

Name, Address and Phone number of Attorney(s):

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALBERT TOBIN, et al.,

Plaintiff(s),

v.

BC BANCORP, et al.,

Defendant(s).

CASE NUMBER

SACV 12-211 ABC (ANx)

SECOND AMENDED
ORDER TO APPEAR FOR EXAMINATION RE:

ENFORCEMENT OF JUDGMENT

ATTACHMENT(Third Person)

Judgment Debtor Third Person

The Court, having considered the Application for Appearance and Examination Re: Enforcement of Judgment/Attachment, hereby **ORDERS** the Application **GRANTED** **DENIED**.

TO: JOSHUA C. SCHWARTZ FOR J & J LENDING
(Name of person to Appear)

YOU ARE ORDERED TO APPEAR personally before the Honorable Arthur Nakazato, to:

- furnish information to aid in enforcement of a money judgment against you. See also, Exhibit "A"
- 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 concerning a debt you owe the defendant that is subject to attachment.

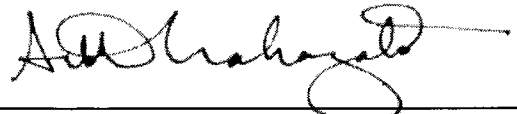
Date of appearance: JUNE 21, 2012 **Courtroom:** 6B **Time:** 10:00 a.m.

Location of Appearance: Spring Street Courthouse, 312 N. Spring Street, Los Angeles, CA
 Roybal Courthouse, 255 E. Temple, Los Angeles, CA
 Santa Ana Courthouse, 411 W. Fourth Street, Santa Ana, CA
 Riverside Courthouse, 3470 Twelfth Street, Riverside, CA

This Order may be served by a Marshal, sheriff, registered process server, or the following, specially appointed person:

(Name of appointed process server)

Date: May 2, 2012



U.S. District Judge/U.S. Magistrate Judge

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)**

(1) 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.

(2) NOTICE TO JUDGMENT DEBTOR: The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows: (*Clearly describe the property or debt. Print or type the description. Use an additional sheet of paper, if necessary.*)

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 (3) 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.

EXHIBIT "A"

Introductory Instructions

With regard to the documents listed below, you are required to bring originals of each and every document requested. In the event you are unable to obtain originals, after making a diligent effort, you may bring copies of each such requested item.

When any request for documents refers to an account or item in your name, you are to bring the documentation requested as long as such item or account was in your name alone, or in your name in conjunction with any other person or persons, or was in someone else's name but was in your possession or was owned by you or was held by the other person for your benefit.

The papers you were served with compel your appearance in Court at a specified place, date and time. The documentation you are required to bring must be current through the date of the court appearance. Whenever you are requested to bring documentation over a specified period of time, you shall calculate that period of time by commencing with the scheduled date of your court appearance, and working backwards (e.g. if you are required to bring bank statements for a period of one year, then you must bring all statements commencing one year prior to the date of the scheduled court appearance through the date of the court appearance).

If you fail to bring any of the documents requested herein, in addition to making the scheduled court appearance, the Court will require you to make a second court appearance for purposes of complying with this request. In an attempt to save

you time and the inconvenience of having to make two court appearances, it is in your best interest to bring all the documentation requested below.

Documents You are Required to Bring

1. All vehicle registrations presently in your name or in your name at anytime during the preceding year, including but not limited to the following: automobiles, trucks, airplanes, boats, motorcycles, recreational vehicles, campers, mopeds, and four-wheel drive vehicles.
2. All savings and investment accounts currently in your name, and in your name at anytime during the preceding year, including but not limited to the following types of accounts: savings, money market, certificates of deposit, treasury bills, mutual funds, investment, passbook, and any other type of liquid account.
3. All bank statements, including all cancelled checks from each and every bank account in your name, currently and at anytime during the preceding year.
4. All rent receipts on the place in which you reside for the preceding year.
5. All grant deeds, deeds of trust, assignments of rents and deeds of trust, and all other documentary evidence showing an ownership interest in any real property located in the State of California, or any other state, or any other country, currently in your name, or in your name at anytime during the preceding three years.

6. Any documentary or other tangible evidence of any interest you have or will have in the future in any wills, trusts, pension plans and/or insurance policies.

7. Any whole life insurance policies wherein you are the named insured, currently or at anytime in the preceding year.

8. Documentary evidence of any money due you from any other person, including but not limited to the following: I.O.U.'s, promissory notes, bills of sale, written agreements.

9. Documentary evidence of any employment agreements of which you are currently a party, or of which you have been a party at anytime during the preceding year.

10. Copies of your federal and state income tax returns, including all schedules attached thereto for the preceding two calendar or fiscal years.

11. Copies of all W-2 wage slips, and all 1099 forms received by you from any and all of your employers or persons who paid compensation to you for the preceding two calendar years.

12. All wage stubs or other documentary evidence of wages received from each and every employer and from any other source for the preceding year.

