can use the Claim of Exemption form to make an offer to the

judgment creditor to have a specified amount withheld each pay period. Complete item 3 on the form to indicate the amount you agree to have withheld **each pay day during the withholding period.** (Be sure it's less than the amount to be withheld otherwise.) If your creditor accepts your offer, he will not oppose your claim of exemption. (See (1) below.)

5. Sign the Claim of Exemption and Financial Statement forms. Be sure the Claim of Exemption form shows the address where you receive mail.
6. Mail or deliver two (2) copies of each of the two forms to the levying officer. Keep one copy for yourself in case a court hearing is necessary.

Do not use the Claim of Exemption and Financial Statement forms to seek a modification of child support or alimony payments. These payments can be modified only by the family law court that ordered them.

FILE YOUR CLAIM OF EXEMPTION AS SOON AS POSSIBLE FOR THE MOST PROTECTION.

ONE OF TWO THINGS WILL HAPPEN NEXT

- (1) The judgment creditor will not oppose (object to) your claim of exemption. If this happens, after 10 days the levying officer will tell your employer to stop withholding or withhold less from your earnings. The part (or all) of your earnings needed for support will be paid to you or paid as you direct. And you will get back earnings the levying officer or your employer were holding when you asked for the exemption.

—OR—

- (2) The creditor will oppose (object to) your claim of exemption. If this happens, you will receive a Notice of Opposition and Notice of Hearing on Claim of Exemption, in which the creditor states why your exemption should not be allowed. A box in the middle of the Notice of Hearing tells you the time and place of the court hearing which will be in about ten days. Be sure to go to the hearing if you can.

If the judgment creditor has checked the box in item 3 on the Notice of Hearing on Claim of Exemption, the creditor will not be in court. If you are willing to have the court make its decision based on your Financial Statement and the creditor's Notice of Opposition, you need not go to the hearing.

The Notice of Opposition to Claim of Exemption will tell you why the creditor thinks your claim should not be allowed. If you go to the hearing, take any bills, paycheck stubs, cancelled checks, or other evidence (including witnesses) that will help.

WHAT HAPPENS TO YOUR EARNINGS IF YOU FILE A CLAIM OF EXEMPTION?

Your employer must continue to hold back part of your earnings for the **EWO** until he receives a notice signed by the levying officer to change the order or end it early.

you prove your Claim of Exemption and Financial Statement are correct and your earnings are needed to support yourself or your family.

Perhaps you can even prove the Notice of Opposition is wrong. For example, perhaps the Notice of Opposition states that the judgment was for wages for a past employee. You may be able to provide evidence that the person was not an employee or that the debt was not for wages.

If the judge at the hearing agrees with you, your employer will be ordered to stop withholding your earnings or withhold less money. The judge can even order that the **EWO** end before the hearing (so you would get some earnings back).

If the judge does not agree with you, the withholding will continue unless you **appeal** to a higher court. The rules for appeals are complex so you should see an attorney if you want to appeal.

If you have one court hearing, you should not file another Claim of Exemption about the same **EWO** unless your finances have gotten worse in an important way.

If your **EWO** is to be changed or ended, the levying officer must sign the notice to your employer of the change. He may give you permission to deliver it to the employer, or it can be mailed.

REGARDING CHILD SUPPORT

If you are obligated to make child support payments, the local child support agency may help you to have an Order Assigning Salary or Wages entered. This order has the top priority claim on your earnings. When it is in effect, little or no money may be

available to be withheld for an **EWO**. And, if the local child support agency is involved in collecting this support from you, it may agree to accept less money if this special order is entered.

WHAT IF YOU STILL HAVE QUESTIONS?

If you cannot see an attorney, or don't want to see an attorney, you might be able to answer some of your questions by reading the law in a law library. Ask the law librarian to help you find sections 706.050 and 706.105 of the California Code of Civil Procedure. Other sections of the code, beginning with section 706.010 may also answer some of your questions.

Also, the office of the Wage and Hour Division of the U.S. Department of Labor may be able to answer some of your questions. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(EJ-155)

EJ-155

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy in enforcing a judgment.

Exemptions are found in the United States Code (USC) and in the California codes, primarily the Code of Civil Procedure (CCP).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file the claim of exemption form that you received with the *Notice of Levy* packet.

