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Attorneys for Plaintiff COMMERCIAL CREDIT
GROUP INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

COMMERCIAL CREDIT GROUP INC., a
Delaware corporation,

Plaintiff,

v.

THE RECYCLE DEPOT, INC., a California
corporation; JEFF A. PRINS; and MICKI
DIANE PRINS,

Defendants.

CASE No. 1:15-CV-01720-WBS-EPG

ORDER FOR WRIT OF POSSESSION¹

Date: February 8, 2016

Time: 1:30 p.m.

Crtrm.: 5

501 I Street
Sacramento, California

¹ The contents of this Writ of Possession (Clam and Delivery), follow the form adopted for mandatory use by the Judicial Council of California and used in cases pending before the Superior Court of the State of California.

ORDER AND FINDINGS

IT IS ORDERED:

1. The Court hereby vacates the hearing scheduled for February 8, 2016 and makes the following findings and orders without needing to consult with the parties any further.

2. **The court finds:**

a. ☒ Defendant has been properly served as required by Code of Civil Procedure section 512.030.

b. Plaintiff ☐ has ☒ has not filed an undertaking as required by Code of Civil Procedure section 515.010. **Undertaking is hereby waived.**

c. Plaintiff has established the probable validity of the Plaintiff's claim to possession of the following property (specify):

Please see Exhibit "1" attached hereto and incorporated herein by this reference.

☐ Continued on Attachment 3c. n/a

*"Plaintiff" includes cross-complainant, and "defendant" includes cross-defendant.

d. ☒ There is probable cause to believe this property or some part of it is located at one or more of the following private places (specify):

8461 Avenue 304, Visalia, California 93291

☐ Continued on Attachment 3d. n/a

ADDITIONAL FINDINGS FOR EX PARTE ISSUANCE OF WRIT OF POSSESSION

3. ☐ **The court also finds:** n/a

a. ☐ Defendant gained possession of the property described in item 3c, which was not entrusted to the defendant, by feloniously taking such property from the plaintiff by

means other than by false or fraudulent representation, pretense, or embezzlement.

b. ☐ The property is a credit card.

c. Defendant acquired possession of this property in the ordinary course of the defendant's trade or business for commercial purposes, and (1) the property is not necessary for the support of the defendant or the defendant's family; (2) there is an immediate danger that the property will become unavailable to levy by reason of being transferred, concealed or removed from the state, or will become substantially impaired in value by acts of destruction, or by failure to care of the property in a reasonable manner; and (3) the ex parte issuance of a writ of possession is necessary to protect the property.

d. Total number of boxes checked in item 4: n/a

4.

a. The clerk of this court is directed to issue a writ of possession as provided in Code of Civil Procedure section 512.020, directing the United States Marshal within whose jurisdiction the property described in item 3c, or some part of it, is located, to seize such property and retain custody of it as provided in Code of Civil Procedure sections 514.010-514.050.

b. ☒ The clerk is directed to issue the writ of possession immediately.

c. ☐ The clerk is directed to issue the writ of possession upon the plaintiff's filing of a written undertaking, as required by Code of Civil Procedure sections 514.010, in the amount of: \$ n/a

d. The written undertaking required by the Defendant for redelivery or to stay delivery is in the amount of: \$3,516,500.00.

e. The clerk of this court is directed to attach a copy of this order and a copy of the plaintiff's undertaking to the writ of possession.

f. The United States Marshal may enter the following private place(s) to take possession of the property or some part of it:

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☐ Continued on Attachment 5f. n/a

g. ☒ Defendant (name): THE RECYCLE DEPOT, INC., a California corporation; JEFF A. PRINS; and MICKI DIANE PRINS is ordered to transfer possession of the property described in item 3c to the plaintiff. (Code of Civ. Proc., §512.070.)

NOTICE TO DEFENDANT: Failure to comply with an order of the court to turn over possession of such property to the plaintiff may subject you to being held in contempt of court.

5. Number of pages attached: 2

Dated: February 1, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

EXHIBIT "1"

COMMERCIAL CREDIT GROUP INC., etc. v. THE RECYCLE DEPOT, INC., etc., et al.,
CASE No. 1:15-cv-01720-WBS-EPG

All of Defendant THE RECYCLE DEPOT, INC., a California corporation's accounts, accounts receivable, chattel paper, contract rights, documents, equipment, fixtures, general intangibles, goods, instruments, inventory, securities, deposit accounts, investment property and all other accessories, substitutions, replacements, replacement parts, additions, software and software upgrades and all cash and non-cash proceeds (including rental proceeds, insurance proceeds, accounts and chattel paper arising out of or related to the sale, use, rental or other disposition thereof) of and to all of the foregoing, and specifically therein, the following titled vehicles:

<u>Equipment Description</u>	<u>Serial Number</u>
Metso LT1213 track mounted impact crusher	73419
2009 Freightliner Cascadia day cab tractor	1FUJGECV69LAG2185
2009 Freightliner Cascadia day cab tractor	1FUJGECVX9LAG2186
2009 Freightliner Cascadia day cab tractor	1FUJGECVX9LAG2187
2008 Freightliner Columbia day cab tractor	1FVJA6CV18DAC2869
2008 International Pro Star Premium Eagle tractor with 73' high rise sleeper	2HSCUAPRX8C677144
2008 International Pro Star Premium Eagle tractor with 73' high rise sleeper	2HSCUAPR48C677141
2008 International Pro Star Premium Eagle tractor with 73' high rise sleeper	2HSCUAPR68C677142
1998 EZ A+ portable car crusher	806-A-033
2007 JCB JS220C hydraulic excavator	JCBJS22CC71610091
1998 Caterpillar 320BL high cab excavator	6CR02510

1	2005 Caterpillar 330CL hydraulic excavator	DKY03712
2	2008 International Pro Star Premium Eagle tractor	2HSCUAPR18C677145
3	with 73' high rise sleeper	
4	2008 International Pro Star Premium Eagle tractor	2HSCUAPR18C677145
5	with 73' high rise sleeper	
6	2008 Hyundai R210LC-7A hydraulic excavator	N61210341
7	2004 Hyundai R210LC-7A hydraulic excavator	N60612068
8	2008 Hyundai R210LC-7A hydraulic excavator	N61210386
9	2005 Hyundai R210-LC7 hydraulic excavator	N60713195
10	2007 JCB JS220LC hydraulic excavator	JCBJS22DT71610546
11	2008 JCB JS220LC hydraulic excavator	JCBJS22DH81611242
12	2006 Terex/BL Pegson 4242SR Plant powerscreen	420198DHSR
13	impact crusher	
14	2004 Terex/BL Pegson 4242SR plant powerscreen	4201188BJSR
15	impact crusher	
16	1996 John Deere 490E hydraulic excavator with 37"	FF490EX026078
17	TMAG 900-32 magnet	
18	2003 Kobelco SK210LC hydraulic excavator	Y008U1270
19	2004 Volvo EC210BLC hydraulic excavator	EC210BLCV10910
20	2007 Genesis GXP300R mobile shear	300370R
21	2008 Genesis GXP500R mobile shear	500541R
22	2007 Screen MachineSpyder 516T Horizon rock	D516TSPYMJG1992
23	screening plant	
24	2008 Genesis GXP300R mobile shear	00030037IR
25	Sierra 380 shear/logger/baler	11357
26	Powerscreen 600 trommell	9200163
27	2007 Doppstadt DW-3060K Buffel portable waste	21
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1	shredder	
2	1990 Hitachi EX200 hydraulic excavator	14547220
3	2000 SPCNS end dump trailer	CA952273
4	2000 SPCNS end dump trailer	CA393557
5	3 Ram Container loader	16
6	2000 SPCNS end dump trailer	CA966273
7	2001 Fruehauf 48' drop deck trailer	1JJF482F61S757352
8	2000 SPCNS end dump trailer	CA745924
9	2000 SPCNS end dump trailer	CA961228
10	1988 Landoll car traier	1LH317UH1J1004328
11	1999 Komatsu PC220LC-6LE hydraulic excavator	A83742
12	with five finger grapple	
13	1995 Komatsu PC220L-6 hydraulic excavator with	A80659
14	five finger grapple	
15	2005 Hyundai HL770-7 wheel loader	LB0110222
16	2005 Hyundai HL770-7 wheel loader	LB0110221
17	1998 Fruehauf	1H4P04827JJ016301
18	1966 Utility	BM2905
19	1990 Fruehauf	1H2P04829LW025547
20	1997 Comm	4C6FC4827V1060024
21	1979 Cherokee	410
22	1989 Peterbilt	1XP5D29X6KD276733
23	2007 Chevrolet	1GCHK23D87F192329
24	2008 Chevrolet	2GCEC13C181191744
25	2008 Chevrolet	3GCEC13C98G125904
26	2008 Chevrolet	3GCEC13C18G145905
27	1996 Dodge	1B6MC36W4TJ192970
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1991 WLCRG	1WC200E10M4010324
1981 COZAD	CC81219
2003 Freightliner	1FUJA6AV93LL09914
2003 Freightliner	1FUJA6AV73LL09930
2004 Volvo	4V4NC9TJX4N361416
1996 Chevrolet	1GBGC33J6TF018200
1971 Fruehauf	FRN424992
2000 SPCNS	CA967573
1995 Ford	1FTHF25H8SLB16690
1997 International	1HTSCAAM9VH464861
1994 Peterbilt	1XPCDB9X6RN351488
1993 Ford	2FDJF37M1PCB15377
2000 International	2HSCEAXR6YC023545

Each including all attachments, accessories, substitutions, replacements, replacements parts, additions, software and software upgrades, and all cash and non-cash proceeds (including any rental proceeds, insurance proceeds, accounts and chattel paper, arising out of or related to the sale, use, rental, or other disposition thereof) of and to all of the foregoing.

(collectively “Collateral”).