

AT-135

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Andrew Van Ornum (Bar No. 214040) Varela, Lee, Metz & Guarino, LLP 333 Bush Street, Suite 1500, San Francisco, CA 94104 TELEPHONE NO. : 415/623-7000 E-MAIL ADDRESS (Optional): _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): Plaintiff Travelers Casualty Surety Company of America	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: U.S. District Court, Northern District MAILING ADDRESS: 450 Golden Gate Ave. CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: U.S. District Court, Northern District of California	
PLAINTIFF: Travelers Casualty Surety Company of America DEFENDANT: KOO Construction, Inc.,	
WRIT OF ATTACHMENT <input checked="" type="checkbox"/> AFTER HEARING <input type="checkbox"/> EX PARTE	CASE NUMBER: 3:16-cv-00518-JCS

1. TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF: **Northern District CA**
2. TO ANY REGISTERED PROCESS SERVER: You are only authorized to serve this writ in accord with CCP 488.080.
3. This writ is to attach property of defendant (name and last known address): **K.O.O. Construction, Inc.**

and the attachment is to secure: \$ 2,743,193.81

4. Name and address of plaintiff: **Travelers Casualty Surety Company of America**
c/o Andrew Van Ornum
333 Bush Street, Suite 1500, San Francisco, CA 94104
5. YOU ARE DIRECTED TO ATTACH the following property or so much thereof as is clearly sufficient to satisfy the amount to be secured by the attachment (describe property and state its location; itemize by letter):

This information is on an attached sheet.

6. An interest in the real property described in item 5 stands upon the records of the county, in the name of the following person other than the defendant:

a. Name:

b. Mailing address, if known, as shown by the records of the office of the county tax assessor (specify):

7. The real property on which the
 - crops described in item 5 ___ are growing
 - timber described in item 5 ___ to be cut is standing stands upon the records of the county in the name of
 - a. Name:
 - b. Address:

[SEAL]

Date:

8/8/2017

Clerk, by _____, Deputy

SUSAN Y. SOONG

MARK ROMYN

Page 1 of 1

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10 Attorneys for Plaintiff
 Travelers Casualty and Surety Company of America

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

13 TRAVELERS CASUALTY AND
 14 SURETY COMPANY OF AMERICA, a
 Connecticut corporation,

15 Plaintiff,

16 v.

17 K.O.O. CONSTRUCTION, INC., a
 18 California corporation; and KEITH
 ODISTER, an individual, inclusive,

19 Defendants.

Case No. 3:16-cv-00518

**~~PROPOSED~~ ORDER ON TRAVELERS
 CASUALTY AND SURETY COMPANY'S
 MOTION TO AMEND ORDER GRANTING
 RIGHT TO ATTACH**

Date: April 21, 2017
Time: 9:30 a.m.
Location: Courtroom G
Address: 450 Golden Gate Ave., 15th Floor
 San Francisco, CA 94102

1 Having read and considered Travelers Casualty and Surety Company of America's
 2 ("Travelers") Motion to Amend the December 16, 2016, Right to Attach Order, and good cause
 3 appearing therefore, IT IS HEREBY ORDERED that:

4 1. The motion is GRANTED.

5 2. The Court finds Defendant K.O.O. Construction, Inc. is a corporation. The Court
 6 finds Defendant Keith Odister is a natural person and that the KEITH O. ODISTER TRUST,
 7 established on May 15, 2008 is a revocable trust pursuant to Probate Code section 18200 and
 8 therefore subject to levy by Travelers as creditor of Keith Odister.

9 3. The claim upon which the application is based is one upon which an attachment may
 10 be issued. Travelers has established the probable validity of the claim upon which the attachment
 11 is based. The attachment is not sought for a purpose other than the recovery on the claim upon
 12 which the attachment is based. The amount to be secured by the attachment is greater than zero.

13 4. Plaintiff has a right to attach property of Defendants K.O.O. Construction, Inc.,
 14 Keith Odister, and any property held by Keith O. Odister, as trustee of the Keith O. Odister Trust,
 15 established 15 May, 2008 ("Odister Trust"), in the amount of \$2,743,193.81.

16 5. The clerk shall issue a writ of attachment in the amount of \$2,743,193.81 forthwith
 17 for any property of K.O.O. Construction, Inc. for which a method of levy is provided.

18 6. The clerk shall issue a writ of attachment in the amount of \$2,743,193.81 for the
 19 property of Defendant Keith Odister and any property of the Odister Trust, that is subject to
 20 attachment under California Code of Civil Procedure section 487.010:

21 a. All right, title and interest of defendant Keith Odister, in his own name or in
 22 the name of the Odister Trust, in the following real property and in any other real property in which
 23 said defendant holds a right, title or interest pursuant to California Code of Civil Procedure section
 24 487.010(c)(1):

Address	County	APN
1. 3901 Fair Oaks Blvd., Sacramento, CA 95864	Sacramento	292-0100-004-0000
2. 2414 28th St., Sacramento, CA 95834	Sacramento	010-0241-012-0000
3. 7112 Rio Cavado Wy., Elk Grove, CA 95757	Sacramento	132-1240-057-0000

- 1 4. 135 Cathcart Ave., Sacramento, CA 95838 Sacramento 250-0291-016-0000
- 2 5. 3196 Swallows Nest Dr., Sacramento, CA 95833 Sacramento 274-0300-042-0000
- 3 6. 2408 28th St., Sacramento, CA 95818 Sacramento 010-0241-011-0000
- 4 7. 2412 Del Paso Rd., Sacramento, CA 95834 Sacramento 225-0070-135-0000
- 5 8. 2510 Boatman Ave., W. Sacramento, CA 95691 Yolo 067-140-13-1

6 b. All accounts receivable, chattel paper, and general intangibles held by
7 defendant, in his own name or in the name of the Odister Trust, arising out of the conduct by said
8 defendant of a trade, business or profession, pursuant to California Code of Civil Procedure section
9 487.010(c)(2).

10 c. All equipment, farm products, and inventory of said defendant, in his own
11 name or in the name of the Odister Trust, pursuant to California Code of Civil Procedure section
12 487.010(c)(3) through (5).

13 d. All money judgments that said defendant, in his own name or in the name of
14 the Odister Trust, holds against any other person or entity arising out of the defendant's conduct of
15 a trade, business or profession, pursuant to California Code of Civil Procedure section
16 487.010(c)(6).

17 e. All money of said defendant, in his own name or in the name of the Odister
18 Trust, on the premises where a trade, business or profession is conducted by said defendant except
19 for the first \$1,000.00 pursuant to California Code of Civil Procedure section 487.010(c)(7).

20 f. All deposit accounts of said defendant, in his own name or in the name of
21 the Odister Trust, to be levied so that an aggregate amount of \$1,000.00 in the form of such money
22 and in such accounts remains free from levy pursuant to California Code of Civil Procedure section
23 487.010(c)(7).

24 g. All negotiable documents of title held by defendant, in his own name or in
25 the name of the Odister Trust, pursuant to California Code of Civil Procedure section 487.010(c)(8).

26 h. All instruments held by said defendant, in his own name or in the name of
27 the Odister Trust, (including but not limited to checks, promissory notes, and other "instruments"
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as defined by California Commercial Code section 3104(b), pursuant to California Code of Civil Procedure section 487.010(c)(9).

i. All "securities" held by defendant, in his own name or in the name of the Odister Trust, as defined in California Corporations Code section 25019, pursuant to California Code of Civil Procedure section 487.010(c)(10).

IT IS SO ORDERED.

Date: June 8, 2017