AMOUNT OF EXEMPTIONS: For the exemption amount, please refer to the code section listed below for each type of property. The current amounts of certain exemptions are listed in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). The amounts of some of the exemptions are amended every three years and become effective immediately on April 1 under the provisions of Code of Civil Procedure section 703.150.

Type of Property	Code and Section	Type of Property	Code and Section
ABLE Accounts	Welf & I C § 4880(c)	Benefit Payments (cont.)	
Accounts (See Deposit Accounts)		Relocation Benefits	CCP § 704.180
Appliances	CCP § 704.020	Retirement Benefits and Contributions:	
Art and Heirlooms	CCP § 704.040	Private	CCP § 704.115
Automobiles	CCP § 704.010	Public	CCP § 704.110
BART District Benefits	Pub Util C § 28896	Segregated Benefit Funds	Ins C § 10498.5
Benefit Payments:		Social Security Benefits	42 USC § 407
BART District Benefits	CCP § 704.110	Strike Benefits	CCP § 704.120
Charity	CCP § 704.170	Supplemental Security Income	42 USC § 1383
Civil Service Retirement Benefits (Federal)	5 USC § 8346	Transit District Retirement Benefits (Alameda and Contra Costa Counties)	42 USC § 407(d)
County Employees Retirement Benefits	CCP § 704.110	Unemployment Benefits and Contributions	CCP § 704.120
Disability Insurance Benefits	Govt C § 31452	Veterans Benefits	38 USC § 5301
Fire Service Retirement Benefits	CCP § 704.130	Veterans Medal of Honor Benefits	38 USC § 1562
Fraternal Organization Funds Benefits	CCP § 704.110	Welfare Payments	CCP § 704.170
Health Insurance Benefits	Govt C § 32210	Welf & I C § 17409	
Irrigation System	CCP § 704.130	Workers Compensation	CCP § 704.160
Retirement Benefits	CCP § 704.110	Boats	CCP § 704.060
Judges Survivors Benefits (Federal)	CCP § 704.130	Books	CCP § 704.710
Legislators Retirement Benefits	28 USC § 376(n)	Building Materials (Residential)	CCP § 704.030
Life Insurance Benefits:		Business:	
Group	CCP § 704.160	Licenses	CCP § 695.060
Individual	CCP § 704.160	Tools of Trade	CCP § 699.720(a)(1)
Lighthouse Keepers Surviving Spouses Benefits	33 USC § 775	Cars and Trucks (including proceeds)	CCP § 704.060
Longshore & Harbor Workers Compensation or Benefits	33 USC § 916	Cash	CCP § 704.010
Military Benefits:		Cemeteries:	
Retirement	10 USC § 1440	Land Proceeds	Health & SC § 7925
Survivors	10 USC § 1450	Plots	CCP § 704.200
Municipal Utility District Retirement Benefits	CCP § 704.110	Charity	CCP § 704.170
Peace Officers Retirement Benefits	CCP § 704.110	Claims, Actions and Awards:	
Pension Plans (and Death Benefits):		Personal Injury	CCP § 704.140
Private	CCP § 704.115	Worker's Compensation	CCP § 704.160
Public	CCP § 704.110	Wrongful Death	CCP § 704.150
Public Assistance	Welf & I C § 17409	Clothing	CCP § 704.020
		Condemnation Proceeds	CCP § 704.720(b)
		County Employees Retirement Benefits	CCP § 704.110
		Damages (See Personal Injury and Wrongful Death)	Govt C § 31452
		Deposit Accounts:	
		Deposit Accounts (generally)	CCP § 704.220

