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8 Attorneys for Plaintiff COMMERCIAL CREDIT
9 GROUP INC.

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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 (Claim 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
5 the following findings and orders without needing to consult with the parties any further.

2. **The court finds:**

7 a. [X] Defendant has been properly served as required by Code of Civil
8 Procedure section 512.030.

9 b. Plaintiff [] has [X] has not filed an undertaking as required by Code of Civil
10 Procedure section 515.010. **Undertaking is hereby waived.**

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

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

16 [] Continued on Attachment 3c. n/a

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

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

21 8461 Avenue 304, Visalia, California 93291

23 [] Continued on Attachment 3d. n/a

ADDITIONAL FINDINGS FOR EX PARTE ISSUANCE OF WRIT OF POSSESSION

25 3. [] **The court also finds:** n/a

26 a. [] Defendant gained possession of the property described in item 3c, which
27 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:

8461 Avenue 304, Visalia, California 93291

1 [] Continued on Attachment 5f. n/a

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

5
6 **NOTICE TO DEFENDANT: Failure to comply with an order of the court to turn over**
7 **possession of such property to the plaintiff may subject you to being held in contempt of**
8 **court.**

9 5. Number of pages attached: 2

10
11 Dated: February 1, 2016

12 
13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE

1 EXHIBIT "1"

2
3 **COMMERCIAL CREDIT GROUP INC., etc. v. THE RECYCLE DEPOT, INC., etc., et al.,**
4 **CASE No. 1:15-cv-01720-WBS-EPG**

5 All of Defendant THE RECYCLE DEPOT, INC., a California corporation's accounts, accounts
6 receivable, chattel paper, contract rights, documents, equipment, fixtures, general intangibles,
7 goods, instruments, inventory, securities, deposit accounts, investment property and all other
8 accessories, substitutions, replacements, replacement parts, additions, software and software
9 upgrades and all cash and non-cash proceeds (including rental proceeds, insurance proceeds,
10 accounts and chattel paper arising out of or related to the sale, use, rental or other disposition
11 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 with 73' high rise sleeper	2HSCUAPR18C677145
4	2008 International Pro Star Premium Eagle tractor with 73' high rise sleeper	2HSCUAPR18C677145
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 impact crusher	420198DHSR
14	2004 Terex/BL Pegson 4242SR plant powerscreen impact crusher	4201188BJSR
16	1996 John Deere 490E hydraulic excavator with 37" TMAG 900-32 magnet	FF490EX026078
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 screening plant	D516TSPYMJG1992
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 with five finger grapple	A83742
12	1995 Komatsu PC220L-6 hydraulic excavator with five finger grapple	A80659
13	2005 Hyundai HL770-7 wheel loader	LB0110222
14	2005 Hyundai HL770-7 wheel loader	LB0110221
15	1998 Fruehauf	1H4P04827JJ016301
16	1966 Utility	BM2905
17	1990 Fruehauf	1H2P04829LW025547
18	1997 Comm	4C6FC4827V1060024
19	1979 Cherokee	410
20	1989 Peterbilt	1XP5D29X6KD276733
21	2007 Chevrolet	1GCHK23D87F192329
22	2008 Chevrolet	2GCEC13C181191744
23	2008 Chevrolet	3GCEC13C98G125904
24	2008 Chevrolet	3GCEC13C18G145905
25	1996 Dodge	1B6MC36W4TJ192970

1	1991 WLCRG	IWC200E10M4010324
2	1981 COZAD	CC81219
3	2003 Freightliner	1FUJA6AV93LL09914
4	2003 Freightliner	1FUJA6AV73LL09930
5	2004 Volvo	4V4NC9TJX4N361416
6	1996 Chevrolet	1GBGC33J6TF018200
7	1971 Fruehauf	FRN424992
8	2000 SPCNS	CA967573
9	1995 Ford	1FTHF25H8SLB16690
10	1997 International	1HTSCAAM9VH464861
11	1994 Peterbilt	1XPCDB9X6RN351488
12	1993 Ford	2FDJF37M1PCB15377
13	2000 International	2HSCEAXR6YC023545

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

18 (collectively "Collateral").

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