

ARU SPC LTD, v. Meyer Trucking, Inc, et al

Doc. 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): <b>Eron P. Malone SBN 241190</b> <b>Patane Gumberg, LLP</b> <b>4 Rossi Circle, Suite 231</b> <b>Salinas, CA 93907</b> TELEPHONE NO.: (831) 755-1461 FAX NO. (Optional): (831) 755-1477 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiff, ARU SPC, Ltd.</b> <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF U.S. District Court</b> STREET ADDRESS: MAILING ADDRESS: <b>450 Golden Gate Ave</b> CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Northern California District, San Francisco Division</b>	
PLAINTIFF: <b>ARU SPC Ltd.</b> DEFENDANT: <b>Meyer Trucking, Inc. et al.</b>	
<b>WRIT OF</b> <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property <input type="checkbox"/> SALE	CASE NUMBER: <p style="text-align: center; font-size: 1.2em;"><b>3:12-CV-05754-MMC</b></p>

1. To the Sheriff or Marshal of the County of: **Monterey**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): **ARU SPC, Ltd.**

is the  judgment creditor     assignee of record    whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

**Meyer Trucking, Inc.**  
117 North First Street  
King City, CA 93930

**Robert L. Meyer**  
230 Rio Vista  
King City, CA 93930

Additional judgment debtors on next page

5. Judgment entered on (date):

**April 2, 2013**

6.  Judgment renewed on (dates):

7. Notice of sale under this writ

- a.  has not been requested.
- b.  has been requested (see next page).

8.  Joint debtor information on next page.

- 9.  See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.
- 10.  This writ is issued on a sister-state judgment.
- 11. Total judgment ..... \$ **337,291.34**
- 12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$ **0**
- 13. Subtotal (add 11 and 12) ..... \$ **337,291.34**
- 14. Credits ..... \$ **0**
- 15. Subtotal (subtract 14 from 13) ..... \$ **337,291.34**
- 16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$ **2772.30**
- 17. Fee for issuance of writ ..... \$ **0**
- 18. Total (add 15, 16, and 17) ..... \$ **340,063.64**

19. Levying officer:

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. . . . . \$ **92.41**

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) . . . . . \$

**RICHARD W. WIEKING**

20.  The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Issued on (date): **5/6/13**

Clerk, by **ALFRED AMISTOSO**, Deputy

**NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.**

[SEAL]

PLAINTIFF: ARU SPC Ltd.	CASE NUMBER: 3:12-CV-05754-MMC
DEFENDANT: Meyer Trucking, Inc. et al.	

— Items continued from page 1 —

21.  **Additional judgment debtor** (name and last known address):

Patricia J. Meyer  
 230 Rio Vista  
 King City, CA 93930

22.  **Notice of sale** has been requested by (name and address):

23.  **Joint debtor** was declared bound by the judgment (CCP 989-994)

a. on (date): <input type="text"/>	a. on (date): <input type="text"/>
b. name and address of joint debtor: <input type="text"/> <input type="text"/> <input type="text"/>	b. name and address of joint debtor: <input type="text"/> <input type="text"/> <input type="text"/>

c.  additional costs against certain joint debtors (itemize):

24.  (*Writ of Possession or Writ of Sale*) **Judgment** was entered for the following:

a.  Possession of real property: The complaint was filed on (date):  
 (Check (1) or (2)):

(1)  The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.  
 The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2)  The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.  
 (a) \$  was the daily rental value on the date the complaint was filed.  
 (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b.  Possession of personal property.  
 If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.

c.  Sale of personal property.

d.  Sale of real property.

e. Description of property:

**NOTICE TO PERSON SERVED**

**WRIT OF EXECUTION OR SALE.** Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

**WRIT OF POSSESSION OF PERSONAL PROPERTY.** If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

**WRIT OF POSSESSION OF REAL PROPERTY.** If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A *Claim of Right to Possession* form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Eron P. Malone, Esq. SBN 241190</b> <del>Patane Gumberg, LLP</del> 4 Rossi Circle, Suite 231 Salinas, CA 93907  TELEPHONE NO. (831) 755-1461                      FAX NO.: (831) 755-1477 ATTORNEY FOR (Name): <b>Plaintiff, ARU SPC Ltd.</b>	FOR COURT USE ONLY
NAME OF COURT: <b>U.S. District Court, Northern California Division</b> STREET ADDRESS: <b>450 Golden Gate Avenue</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>San Francisco District</b>	
PLAINTIFF: <b>ARU SPC Ltd.</b>  DEFENDANT: <b>Meyer Trucking, Inc. et al.</b>	
<b>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</b>	CASE NUMBER: <b>3:12-CV-05754-MMC</b>

1. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):

	Dates Incurred	Amount
a Preparing and issuing abstract of judgment		\$
b Recording and indexing abstract of judgment		\$
c Filing notice of judgment lien on personal property		\$
d Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county):		\$
e Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
f Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
g Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$
h Other: (Statute authorizing cost):		\$
i Total of claimed costs for current memorandum of costs (add items a-h)		\$

2. All previously allowed postjudgment costs: . . . . . \$

3. Total of all postjudgment costs (add items 1 and 2): . . . . . TOTAL \$

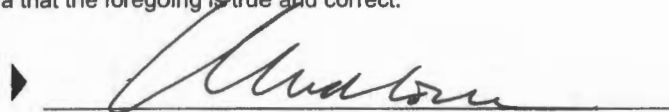
4. **Acknowledgment of Credit.** I acknowledge total credit to date (including returns on levy process and direct payments) in the amount of: \$

5. **Declaration of Accrued Interest.** Interest on the judgment accruing at the legal rate from the date of entry on balances due after partial satisfactions and other credits in the amount of: \$ 2,772.30

6. I am the  judgment creditor  agent for the judgment creditor  attorney for the judgment creditor.  
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 2, 2013

Eron P. Malone, Esq.                        
 (TYPE OR PRINT NAME)                      (SIGNATURE OF DECLARANT)

**NOTICE TO THE JUDGMENT DEBTOR**

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, *not exceeding \$100 in aggregate* and not already allowed by the court, may be included in the writ of execution. *The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution.* (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

SHORT TITLE:  
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## PROOF OF SERVICE

Mail  Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (*complete either a or b*):
  - a.  **Mail.** I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope AND
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
      - (c) Date of mailing:
      - (d) Place of mailing (*city and state*):
  - b.  **Personal delivery.** I personally delivered a copy as follows:
    - (1) Name of person served:
    - (2) Address where delivered:
    - (3) Date delivered:
    - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)