Page 1 of 2

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

EJ-155

Type of Property	Code and Section	Type of Property	Code and Section
Deposit Accounts (cont.)		Military Personnel—Property	50 USC § 3934
Deposit Accounts (hardship)	CCP § 704.225	Motor Vehicle (Including Proceeds)	CCP § 704.060
Escrow or Trust Funds	Fin C § 17410	Municipal Utility District Retirement Benefits	CCP § 704.110
Social Security Direct Deposits	CCP § 704.080	Peace Officers Retirement Benefits	CCP § 704.110
Direct Deposit Account:		Pension Plans:	
Social Security	CCP § 704.080	Private	CCP § 704.115
Supplemental Security Income	CCP § 704.080	Public	CCP § 704.110
Public Benefits	CCP § 704.080	Personal Effects	CCP § 704.020
Disability Insurance Benefits	CCP § 704.130	Personal Injury Actions or Damages	CCP § 704.140
Dwelling House	CCP § 704.740	Prisoner's Funds	CCP § 704.090
Earnings	CCP § 704.070	Property Not Subject to Enforcement of Money Judgments	CCP § 704.210
Educational Grant	15 USC § 1673(a) Ed C § 21116	Prosthetic and Orthopedic Devices	CCP § 704.050
Employment Bonds	Lab C § 404	Provisions (for Residence)	CCP § 704.020
Federal Emergency Management Agency (FEMA) funds	CCP § 704.230	Public Assistance	CCP § 704.170
Financial Assistance:		Public Assistance	Welf & I C § 17409
Charity	CCP § 704.170	Public Employees:	
Public Assistance	CCP § 704.170	Death Benefits	CCP § 704.110
Student Aid	CCP § 704.190	Pension	CCP § 704.110
Welfare (See Public Assistance)		Retirement Benefits	CCP § 704.110
Fire Service Retirement	CCP § 704.110	Vacation Credits	CCP § 704.113
Fraternal Organizations Funds and Benefits	CCP § 704.130	Railroad Retirement Benefits	45 USC § 231m
Fuel for Residence	CCP § 704.170	Railroad Unemployment Insurance	45 USC § 352(e)
Furniture	CCP § 704.020	Relocation Benefits	CCP § 704.180
General Assignment for Benefit of Creditors	CCP § 1801	Retirement Benefits and Contributions:	
Health Aids	CCP § 704.050	Private	CCP § 704.115
Health Insurance Benefits	CCP § 704.130	Public	CCP § 704.110
Home:		Ins C § 10498.5	
Building Materials	CCP § 704.030	Segregated Benefit Funds	Ins C § 10498.6
Dwelling House	CCP § 704.740	Service-members Property	50 USC § 523(b)
Homestead	CCP § 704.720	Social Security	42 USC § 407
Household	CCP § 704.730	Social Security Direct Deposit	
Householder	CCP § 704.710	Account	CCP § 704.080
Mobilehome	CCP § 704.710	Strike Benefits	CCP § 704.120
Homestead	CCP § 704.720	Supplemental Security Income	42 USC § 1383(d)
Household Furnishings	CCP § 704.730	Student Aid	42 USC § 407
Insurance:		Tools of Trade	CCP § 704.190
Disability Insurance	CCP § 704.130	Transit District Retirement Benefits (Alameda and Contra Costa Counties)	CCP § 704.110
Fraternal Benefit Society	CCP § 704.110	Travelers Check Sales Proceeds	Fin C § 1875
Group Life	CCP § 704.100	Unemployment Benefits and Contributions	CCP § 704.120
Health Insurance Benefits	CCP § 704.130	Uniforms	CCP § 704.060
Individual	CCP § 704.100	Vacation Credits (Public Employees)	CCP § 704.113
Insurance Proceeds—		Veterans Benefits	38 USC § 5301
Motor Vehicle	CCP § 704.010	Veterans Medal of Honor Benefits	38 USC § 1562
Irrigation System	CCP § 704.110	Wages	CCP § 704.070
Retirement Benefits	CCP § 704.110	Welfare Payments	CCP § 704.170
Judges Survivors Benefits (Federal)	CCP § 704.040	Welf & I C § 17409	
Legislators Retirement Benefits	28 USC § 376(n)	Workers Compensation Claims or Awards	CCP § 704.160
Licenses	CCP § 704.110	Wrongful Death Actions or Damages	CCP § 704.150
Lighthouse Keepers Surviving Spouses Benefits	33 USC § 775		
Longshore & Harbor Workers Compensation or Benefits	33 USC § 916		
Military Benefits:			
Retirement	10 USC § 1440		
Survivors	10 USC § 1450		

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT (EJ-156)

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EJ-156

EXEMPTIONS UNDER SECTION 703.140(b)

The following lists the current dollar amounts of exemptions from enforcement of judgment under Code of Civil Procedure section 703.140(b) used in a case under title 11 of the United States Code (bankruptcy).