13. Your Social Security card.

14. Your Driver's License, and all other licenses you have, including but not limited to the following: business licenses, professional licenses, government permits involved with the operation of a business or profession, and all vehicle licenses.

15. All credit cards currently in your name, or in your name at anytime during the preceding year.

16. All check guarantee cards currently in your name, or in your name at anytime during the preceding year.

17. All membership cards currently in your name, or in your name at anytime during the preceding year to any and all health clubs, spas, gyms, professional or social associations, or any other membership organization.

18. All bills of sale for any vehicle acquired by you during the preceding three years.

19. All documentary evidence of any asset you sold for compensation in excess of \$100.00 during the preceding three years.

20. All purchase invoices and receipts indicating the purchase or acquisition of any item of personal property for which you paid in excess of \$200.00 during the preceding 12 months.

21. All stock certificates and documentary evidence of stock ownership in either a public or private corporation currently in your name, or in your name at anytime during the preceding three years.

22. All receipts or purchase invoices of any assets you currently own or have owned at anytime during the preceding three years which when initially purchased by you cost in excess of \$500.00, including but not limited to all of the following: stereos, televisions, refrigerators, ovens, ranges, washing machines, dryers, jewelry, office furniture and equipment, home furnishings, crystal, silverware, china, art, antiques, or any other item of personal property.

23. All appraisals you currently have or have maintained at anytime during the preceding five years, showing the value of any real or personal property which you own, or is in your name, or is in your possession.

24. Documentary evidence of all debts, obligations and liabilities you currently have, or have had at anytime during the preceding year, including but not limited to the following: promissory notes, IOU's, judgment documents, including abstracts of judgment, credit card statements, and any other document which would indicate that you owe any debts or obligations to third parties.

25. Any homeowner's insurance policy or renter's insurance policy you currently maintain, or have maintained at anytime during the preceding year.

26. All statements received within the preceding year from the beneficiaries of any mortgages or trust deeds you presently maintain or are liable for, including monthly coupon books and statements, and yearly interest statements.

27. All loans you currently have with any bank, lending institution, financial institution, business entity or third person, including any such loans which existed during the preceding year, including not but limited to all of the loan documents and statements received during the preceding year concerning the status of the loan.

28. All statements you have received from any bank, savings and loan association, or financial institution concerning the status or any account you currently have, or have maintained

during the preceding year.

29. If you are self-employed, or have been at any time during the preceding year, including but not limited to having worked as a general partner in a partnership or operated a business alone or in conjunction with any other person, you are to provide the following documentation currently maintained, and maintained for the preceding year: all business licenses, fictitious name statements, books and records of financial affairs, including journals and general ledger accounts, cancelled checks, bank statements, savings and investment accounts, statements of deposits and withdrawals in the account, documentary evidence of all gross income and all gross disbursements, and documentary evidence of all assets acquired, currently owned and maintained and/or sold.

30. If you own more than 25 percent of stock in a close corporation, or you have at anytime during the preceding year been an officer or director of such a corporation, you are required to bring all of the following for said corporation: the articles of incorporation, the bylaws, the minutes for the preceding year, all payroll records for the preceding year, all evidences of cash received and cash disbursed for the preceding year, all general journal entries and ledger accounts for the preceding year, all bank statements and records, including cancelled checks for the preceding year, evidence of all ownership interest in assets currently maintained or owned during the preceding year, and all other writings reflecting money received or disbursed, or assets acquired, owned or sold during the preceding year.

31. All utility bills and other household or residence bills, as set forth below, in your name or for the residence (if more than one, include each and every residence) you have resided in for the preceding one year, including but not limited to all of the following:

- (a) Gas and electric bills;
- (b) All telephone bills, including but not limited to Pacific Bell, AT&T, and any long distance calling service or company;
- (c) Water and sewage bills;
- (d) Soft water or water conditioning bills;
- (e) Bills from any soft water drinking company (e.g. Sparkletts); and
- (f) Any other bill pertaining to monthly or periodic services used in your residence.

32. If you have been involved in any lawsuits, whether as a plaintiff or a defendant, during the preceding three years, please provide copies of all documents and pleadings filed with the Court concerning said lawsuit, including but not limited to Small Claims matters, civil suits filed in the State Municipal or Superior Courts, civil suits filed in the Federal Courts, criminal actions whether filed in the State or Federal Courts, juvenile actions or any other court proceedings.

33. All documents you have received in the preceding three years indicating the existence of any judgment or lien against you or your property, including but not limited to all of the following:

- (a) Judgment liens and Abstracts of Judgment;
- (b) Real property tax liens;
- (c) IRS tax liens;
- (d) Any form of State, County or City tax lien;

and

- (e) Any other lien recorded by an individual, entity or government agency.

34. In the event the name you are currently using is different than the name you were born with, or in the event you have used more than one name at any time since you were 18 years old, then, with regard to all of the documentation requested above, please be sure to provide all applicable items for each name used by you during the time period specified in each of the above-numbered paragraphs.

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