

COPY

EJ-130

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): <b>Adam Friedenber</b> (No. 205778); <b>Jonathan A. Eldredge</b> (No. 238559) <b>Glynn &amp; Finley, LLP</b> One Walnut Creek Center, 100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596  TELEPHONE NO.: (925) 210-2800      FAX NO. (Optional): (925) 945-1975  E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>
United States District Court, Northern District of California STREET ADDRESS: 1301 Clay Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Oakland Division	
PLAINTIFF: CONOCOPHILLIPS COMPANY  DEFENDANT: MILESTONE PACIFIC PROPERTIES, LLC, et al.	
<b>WRIT OF</b>  <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property  <input checked="" type="checkbox"/> SALE	CASE NUMBER:  4:10-cv-00079-SBA

1. To the Sheriff or Marshal of the County of: SOLANO

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): ConocoPhillips Company

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):

Milestone Pacific Properties, LLC  
199 Lincoln Road; Vallejo, CA 94590

Saeed and Gissou Ghafouri  
11 Sky Road, Mill Valley, CA 94941

BPG Pacific, LLC, 300 Drakes Landing  
Road, Suite 155, Greenbrae, CA 94904

Additional judgment debtors on next page

5. Judgment entered on (date): 09/13/2010

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.

[SEAL]

- 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 ..... \$ 769,232.59
- 12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$ 66,888.18
- 13. Subtotal (add 11 and 12) ..... \$ 836,120.76
- 14. Credits ..... \$ 0.00
- 15. Subtotal (subtract 14 from 13) ..... \$ 836,120.76
- 16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$ 59,558.20(Attach. A)
- 17. Fee for issuance of writ ..... \$ 0.00
- 18. Total (add 15, 16, and 17) ..... \$ 895,678.96
- 19. Levying officer:
  - (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. .... \$ 229.07
  - (b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; 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) **JUN - 1 2011**

**JESSIE MOSLEY**

Clerk, by \_\_\_\_\_, Deputy

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

PLAINTIFF: CONOCOPHILLIPS COMPANY	CASE NUMBER:
DEFENDANT: MILESTONE PACIFIC PROPERTIES, LLC, et al.	4:10-cv-00079-SBA

— Items continued from page 1 —

21.  **Additional judgment debtor** (name and last known address):
- |  |  |  |  |
|--|--|--|--|
| Copeland Creek Apartments, LLC<br>51 Marina Drive, Suite 821<br>Petaluma, CA 94954 |  | Glenn Larsen<br>835 Fifth Avenue, Suite H<br>San Rafael, CA 4901 |  |
|--|--|--|--|
22.  **Notice of sale** has been requested by (name and address):
- |   |  |  |  |
|---|--|--|--|
| ConocoPhillips Company by its attorneys<br>Glynn & Finley, LLP<br>100 Pringle Avenue, Suite 500<br>Walnut Creek, CA 94596 |  |  |  |
|---|--|--|--|
23.  **Joint debtor** was declared bound by the judgment (CCP 989–994)
- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| a. on (date):                        | a. on (date):                        |
| b. name and address of joint debtor: | b. name and 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 9e) specified in the judgment or supplemental order.
- c.  Sale of personal property.
- d.  Sale of real property.
- e. Description of property:  
 199 Lincoln Road West, Vallejo, California 94590, APN Nos. 062-061-310 and 062-061-340. A legal description is attached as Attachment B.

**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).

# **ATTACHMENT A**

1 GLYNN & FINLEY, LLP  
ADAM FRIEDENBERG, Bar No. 205778  
2 JONATHAN A. ELDREDGE, Bar No. 238559  
One Walnut Creek Center  
3 100 Pringle Avenue, Suite 500  
Walnut Creek, CA 94596  
4 Telephone: (925) 210-2800  
Facsimile: (925) 945-1975  
5  
6 Attorneys for Plaintiff  
ConocoPhillips Company

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 CONOCOPHILLIPS COMPANY, a ) Case No. CV 10-00079 SBA  
Delaware corporation, )  
12 )  
Plaintiff, ) DECLARATION OF JONATHAN A.  
13 ) ELDREDGE IN SUPPORT OF WRIT  
vs. ) OF SALE  
14 ) (CCP 685.050)  
MILESTONE PACIFIC PROPERTIES, )  
15 LLC, a California Limited Liability )  
Company, BPG PACIFIC, LLC, a California )  
16 Limited Liability Company, COPELAND )  
CREEK APARTMENTS, LLC, a California )  
17 Limited Liability Company, SAEED )  
GHAFOORI a/k/a PAUL GHAFOORI, an )  
18 individual, GISSOU GHAFOORI, an )  
individual, GLENN LARSEN, an individual, )  
19 and FIRST AMERICAN TITLE )  
INSURANCE COMPANY, a California )  
20 Corporation, )  
21 Defendants. )  
22

23  
24 I, Jonathan A. Eldredge, say:

25 1. I am an attorney duly licensed to practice in the State of California, and am a  
26 member of the bar of this Court. I am an associate in the law firm of Glynn & Finley, LLP,  
27 counsel for Plaintiff ConocoPhillips Company ("ConocoPhillips"). I know the following facts of  
28 my own personal knowledge, and if called upon, could and would competently testify thereto.