These amounts are effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

Code Civ. Proc., § 703.140(b)	Type of Property	Amount of Exemption
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence,	\$ 29,275
(2)	The debtor's interest in one or more motor vehicles	\$ 5,850
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	\$ 725
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	\$ 1,750
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	\$ 1,550
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	\$ 8,725
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unexpired life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	\$ 15,850
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury of the debtor or an individual of whom the debtor is a dependent	\$ 29,275

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EJ-156

EXEMPTIONS UNDER SECTION 704.010 et seq.

The following lists the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure.

The amount of the automatic exemption for a deposit account under section 704.220(a) is effective September 1, 2020, and unless otherwise provided by statute after that date, will be adjusted annually effective July 1 by the Department of Social Services under Welf. & Inst. Code, § 11453 to reflect the minimum basic standard of care for a family of four as established by § 11452.*

The other amounts are all effective April 1, 2019. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

Code Civ. Proc. Section	Type of Property	Amount of Exemption
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage, or destruction)	\$ 3,325
704.030	Material to be applied to repair or maintenance of residence	\$ 3,500
704.040	Jewelry, heirlooms, art	\$ 8,725
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$4,850)	\$ 8,725
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$9,700)	\$ 17,450
704.220	Deposit account, generally (exemption without claim; amount per judgment debtor, section 704.220(a),(e)) ¹	\$ 1,788*
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b)) ²	
	• Public benefits, one depositor is designated payee	\$ 1,750
	• Social security benefits, one depositor is designated payee	\$ 3,500
	• Public benefits, two or more depositors are designated payees ³	\$ 2,600
	• Social security benefits, two or more depositors are designated payees ³	\$ 5,250
704.090	Inmate trust account	\$ 1,750
	Inmate trust account (restitution fine or order)	\$ 325 ⁴
704.100	Aggregate loan value of unexpired life insurance policies	\$ 13,975

¹ This exemption does not preclude or reduce other exemptions for deposit accounts. However, if the exemption amount for the deposit account applicable under other automatic exemptions—such as those applicable for direct deposit of social security benefits or public benefits—is greater under the other exemptions, then those apply instead of this one. (Code Civ. Proc., § 704.220(b).)

² The amount of a deposit account with direct deposited funds that exceeds exemption amounts shown is also exempt to the extent it consists of payments of public benefits or social security benefits. (Code Civ. Proc., § 704.080(c).)

³ If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (Code Civ. Proc., § 704.080(b)(3) and (4).)

⁴ This amount is not subject to adjustments under Code Civ. Proc., § 703.150.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR LEVYING OFFICER USE ONLY (Levy Officer Name and Address)	
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: P.O. Box 619072, Roseville, CA 95661 CITY AND ZIP CODE: Roseville, CA 95678 BRANCH NAME: Bill Santucci Justice Center			
PLAINTIFF/PETITIONER: [REDACTED]		LEVYING OFFICER FILE NUMBER:	
DEFENDANT/RESPONDENT: DANCE HALL INVESTORS, INC.		FOR COURT USE ONLY	
CLAIM OF EXEMPTION (Wage Garnishment)			
READ EMPLOYEE INSTRUCTIONS (FORM WG-003) BEFORE COMPLETING THIS FORM <i>Copy all the information required above (except the top left space) from the Earnings Withholding Order. The top left space is for your name or your attorney's name and address. The original and one copy of this form with the Financial Statement attached must be filed with the levying officer.</i> DO NOT FILE WITH THE COURT.			
1. My name is : 2. I need the following earnings to support myself or my family (check a or b): a. <input type="checkbox"/> All earnings. b. <input type="checkbox"/> \$ _____ each pay period. 3. Please send all papers to <input type="checkbox"/> me. <input type="checkbox"/> my attorney at the address <input type="checkbox"/> shown above <input type="checkbox"/> following (specify): 4. I am willing for the following amount to be withheld from my earnings each pay period during the withholding period. I understand that the judgment creditor can accept this offer by not opposing the Claim of Exemption, which will result in the following sum being withheld each pay period (check a or b): a. <input type="checkbox"/> None b. <input type="checkbox"/> Withhold \$ _____ each pay period. 5. I am paid <input type="checkbox"/> daily <input type="checkbox"/> every two weeks <input type="checkbox"/> monthly <input type="checkbox"/> weekly <input type="checkbox"/> twice a month <input type="checkbox"/> other (specify): NOTE: You must attach a properly completed Financial Statement form to this Claim of Exemption. The Financial Statement form is available without charge from the levying officer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date:		CASE NUMBER: S-CV- [REDACTED]	

