

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>DANIEL L. EGAN, Esq. (142631)</b> <b>WILKE FLEURY HOFFELT GOULD &amp; BIRNEY, LLP</b> 400 Capitol Mall, 22nd Floor Sacramento, CA 95814 TELEPHONE NO.: 916-441-2430 FAX NO.: 916-442-6664 ATTORNEY FOR (Name): <b>Michael F. Burkart, Chapter 7 Bankruptcy Trustee</b>	FOR COURT USE ONLY
NAME OF COURT: U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA STREET ADDRESS: 501 I Street, Suite 4-200 MAILING ADDRESS: . CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Sacramento Division.	
PLAINTIFF: <b>MICHAEL F. BURKART, Chapter 7 Trustee</b>	
DEFENDANT: <b>BARONET &amp; CO., INC., a California Corporation; SUISUN CITY/BREEZEWOOD, L.P., a California Limited Partnership; and Does 1 to 20 inclusive,</b>	
<b>APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION</b> <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person	CASE NUMBER: 09-CV-695 JAM DAD

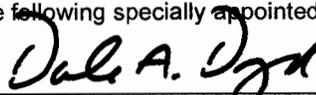
**AMENDED ORDER TO APPEAR FOR EXAMINATION**

1. TO (name): **BARONET & CO., INC. BY CHARLES ASHLEY**
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
  - a.  furnish information to aid in enforcement of a money judgment against you.
  - b.  answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
  - c.  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 27, 2010	Time: 10:00 a.m.	Dept. or Div.: 27	Rm.:
Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:			

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

In re: Paul Marvin Morlas, et al  
 Date: July 16, 2010

▶   
 JUDGE OR REFEREE

Doc. 116

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

**IMPORTANT NOTICES ON REVERSE**

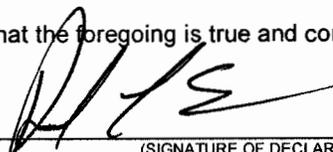
**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

4.  Judgment creditor     Assignee of record     Plaintiff who has a right to attach order  
 applies for an order requiring (name): **BARONET & CO., INC., BY CHARLES ASHLEY** to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. 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.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7.  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 491.150 or 708.160 is attached.
8.  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: July 16, 2010

**DANIEL L. EGAN** \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶   
 (SIGNATURE OF DECLARANT)

(Continued on reverse)

**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 *(Describe the property or debt using typewritten capital letters)*:

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.**

1 WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP  
2 DANIEL L. EGAN, Bar No. 142631  
3 degan@wilkefleury.com  
4 MEGAN A. LEWIS, Bar No. 221263  
5 mlewis@wilkefleury.com  
6 STEVEN J. WILLIAMSON, Bar No. 238869  
7 swilliamson@wilkefleury.com  
8 400 Capitol Mall  
9 Twenty-Second Floor  
10 Sacramento, CA 95814  
11 Telephone: (916) 441-2430  
12 Facsimile: (916) 442-6664

13 Attorneys for Chapter 7 Trustee  
14 MICHAEL F. BURKART, JR.,

15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA

17 In Re:  
18 PAUL M. MORLAS, JR.,  
19 Debtor,

20 MICHAEL F. BURKART, Chapter 7  
21 Trustee,  
22 Plaintiff,

23 vs.

24 BARONET & CO., INC., a  
25 California Corporation; SUSUIN  
26 CITY/BREEZEWOOD, L.P., a  
27 California Limited Partnership; and  
28 Does 1 to 20 inclusive,  
Defendants.

Bankruptcy Case No. 08-24692

District Court No. 09-CV-695 JAM DAD

**DECLARATION OF DANIEL L. EGAN IN  
SUPPORT OF REISSUANCE OF ORDER  
FOR APPEARANCE AND EXAMINATION**

Adv. Pro. No. 08-02360

DATE: August 27, 2010  
TIME: 10:00 a.m.  
DEPT: 27

I, Daniel L. Egan, declare:

1. I am an attorney with the firm of Wilke, Fleury, Hoffelt, Gould & Birney, LLP, counsel to Plaintiff Michael F. Burkart, in his capacity as chapter 7 Trustee in the above-referenced case. I make this declaration in this capacity and, if called upon to do so, could and would testify of my own personal knowledge of the facts set forth herein.