1           2.       On September 13, 2010, the Court entered its "Order Regarding Plaintiff's  
2 Motion for Summary Judgment," Docket No. 44, granting Plaintiff's motion for summary  
3 judgment against defendants. In its order, the Court confirmed the defendants' debt of \$700,000,  
4 secured by a deed of trust, and awarded "prejudgment interest at a rate of ten percent, which  
5 shall run from September 17, 2009 to the date that judgment in this action is entered."

6           3.       On the same date, the Court entered its "Judgment," Docket No. 45, pursuant to  
7 its "Order Regarding Plaintiff's Motion for Summary Judgment."

8           4.       The total amount of the judgment was for \$769,232.58, including \$700,000 for  
9 the underlying debt and \$69,232.58 for prejudgment interest, which is calculated from  
10 September 17, 2009 to September 13, 2010 at the rate of ten percent per the Court's Order,  
11 Docket No. 44.

12           5.       On March 1, 2011, the Court entered its "Order Accepting Report and  
13 Recommendation of Magistrate Judge," Docket No. 93, granting ConocoPhillips \$66,888.18 in  
14 attorneys' fees and costs.

15           6.       The total amount of the judgment, including prejudgment interest, attorneys' fees  
16 and costs is \$836,120.76.

17           7.       For post-judgment interest, the daily interest (based on the contract and legal rate  
18 of 10%) is \$229.07. Thus, post-judgment interest from September 13, 2010 (the date of  
19 judgment) to June 1, 2011 (the date of this writ) is \$ 59,558.20.

20

21           I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct. Executed this 1st day of June, 2011 in Walnut Creek, California.

23

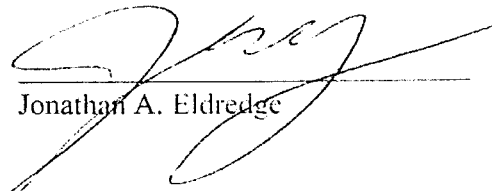
24

25

26

27

28



Jonathan A. Eldredge

# **ATTACHMENT B**

**EXHIBIT A**

**REAL PROPERTY IN THE CITY OF VALLEJO, COUNTY OF SOLANO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:**

**PARCEL ONE:**

**BEGINNING AT A POINT ON THE EASTERN LINE OF LOT 74, AS SAID LOT IS SHOWN ON THAT CERTAIN MAP ENTITLED "CARQUINEZ SUBDIVISION, UNIT NO. 3," FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, CALIFORNIA, IN BOOK 9 OF MAPS, PAGE 49, DISTANT THEREON SOUTHERLY 13 FEET FROM NORTHEASTERN CORNER THEREOF, RUNNING THENCE SOUTH 83 DEG. 42 MIN. EAST 39.35 FEET; THENCE NORTH 5 DEG. 43 MIN. EAST 38.50 FEET; THENCE NORTH 61 DEG. 18 MIN. EAST 6 FEET; THENCE SOUTH 83 DEG. 42 MIN. EAST 92.60 FEET; THENCE NORTH 6 DEG. 18 MIN. EAST 13.10 FEET; THENCE SOUTH 83 DEG. 42 MIN. EAST 62.59 FEET, MORE OR LESS TO THE WESTERN LINE OF U.S. HIGHWAY 40 AT A POINT DISTANT NORTHERLY ALONG SAID HIGHWAY 98.2 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHERN LINE OF LOT 91, AS SAID LOT IS SHOWN ON THE MAP HEREINABOVE DESCRIBED, THENCE ALONG SAID HIGHWAY NORTHERLY 81.8 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 20 FEET; THENCE ALONG SAID CURVE TO THE LEFT A DISTANCE OF 31.42 FEET; THENCE NORTH 81 DEG. 44 MIN. 35 SEC. WEST ALONG THE SOUTHERN LINE OF MAGAZINE STREET, 180 FEET TO THE NORTHEAST CORNER OF LOT 77, THENCE SOUTHERLY ALONG THE EASTERN LINE OF LOTS 77, 76 75 AND 74 AS SAID LOTS ARE SHOWN ON THE MAP HEREINABOVE DESCRIBED, 163 FEET TO THE POINT OF BEGINNING.**