CLAIM OF EXEMPTION

Wage Garnishment

(WG-006)

FINANCIAL STATEMENT

(WG-007/EJ-165)

SHORT TITLE: [REDACTED] vs. DANCE HALL INVESTORS, INC.	LEVYING OFFICER FILE NO.: [REDACTED]	COURT CASE NO.: S-CV-[REDACTED]
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FINANCIAL STATEMENT

(Wage Garnishment—Enforcement of Judgment)

NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.		Spouse	
b.			
c.			
d.			
e.			

2. My monthly income

- a. My gross monthly pay is: 2a. \$ _____
- b. My payroll deductions are (specify purpose and amount):
- | | |
|--|----------|
| (1) Federal and state withholding, FICA, and SDI | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
| (4) _____ | \$ _____ |
- My TOTAL payroll deduction amount is (add (1) through (4)): b. \$ _____
- c. My monthly take-home pay is (a minus b): c. \$ _____
- d. Other money I get each month from (specify source): is: d. \$ _____

e. TOTAL MONTHLY INCOME (c plus d): e. \$ _____

3. I, my spouse, and my other dependents own the following property:

- a. Cash 3a. \$ _____
- b. Checking, savings, and credit union accounts (list banks):
- | | |
|-----------|----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
- c. Cars, other vehicles, and boat equity (list make, year of each):
- | | |
|-----------|----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
- d. Real estate equity c. \$ _____
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately): d. \$ _____

e. \$ _____

SHORT TITLE: [REDACTED] vs. DANCE HALL INVESTORS, INC.	LEVYING OFFICER FILE NO.: [REDACTED]	COURT CASE NO.: S-CV-[REDACTED]
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4. The monthly expenses for me, my spouse, and my other dependents

- | | |
|--|---------------|
| a. Rent or house payment and maintenance | 4 a. \$ _____ |
| b. Food and household supplies | b. \$ _____ |
| c. Utilities and telephone | c. \$ _____ |
| d. Clothing | d. \$ _____ |
| e. Medical and dental payments | e. \$ _____ |
| f. Insurance (life, health, accident, etc.) | f. \$ _____ |
| g. School, child care | g. \$ _____ |
| h. Child, spousal support (prior marriage) | h. \$ _____ |
| i. Transportation & auto expenses (insurance, gas, repair) (list car payments in item 5) | i. \$ _____ |
| j. Installment payments (insert total and itemize below in item 5) | j. \$ _____ |
| k. Laundry and cleaning | k. \$ _____ |
| l. Entertainment | l. \$ _____ |
| m. Other (specify): | |

m. \$ _____

n. TOTAL MONTHLY EXPENSES (add a through m): n. \$ _____

5. I, my spouse, and my other dependents owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
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6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe):
(If more space is needed, attach page labeled Attachment 6.)

7. ☐ An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 (specify each person's name and monthly amount):

8. ☐ A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 (specify each person's name and monthly amount):

9. ☐ My spouse has signed below.
☐ I have no spouse.
☐ My spouse and I are living separate and apart.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME OF SPOUSE)

(SIGNATURE)

(SIGNATURE OF SPOUSE)

EMPLOYER'S RETURN (WG-005)

WG-005

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	LEVYING OFFICER (name and address): Sacramento County Sheriff Civil Division 3341 Power Inn Road #313 Sacramento, CA 95826 Civil: (916) 875-2665
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: P.O. Box 619072, Roseville, CA 95661 CITY AND ZIP CODE: Roseville, CA 95678 BRANCH NAME: Bill Santucci Justice Center		COURT CASE NUMBER: S-CV- [REDACTED]	
PLAINTIFF/PETITIONER: [REDACTED]		LEVYING OFFICER FILE NUMBER:	
DEFENDANT/RESPONDENT: DANCE HALL INVESTORS, INC.			
EMPLOYER'S RETURN (Wage Garnishment)			

EMPLOYER: You must complete both copies of this form and mail them to the levying officer within 15 days.

