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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,)	CASE NO. 1:09-CV-01428-LJO-DLB
)	
12 Plaintiff,)	
)	PETITION FOR ORDER DESIGNATING
13 v.)	LOCATION FOR SALE OF PERSONAL
)	PROPERTY AND ORDER
14 DANIEL A. REYES, D.C.,)	
)	
15 Defendant.)	
)	
16)	
17)	

18 Pursuant to 28 U.S.C. § 3203(g) (1) (B), petitioner and judgment
 19 creditor United States of America seeks an order allowing the sale of
 20 judgment debtor Daniel A. Reyes' personal property at Custom Auction
 21 Services located at 1702 East Janelli Court, Visalia, CA 93292-6644.
 22 This petition is based on the following grounds:

23 1. The Clerk of this Court issued a Writ of Execution in favor
 24 of the United States (Docket Entry 12) on April 6, 2010.

25 2. On April 12, 2010, the United States Marshals Service
 26 levied on the property identified in the Writ (see paragraph 3,
 27 infra) and served debtor Reyes with copies of the Application for
 28 Writ of Execution, Writ of Execution, Notice of Levy, Clerk's Notice

1 of Post-Judgment Execution/Instructions to Debtor, and form Request
2 for Hearing on Application for Writ of Execution. The levied upon
3 personal property (two jet skis and a trailer) had been parked on the
4 street in front of debtor Reyes' residence.

5 3. The three levied upon items are described more specifically
6 as the following:

- 7 a. 2005 Bombardie Seadoo RXT, Vehicle/Vessel License
8 Number 4780RI, Vehicle VIN/Vessel HIN YDV23781A505;
- 9 b. 2004 Bombardie Seadoo RXP, Vehicle/Vessel
10 License Number 4781RI, Vehicle VIN/Vessel
11 HIM ZZN43731C404; and
- 12 c. 2005 Zeman Trailer, Vehicle/Vessel License 4GK5211,
13 Vehicle VIN/Vessel HIM Number 1ZCS150165W323331.

14 4. Following the Marshals' levy and service of the documents
15 referenced in paragraph 2, above, debtor Reyes had 20 days within
16 which to file a request for exemptions and/or a hearing on the
17 Application for Writ of Execution.

18 5. Debtor Reyes has not claimed any exemptions on the jet skis
19 and trailer nor has he requested a hearing on the Application for
20 Writ of Execution. The time to file exemptions or request a hearing
21 has now expired.

22 6. According to 28 U.S.C. § 3203(g)(1)(B), personal property
23 levied on "shall be offered for sale on the premises where it is
24 located at the time of levy, at the courthouse of the county, parish
25 or city wherein it is located, or at another location if ordered by
26 the court."

27 7. Custom Auction Services is in the business of selling cars,
28 motorcycles and other vehicles at auction. Its location and services

1 accommodate a larger inventory of items and pool of potential buyers
2 than would a sale at the location where the items were levied upon (a
3 residential street) or at the courthouse.

4 8. Conducting a sale at an auction house is a more commercially
5 reasonable location than the other two statutory locations. The
6 United States submits a sale at Custom Auction Services will likely
7 increase the chance the items are sold and if so, at a higher price
8 than the other locations could command.

9 9. Custom Auction Services regularly conduct auctions at their
10 location. If the jet skis and trailer did not sell at their initial
11 auction, they would be pre-positioned to be sold at the next
12 regularly scheduled auction.

13 WHEREFORE, the United States respectfully requests the Court
14 grant its Petition allowing the sale of the jet skis and trailer at
15 Custom Auction Services.

16
17 DATED: June 16, 2010

Respectfully submitted,

18 BENJAMIN B. WAGNER
19 United States Attorney

20
21 /s/ Kurt A. Didier
22 KURT A. DIDIER
23 Assistant U.S. Attorney
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O R D E R

The Court, having reviewed the United States' Petition for Order Designating Location for Sale of Personal Property (the "Petition") and the records on file in this case, hereby ADJUDGES, DECREES and ORDERS that the:

1. Petition is GRANTED; and

2. Debtor's jet skis and trailer, as described above, shall be sold at public auction by Custom Auction Services located at 1702 East Janelli Court, Visalia, CA 93992-6644. Should the property not sell at its initial auction, it shall be included for sale at Custom Auction Service's next regularly scheduled auction(s).

3. Plaintiff shall provide notice, via mail service, to defendant of the location of the public auction.

IT IS SO ORDERED.

Dated: June 17, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE