

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
JOHN P. SCHMITZ, ESQ. 237981
MILLS, SCHMITZ, HALSTEAD & ZALOUDEK, LLC
600 17TH STREET, SUITE 2800S
DENVER, CO 80202
 TELEPHONE NO.: 303-384-3922 FAX NO.:
 E-MAIL ADDRESS: jschmitz@mshzlaw.com
 ATTORNEY FOR (Name): **PLAINTIFF CRATERS & FREIGHTERS**
 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

FOR COURT USE ONLY

United States District Court: **NORTHERN DISTRICT**
 STREET ADDRESS: **1301 CLAY STREET, #4005**
 MAILING ADDRESS:
 CITY AND ZIP CODE: **OAKLAND, CA 94612**
 BRANCH NAME: **NORTHERN DISTRICT**
 PLAINTIFF: **CRATERS & FREIGHTERS**

DEFENDANT: **FRED BENZ; CATHY BENZ; DAISYCHAIN ENTERPRISES, dba**
FREIGHT & CRATE

WRIT OF EXECUTION (Money Judgment) POSSESSION OF Personal Property Real Property SALE
 Limited Civil Case Small Claims Case
 Unlimited Civil Case Other **USDC CIVIL**

CASE NUMBER: **C 09-04531 CW**

1. To the Sheriff or Marshal of **NORTHERN DISTRICT**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law. **FILE BY FAX**
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): **CRATERS & FREIGHTERS**
 is the judgment creditor assignee of record whose address is shown on this form above the court's name.
4. Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):
FRED BENZ
P.O. BOX 490
EAGLE, IDAHO 83616
5. Judgment entered on (date): **5/5/2010 dkt 102**
07/22/2010 dkt 116
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 | \$ | 63,543.97 |
| 12. Costs after judgment (per filed order or memo CCP 685.090) | \$ | |
| 13. Subtotal (add 11 and 12) | \$ | 63,543.97 |
| 14. Credits | \$ | |
| 15. Subtotal (subtract 14 from 13) | \$ | 63,543.97 |
| 16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) | \$ | |
| 17. Fee for issuance of writ | \$ | |
| 18. Total (add 15, 16, and 17) | \$ | 63,543.97 |
19. Levying officer:
 (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of \$
 (b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) \$
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): **10/10/14**

Clerk, by *[Signature]*, Deputy

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

PLAINTIFF: CRATERS & FREIGHTERS

CASE NUMBER:

C 09-04531 CW

DEFENDANT: FRED BENZ; CATHY BENZ; DAISYCHAIN ENTERPRISES, dba FREI

-Items continued from page 1-

21. Additional judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):

CATHY BENZ
P.O. BOX 490
EAGLE, IDAHO 83616

DAISYCHAIN ENTERPRISES, dba
FREIGHT & CRATE
P.O. BOX 490
EAGLE, IDAHO 83616

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):

a. on (date):

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

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 24e) 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).