Please correct any errors in the mailing information below and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

Name and address of employer

Folsom Hall Investors, Inc. dba
Keller Williams Realty, Folsom
2295 Iron Point Rd., Suite 160
Folsom, CA 95630

Attn:

(Insert name above)

Name and address of employee

[REDACTED]
Granite Bay, CA 95746

Social Security No. ☒ on form WG-035 ☐ unknown

1. I received the Earnings Withholding Order on (date):
2. The employee is
 - a. ☐ not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - b. ☐ now employed by this employer and in the last pay period had gross earnings of: \$
3. The employee's pay period is
 - a. ☐ daily
 - b. ☐ weekly
 - c. ☐ every two weeks
 - d. ☐ twice a month
 - e. ☐ monthly
 - f. ☐ other (specify):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

(Continued on reverse)

**EMPLOYER'S RETURN
(Wage Garnishment)**

Legal
Solutions
& Plus

Page 1 of 2
Code of Civil Procedure, § 706.126
www.courts.ca.gov

Form Adopted for Mandatory Use
Judicial Council of California
WG-005 (Rev. September 1, 2017)

WG-005

SHORT TITLE: [REDACTED] vs. DANCE HALL INVESTORS, INC.	LEVYING OFFICER FILE NUMBER:	COURT CASE NUMBER: S-CV- [REDACTED]
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

Wage and Earnings Assignment Order (for Support)	First priority
Earnings Withholding Order for Support	Second priority
Earnings Withholding Order for Taxes	Third priority
Earnings Withholding Order for Elder or Dependent Adult Financial Abuse	Fourth priority
Earnings Withholding Order	Fifth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4. ☐ This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (on reverse of Earnings Withholding Order).
5. ☐ The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
 - a. ☐ The other order was received first. The other order was received on (date):
 - b. ☐ This order does not have higher priority.
 - c. ☐ A copy of the other order is attached. (Retain original for your records. If a copy is not attached, complete item d.)
 - d. ☐ A copy of the other order is NOT attached. Describe the other order by providing the following information:

(1) Court name, address, and case number:

(2) Levying officer name, address, and file number:

(3) Total amount to be withheld: \$

6. ☐ This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.

**EMPLOYER'S RETURN
(Wage Garnishment)**

WG-005 (Rev. September 1, 2017)

Page 2 of 2

CONFIDENTIAL STATEMENT OF JUDGMENT DEBTOR'S SOCIAL SECURITY NUMBER (WG-035)

CONFIDENTIAL

WG-035

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kevin P. Whiteford SERLIN & WHITEFORD, LLP 700 E Street Sacramento, CA 95814 TELEPHONE NO.: (916) 446-0790 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): DANCE HALL INVESTORS, INC.		DATE RECEIVED BY COURT (Do not file in public court file.)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: P.O. Box 619072, Roseville, CA 95661 CITY AND ZIP CODE: Roseville, CA 95678 BRANCH NAME: Bill Santucci Justice Center		
PLAINTIFF/PETITIONER: [REDACTED] DEFENDANT/RESPONDENT: DANCE HALL INVESTORS, INC.		COURT CASE NUMBER: S-CV-[REDACTED]
CONFIDENTIAL STATEMENT OF JUDGMENT DEBTOR'S SOCIAL SECURITY NUMBER (Supplement to Wage Garnishment Forms WG-001, WG-002, WG-004, WG-005, WG-009, WG-012, and WG-030)		LEVYING OFFICER FILE NUMBER:

(Do not attach to forms.)

This separate *Confidential Statement of Judgment Debtor's Social Security Number* contains the Social Security number of the judgment debtor for whom an earnings withholding order is being sought or has issued in the case referenced above. **This supplement must be kept separate from any applications or orders filed in this case, and should not be a public record.**

INFORMATION ON JUDGMENT DEBTOR:

1. Name: [REDACTED]
2. Social Security Number: [REDACTED]

TO COURT CLERK
THIS STATEMENT IS CONFIDENTIAL.
DO NOT FILE THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.

MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST (MC-012)

- Costs after judgment may be recovered under CCP 685.070
- Before judgment satisfied and within the prior 2 years
- No Filing Fee
- Serve on Judgment Debtor(s)
- Service triggers 10 day time limit for motion to tax costs
- Can include attorney fees if included in judgment based on contract provision for fees (CCP 685.040)

MEMORANDUM OF COSTS AFTER JUDGMENT, etc. (MC-012)

Electronically FILED by Superior Court of California, County of Los Angeles on 09/09/2020 09:40 PM Sheri R. Carter, Executive Officer/Clerk of Court, by D. Rojas, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	FOR COURT USE ONLY
NAME Kevin P. Whiteford		142916	
FIRM NAME Serlin & Whiteford, LLP			
STREET ADDRESS 900 Howe Avenue, Suite 250			
CITY Sacramento		STATE CA ZIP CODE 95825	
TELEPHONE NO. 916-446-0790		FAX NO.	
E-MAIL ADDRESS			
ATTORNEY FOR (Name) De Lage Landen Financial Services, Inc.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
STREET ADDRESS 200 West Compton Blvd.			
MAILING ADDRESS 200 West Compton Blvd.			
CITY AND ZIP CODE Compton, 90220			
BRANCH NAME Compton Courthouse			
PLAINTIFF: DE LAGE LANDEN FINANCIAL SERVICES, INC.			
DEFENDANT: OT TRUCKLINES, INC., et al.			
MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST		CASE NUMBER 20CMCV00052	

1. ☐ Postjudgment costs
- a. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):
- | Dates Incurred | Amount |
|---|--------|
| (1) Preparing and issuing abstract of judgment | \$ |
| (2) Recording and indexing abstract of judgment | \$ |
| (3) Filing notice of judgment lien on personal property | \$ |
| (4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county): | \$ |
| (5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment | \$ |
| (6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq. | \$ |
| (7) Attorney fees, if allowed by Code Civ. Proc., § 685.040 | \$ |
| (8) Other: (Statute authorizing cost): | \$ |
| (9) Total of claimed costs for current memorandum of costs (add items (1)-(8)) | \$ |
| b. All previously allowed postjudgment costs | \$ |
| c. Total of all postjudgment costs (add items a and b) | \$ |
2. ☐ Credits to interest and principal
- a. I acknowledge total payments to date in the amount of \$ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest \$; credit to judgment principal \$
- b. Principal remaining due: The amount of judgment principal remaining due is \$ (See Code Civ. Proc., § 680.300)
3. ☒ Accrued interest remaining due: I declare interest accruing (at the legal rate) from the date of entry or renewal and on balances from the date of any partial satisfactions (or other credits reducing the principal) remaining due in the amount of \$ 1,104.85.
4. I am the: ☐ judgment creditor ☐ agent for the judgment creditor ☒ attorney for the judgment creditor.
- I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- Date: September 9, 2020
- Kevin P. Whiteford (TYPE OR PRINT NAME)
- (SIGNATURE OF DECLARANT)

NOTICE TO THE JUDGMENT DEBTOR

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, not exceeding \$100 in aggregate and not already allowed by the court, may be included in the writ of execution. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e)). A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c)).

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
MC-012 (Rev. September 1, 2018)

MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST

Code of Civil Procedure,
§§ 685.040, 685.070, 685.220
www.courts.ca.gov
Westlaw Doc & Form Builder

Short Title: De Lage Landen Financial Services, Inc. vs OT Trucklines, Inc; Tom Kim	CASE NUMBER: 20CMCV00052
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PROOF OF SERVICE

☒ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is: 900 Howe Ave., Suite 250, Sacramento, CA 95825
3. ☒ I mailed or personally delivered a copy of the Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest as follows (complete either a or b):
- a. ☒ Mail. I am a resident of or employed in the county where the mail occurred.
- (1) I enclosed a copy in an envelope AND
- (a) ☐ deposited the sealed envelope with the United States Postal Service with the postage fully prepaid.
- (b) ☒ placed the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- (2) The envelope was addressed and mailed as follows:
- (a) Name of person served: OT Trucklines, Inc.; Tom Kim
- (b) Address on envelope: 6429 Pacific Blvd., #200, Huntington Park, CA 90255
- (c) Date of mailing: September 9, 2020
- (d) Place of mailing (city and state): Sacramento, CA
- b. ☐ Personal delivery. I personally delivered a copy as follows.
- (1) Name of person served:
- (2) Address where delivered:
- (3) Date delivered:
- (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 9, 2020

CATHY NGUYEN
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

MC-012 (Rev. September 1, 2018)

MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST

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