				AT-115
Michael W. Davidson	EY (Name, State Bar number, and address): SE	BN 070584	FORG	COURT USE ONLY
TAW DIVISION OF NRT 1855 Gateway Blvd., Su TELEPHONE NO (925) 77	ite 670, Concord, CA 945			
E-MAIL ADDRESS (Optional):	VALLEY OF CALIFORNI	A. INC et al.		
U.S. DISTRICT COURT, N	ORTHERN DISTRICT OF CA			
MAILING ADDRESS: Same	en Gate Ave., Box 36060			
CITY AND ZIP CODE: San Franci BRANCH NAME:	isco, CA 94102-3489			
PLAINTIFF: VALLEY OF	CALIFORNIA, INC., et al.			
DEFENDANT: JAMES COT	TER, et al.			
NOTICE OF APPLICATION A	ND HEARING FOR		CASE NUMBER:	720-HCS JC3
RIGHT TO ATTACH			3:10-CV-001	720-Pros 0 - 3
w	RIT OF ATTACHMENT			
A	DDITIONAL WRIT OF ATTACHN	IENT	<u> </u>	
<ol> <li>Notice to defendant (name, as James Cotter c/o</li> </ol>	ddress, and telephone number, if t	known):		
b. a writ of attachment	er and writ of attachment. (Check	ilems 6a, 6b, and 6d(1).)		
3. A hearing on plaintiff's applica	tion will be held in this court as fo	llows:		
Date:	Time:	Dept.:	Div.:	Rm.:
<ul> <li>4. The request of plaintiff for an order is based upon the application and affidavit or declaration filed and served with this notice and is made under a. Code of Civil Procedure section 483.010. (Check item 6h(2)(a).)</li> <li>b. Welfare and Institutions Code section 15657.01. (Check item 6h(2)(b).)</li> </ul>				
when an attachment may or r discretion to include costs an	e following sections of the Code on ay not be issued, the manner of d attorney's fees, and special limit Civ. Proc., §§ 482.110, 483.010, 4	calculating the amount to a ations on the amount to be	be secured by the a e secured by attact	attachment, the court's nment in unlawful
requirements for iss for the purpose of de made in subsequent the order.	er will be issued if the court finds a uing the order are established. The etermining whether the claim is ac proceedings in the action and wil	is hearing may include bo tually valid. Determination I not be affected by the de	th written and oral post of the actual validitics in the hearing the hearing in t	oresentations but is not ty of the claim will be ag on the application for
provided in Code of actions), you must fi	se the issuance of a right to attac Civil Procedure section 483.015 ( le with this court and serve on pla oposition and supporting declarati	or Code of Civil Procedure intiff (no later than five cou	e section 483.020 in art days prior to the	n unlawful detainer date set for hearing in
application unless the counecessary to satisfy the a limited to your property deproperty of yours.	or has been issued, a writ of attaint determines that the property is mount to be secured by the attachescribed in plaintiff's application, a	exempt from attachment of the state of the state of attachment may la	or that its value clea right to attach orde ter be issued to atta	orly exceeds the amount er will not necessarily be
Form Approved for Optional Use				r. Proc., 66 482,030, 484,010 et seg.:

S	HORT TITLE	CASE NUMBER:			
LV	ALLEY OF CALIFORNIA, INC., et al. v. COTTER	3:16-CV-06720-HCS			
6. (	<ol> <li>If you claim that all or some portion of the property described in plaintiff's applica later than five court days prior to this hearing,</li> </ol>	tion is exempt from attachment, you must, no			
	(1) include your claim of exemption in your notice of opposition filed and serve a section 484.060 or file and serve a separate claim of exemption with reserved Civil Procedure section 484.070.				
	(2) file with the court and serve on plaintiff a claim of exemption with respect Procedure section 484.350.	t to the property as provided in Code of Civil			
	If you fail to make a claim of exemption with respect to personal property, or make personal property, but fail to prove that the property is exempt, any further claim of barred unless you show a change in circumstances occurring after expiration of the	of exemption with respect to the property will be			
е	<ul> <li>Claims of exemption resulting from a change of circumstances, whether after den for claiming exemptions, may be asserted as provided in Code of Civil Procedure</li> </ul>				
f.	You may obtain a determination at the hearing whether property not described in the application is exempt from attachment. Your failure to claim that property not described in the application is exempt from attachment will not preclude you from making a claim of exemption with respect to the property at a later time.				
g	. You may also obtain a determination at the hearing whether the amount sought to be secured by the attachment will reduced by				
<ul><li>(1) the amount of any money judgment in your favor and against plaintiff that remains unsatisfied and enforceable;</li><li>(2) the amount of any indebtedness of the plaintiff that you have claimed in a cross-complaint filed in the action if you one upon which an attachment could be issued;</li></ul>					
	(3) the amount of any claim asserted by you as a defense in the answer pursuant the claim is one upon which an attachment could have been issued had an act barred by the statute of limitations; or	to Code of Civil Procedure section 431.70 if tion been brought on the claim when it was not			
	(4) the value of any security interest in your property held by plaintiff to secure the with the amount by which the value of the security interest has decreased due security interest.				
h.	The amount to be secured by an attachment is determined pursuant to the following	ng statutes:			
	(1) Code of Civil Procedure section 482.110. A writ of attachment may include a attorney fees.	an estimate of the costs and allowable			
	(2) (a) Code of Civil Procedure section 483.010. An attachment may issu- contract, express or implied, exclusive of attorney fees, costs, and in- interest in real property (e.g., a mortgage or trust deed), an attachme valueless or has decreased in value to less than the amount owing o security holder (if different from plaintiff).	terests. If the claim was originally secured by an ent may issue only if the security has become			
	(b) Welfare and Institutions Code section 15657.01. An attachment m secreting, appropriating, obtaining, or retaining real or personal proper use, with intent to defraud, or by undue influence.	ay issue on a claim based on the taking, erty of an elder or dependent adult for a wrongfi			
	<ul> <li>(3) Code of Civil Procedure section 483.015. The amount to be attached include plaintiff, plus estimated costs and allowable attorney fees, reduced by the sum</li> <li>(a) the amount of any unsatisfied money judgment held by defendant against to the amount of any indebtedness of plaintiff claimed by defendant in a cross attachment could issue on the claim);</li> <li>(c) the amount of any cross-demand for money owed by plaintiff to defendant to the context of the amount of any cross-demand for money owed by plaintiff to defendant to the context of the context of</li></ul>	of the following: plaintiff; s-complaint filed in the action (if a writ of			

could have been issued before the statute of limitations ran; and

underlying security caused by plaintiff or a prior security holder.

assertable as a Code of Civil Procedure section 431.70 defense) if the debt was one upon which a writ of attachment

(d) the amount of any security interest held by plaintiff in defendant's property, together with any decrease in the value of the

SHORT TITLE:

-VALLEY OF CALIFORNIA, INC., et al. v. COTTER

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- 6 h. (4) Code of Civil Procedure section 483.020. An attachment ordered in an unlawful detainer proceeding may include
  - (a) the amount of rent past due when the complaint is filed;
  - (b) an additional amount for the estimated rent due from the date the complaint was filed until the estimated date of judgment or delivery of possession to plaintiff; plus
  - (c) estimated costs and attorney fees.

Any prepaid rent or lease deposits held by plaintiff are disregarded in the calculation of the amount of attachment. However, the amount of attachment will be reduced by the amounts described in Code of Civil Procedure section 483.015 (see ilem 6h(3) above).

- i. Either you or your attorney or both of you may be present at the hearing.
- j. YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH PLAINTIFF'S APPLICATION. THE ATTORNEY SHOULD BE CONSULTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST YOU BEFORE THE TIMES FOR FILING YOUR OPPOSITION AND CLAIMS OF EXEMPTION AND AT THE HEARING.

Date:

(TYPE OR PRINT NAME OF PLAINTIFF OR PLAINTIFF'S AT

Z ATES DISTRICTORY

SUSAN Y. SOONG

NATURE OF FLAINTIFF OR PLAINTIFF'S ATTORNEY)

MARK ROMYN