

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYFARER AVIATION, INC.,
nka WAI LIQUIDATING CO., INC.,

No. C 10-00165 CRB

Plaintiff/Judgment Creditor,

~~[Proposed]~~

v.

THE HALSEY MCLEAN MINOR
REVOCABLE TRUST U/A/D 11/2/2004,

CHARGING ORDER

Defendant/Judgment Debtor.

_____ /

Upon review of *Plaintiff's Application For Order Charging Defendant/Judgment Debtor's Interests In Partnerships*, and for good cause shown, said Motion is hereby granted.

Pursuant to Cal Code Civ Proc § 708.310, the Court orders that the interest of the defendant and judgment debtor, The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004, in any of the following partnerships ("Parties Being Charged") is hereby charged and shall be applied toward satisfaction of the Judgment entered on March 24, 2011, against The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004 and in favor of the plaintiff and judgment creditor, Wayfarer Aviation, Inc., nka WAI Liquidating Co., Ltd. ("Wayfarer"), in the amount of \$608,619.55 (dckt.

1 no. 38). The charging order shall include The Halsey McLean Minor Revocable Trust U/A/D
2 11/2/2004's interests in:

3 * Accel Internet Fund III LP
4 Mailing Address:
5 428 University Avenue
6 Palo Alto, CA 94301

7 Accel Internet Fund III LP
8 Business Address:
9 One Palmer Square
10 Princeton, NJ 08542

11 * Attractor QP LP
12 Business and Mailing Address:
13 1440 Chapin Aveue
14 Burlingame, CA 94010

15 * Benchmark Founders Fund IV-X LP
16 Business and Mailing Address:
17 2480 Sand Hill Road, Suite 200
18 Menlo Park, CA 94025

19 * Enterprise Products Partners L.P.
20 Business and Mailing Address:
21 1100 Louisiana, 10th Floor
22 Houston, TX 77002 71338

23 * Redpoint Technology Partners Q-1 LP
24 Business and Mailing Address:
25 3000 Sand Hill Road, Building 2, Suite 290
26 Menlo Park, CA 94025

27 * USVP VI Affiliates Fund, L.P.
28 Business and Mailing Address:
29 2735 Sand Hill Road
30 Menlo Park, CA 94025

31 Pursuant to Cal Corp Code § 16504(a), the Court specifically charges the assignable
32 interest of The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004 in the Parties Being
33 Charged to satisfy the Judgment in this case.

34 Pursuant to Cal Corp Code § 16504(b), this charging order constitutes a lien on the
35 assignable interest of The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004 in the Parties

1 Being Charged. The court may order a foreclosure on the interests subject to this charging order at
2 any time.

3 The Court further orders that no distribution of income of any kind or any kind of income
4 being revenue, profits, distributions or proceeds from the sale of the Parties Being Charged
5 hereinbefore identified, whether it be real or personal property, fixtures, intangible property,
6 income, revenue, profits or proceeds be disbursed to The Halsey McLean Minor Revocable Trust
7 U/A/D 11/2/2004, unless and until the Judgment balance, together with interest and costs, is paid to
8 Wayfarer.

9 The Court further orders that The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004
10 shall account to Wayfarer upon Wayfarer's request an accounting of the The Halsey McLean
11 Minor Revocable Trust U/A/D 11/2/2004's interest in the Parties Being Charged, and shall further
12 account to Wayfarer for any monies, property, goods and effect due and owing, or to be due and
13 owing to The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004, by virtue of its interests
14 and/or ownership interests in the Parties Being Charged.

15 The Court further orders that The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004
16 is restrained from transferring, attempting to transfer, distributing, crediting, alienating, signing,
17 giving, pledging, hypothecating or otherwise disposing of any present existing equitable legal
18 interest in the partnership interests or otherwise in property, real, personal, mixed, tangible or
19 intangible wheresoever located to any person or entity in said entities being the Parties Being
20 Charged until such a time as Wayfarer's Judgment, together with interest and costs, has been
21 satisfied, and without prior approval of the Court as the result of Wayfarer's equitable Liens on
22 The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004's interest in the Parties Being
23 Charged.

24 The Court further orders that in the event any distribution is to be made by the Parties
25 Being Charged to The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004, as the result of
26 The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004's interest in the Parties Being
27 Charged, that said distribution be made to Wayfarer, as Wayfarer has been granted a Charging
28

1 Order against The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004's interests in the
2 Parties Being Charged.

3

4 IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that The Halsey McLean
5 Minor Revocable Trust U/A/D 11/2/2004's partnership interest in the Parties Being Charged is
6 charged with Wayfarer's Judgment in the amount of \$608,619.55, and that in the event any
7 distribution is made by Parties Being Charged to The Halsey McLean Minor Revocable Trust
8 U/A/D 11/2/2004, that said distribution be made to Wayfarer subject Wayfarer's Charging Order,
9 and that the Parties Being Charged are hereby restrained from making any distributions of any kind
10 whatsoever to The Halsey McLean Minor Revocable Trust U/A/D 11/2/2004, until such a time as
11 Wayfarer's Judgment, together with interest and costs, has been paid and satisfied.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that The Halsey McLean
13 Minor Revocable Trust U/A/D 11/2/2004, is enjoined from receiving any distribution of any kind
14 whatsoever from the Parties Being Charged until such a time as Wayfarer's Judgment, together
15 with interest and costs, has been paid, and that any further distribution to be made by the Parties
16 Being Charged, which would otherwise belong to The Halsey McLean Minor Revocable Trust
17 U/A/D 11/2/2004, that said distribution be made to Wayfarer until such a time as Wayfarer's
18 Judgment, together with interest and costs, has been paid and satisfied.

19

20 **IT IS SO ORDERED.**

21

22 Dated: August 16, 2012

23

24

25

26

27

28