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2. On June 24, 2010, the court issued an Order to Appear for Examination of Baronet & Co, Inc. by Charles Ashley. The examination was scheduled for July 16, 2010.

3. A process server retained by our office made numerous attempts to serve Mr. Ashley from June 29, 2010 until July 7, 2010 and was unable to serve him personally. See Exhibit A attached hereto.

4. We are requesting a reissuance of the Order to Appear for Examination for August 27, 2010 as we believe we will now have an opportunity to serve Mr. Ashley personally at a hearing in which he is scheduled to appear.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed July 16, 2010 in Sacramento, California.

  
\_\_\_\_\_  
DANIEL L. EGAN



# Attorney's Diversified Services

## Status Report

ADS File Number: 00C41088-01

July 7, 2010

### RICKAYE HARRIS

WILKE, FLEURY, HOFFELT,  
400 CAPITOL MALL #2200  
SACRAMENTO, CA, 95814  
Phone: (916) 441-2430  
Fax: (916) 442-6664

**From:** KELLI TORRENCE  
Service of Process Department  
Attorney's Diversified Services  
Phone: (559) 233-1475  
Fax: (559) 486-4119

Plaintiff: MICHAEL F. BURKART  
Defendant: BARONET & CO., INC., ET AL  
Your File #7662.2

**Name/Servee:** BARONET & CO., INC. BY CHARLES ASHLEY  
**Home Address:** 561 N DE WOLF  
FRESNO, CA 93727  
**Business Address:** 5105 E. DAKOTA AVENUE  
FRESNO, CA 93727

On 06/25/10 we received the following documents for service:

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION;

The following is the current status of your process service request. We will continue to update you with regular status of this order and will notify you when service is complete. You are welcome to visit our website for status any time at [www.attorneysdiversified.com](http://www.attorneysdiversified.com).

06/29/10 01:35 pm	CLIENT PROVIDED ALTERNATE SERVICE ADDRESS OF: 561 N. DE WOLF , FRESNO, CA 93727. ADDRESS APPEARS TO BE A RESIDENCE.
06/29/10 02:02 pm	ATTEMPTED SERVICE AT GIVEN BUSINESS ADDRESS. BUSINESS IS GATED. SPOKE WITH RECEPTIONIST THROUGH CALL BOX, SUBJECT NOT IN. RETURN TIME UNKNOWN. ONE SUV IN PARKING LOT. LARGE CONSTRUCTION EQUIPMENT IN BACK OF OFFICE.
06/29/10 06:44 pm	ATTEMPTED SERVICE AT GIVEN RESIDENCE ADDRESS. VERY LARGE GATED HOME. RANG BELL AT GATE. NO RESPONSE.
06/30/10 09:49 am	LEFT VOICEMAIL FOR CLIENT WITH STATUS. RECOMMENDED STAKEOUT.
07/01/10 06:30 pm	ATTEMPTED SERVICE AT GIVEN BUSINESS ADDRESS. BUSINESS CARD IS STILL IN THE SAME SPOT.

(CONTINUED ON NEXT PAGE)

EXHIBIT A

## ATTACHMENT TO STATUS REPORT

Continued...

07/01/10 06:35 pm ATTEMPTED SERVICE AT GIVEN RESIDENCE ADDRESS. GATED AND SECURED WITH CAMERAS

07/02/10 06:00 am ONE SERVER IS AT STAKE OUT ON SERVEES RESIDENCE ADDRESS AND OTHER SERVER IS AT STAKE OUT ON SERVEES BUSINESS ADDRESS.

07/02/10 06:11 am ATTEMPTED SERVICE AT GIVEN RESIDENCE ADDRESS. BUSINESS CARD IS STILL TAPED TO THE GATE.

07/02/10 06:22 am SERVER LOCATED PHONE NUMBER 255-2350. A MALE ANSWERED THE CALL. AFTER ASKING FOR THE SERVEE THE SERVER STATED HER NAME AND WHY SHE WAS CALLING. THE MALE SAID "I DON'T KNOW" AND HUNG UP.

07/02/10 06:58 am ATTEMPTING SERVICE AT BUSINESS ADDRESS. A MAN IN A GREY CHEVY PICKUP WITH A CAMPER ADVISED SERVER TO SPEAK WITH A PERSON IN A WHITE CAR THAT ARRIVES AT BUSINESS ADDRESS DAILY.

07/02/10 07:49 am ATTEMPTED SERVICE AT BUSINESS ADDRESS. A WHITE CIVIC WITH PLATE NUMBER 4LWD130 PULLED UP. SHE WAS HOSTILE TOWARDS THE SERVER. SHE TOLD HIM HER BOSS WOULD NOT LET HER ACCEPT ANY DOCUMENTS AND THAT THEY HAVE NOT COME TO WORK IN A LONG TIME. SERVER ASKED WHEN THE SERVEE WOULD BE IN NEXT AND THE FEMALE EXITED THE CAR USED THE REMOTE TO OPEN THE GATE AND LEFT.

07/02/10 07:58 am ATTEMPTED SERVICE AT BUSINESS ADDRESS. A GREEN EXPEDITION WITH PLATE NUMBER 4HBP369 PULLED UP WITH A FEMALE OCCUPANT.

07/02/10 08:08 am CALLED THE PHONE NUMBER AGAIN AND NO ONE ANSWERED THERE WAS NO WAY TO LEAVE A MESSAGE.

07/02/10 08:12 am LOCATED PHONE NUMBER 453-1112 AND LEFT A MESSAGE.

07/02/10 08:18 am NO MOVEMENT, NO CHANGES. BLINDS ON WINDOWS ARE ALL CLOSED.

07/02/10 08:28 am ATTEMPTED SERVICE AT BUSINESS ADDRESS. A WHITE SATURN SUV ARRIVED WITH A FEMALE OCCUPANT. WITHOUT ENTERING THE COMPOUND SHE LEFT ABOUT 30 SECONDS AFTER ARRIVING.

07/02/10 09:12 am LEFT LOCATION.

07/02/10 09:23 am ARRIVED AT 6790 E BELMONT. THE TRUCK THAT ONE OF THE EMPLOYEES DISCRIBED IS AT THE HOME. GATES ARE CLOSED AND SERVEE COULD NOT GET AN ANSWER ON THE INTERCOME. THERE WAS A SILVER CAN AND HORSE TRAILER OUT FRONT OF THE HOME. ALL OF THE FRONT BLINDS ARE CLOSED

(CONTINUED ON NEXT PAGE)

ATTACHMENT TO STATUS REPORT

Continued...

07/02/10 10:11 am	LEFT BELMONT ADDRESS.
07/02/10 10:47 am	ATTEMPTED SERVICE AT BUSINESS ADDRESS. A MALE NAMED SHANE PULLED UP IN A GREY BMW.SAID HE IS THE COMPANYS REAL ESTATE BROKER.SAID HE COULD CALL THE SERVEE ON THIER CELL PHONES. SHANE CONFIRMED THAT SERVEE DRIVES TWO WHITE FORD F150S.
07/04/10 03:38 pm	ATTEMPTED SERVICE AT RESIDENCE ADDRESS of 6790 E BELMONT.
07/05/10 12:15 pm	ATTEMPTED SERVICE AT RESIDENCE ADDRESS OF 6790 E BELMONT. THERE HAS BEEN NO CHANGE. LOOKS AS IF SERVEE MAYBE OUT OF TOWN
07/07/10 12:34 pm	DUE DATE FOR SERVICE HAS PASSED.

Thank you. We always appreciate your business.