**EXCEPTING THEREFROM:**

**ALL THAT PORTION THEREOF NOW INCLUDED IN HIGHWAY RIGHT OF WAY AS DESCRIBED IN DEED FROM TERRY CURTOLA AND WIFE TO STATE OF CALIFORNIA RECORDED MAY 28, 1956 IN BOOK 831 OF OFFICIAL RECORDS, PAGE 375, AS RECORDER'S INSTRUMENT NO. 9820.**

**PARCEL TWO:**

**LOTS 75, 76 AND 77, AS SHOWN ON THE MAP ENTITLED: CARQUINEZ SUBDIVISION, UNIT NO. 3, SOLANO COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, CALIFORNIA ON SEPTEMBER 18, 1940 IN BOOK 9 OF MAPS, PAGE 49.**

**PARCEL THREE:**

**ALL THAT PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO STATE OF CALIFORNIA DATED MARCH 28, 1951 AND RECORDED JUNE 11, 1951 OF OFFICIAL RECORDS, IN BOOK 582 PAGE 467, SOLANO COUNTY RECORDS, WHICH LIES SOUTHERLY OF A LINE DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT IN THE CENTER OF THAT CERTAIN 60 FOOT WIDE STREET KNOWN AS MAGAZINE STREET AS SHOWN AND DELINEATED ON THAT CERTAIN MAP ENTITLED: CARQUINEZ SUBDIVISION, UNIT NO. 3," RECORDED IN BOOK 9 OF MAPS, PAGE 49, SOLANO COUNTY RECORDS; SAID POINT LYING NORTH 86 DEG. 44 MIN. 33 SEC. EAST 150.29 FEET FROM A POINT MARKING THE NORTHEAST CORNER OF LOT NO. 77 OF SAID SUBDIVISION UNIT NO. 3; THENCE FROM SAID POINT OF BEGINNING FROM A TANGENT THAT BEARS NORTH 16 DEG. 56 MIN. 11 SEC. WEST, BY A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 92.00 FEET; THROUGH AN ANGLE OF 4 DEG. 53 MIN. 24 SEC., A DISTANCE OF 7.85 FEET; THENCE NORTH 21 DEG. 49 MIN. 35 SEC. WEST 77.96 FEET; THENCE ALONG A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 30.00 FEET THROUGH AN ANGLE OF 87 DEG. 11 MIN. 34 SEC., A DISTANCE OF 45.65 FEET; THENCE SOUTH 70 DEG. 58 MIN. 51 SEC. WEST, 187.75 FEET TO A POINT IN THE CENTER OF SAID MAGAZINE STREET SAID POINT LYING NORTH 65 DEG. 21 MIN. 45 SEC. WEST, 106.36 FEET FROM SAID NORTHEAST CORNER OF SAID LOT NO. 77.

EXCEPTING THEREFROM:

THAT PORTION THEREOF DESCRIBED IN THAT CERTAIN MEMORANDUM OF LEASE EXECUTED BY AND BETWEEN TERRY A. CURTOLA, ET UX, AS LESSOR, AND SHELL OIL COMPANY AS LESSEE, DATED JUNE 4, 1957 AND RECORDED OCTOBER 10, 1957 IN BOOK 901 OF OFFICIAL RECORDS, PAGE 319, INSTRUMENT NO. 16432, AND MEMORANDUM OF LEASE AS AMENDED, RECORDED DECEMBER 27, 1978 IN BOOK 1978 OF OFFICIAL RECORDS, PAGE 109623, INSTRUMENT NO. 63865.

PARCEL FOUR:

THAT CERTAIN PARCEL OF LAND WHICH IS AN ABANDONED PORTION OF MAGAZINE STREET SHOWN ON THE MAP ENTITLED: CARQUINEZ SUBDIVISION, UNIT NO. 3," PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING IN THE CENTER OF ABOVE SAID MAGAZINE STREET, SAID POINT ALSO LYING NORTH 65 DEG. 21 MIN. 45 SEC. WEST, 106.36 FEET FROM A POINT MARKING THE NORTHEAST CORNER OF LOT 77, CARQUINEZ SUBDIVISION UNIT NO. 3, MAP RECORDED SEPTEMBER 18, 1940 IN BOOK 9 OF MAPS, PAGE 49, SOLANO COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 70 DEG. 58 MIN. 51 SEC. EAST, 65.46 FEET TO A POINT IN THE NORTH LINE OF SAID MAGAZINE STREET; THENCE ALONG LAST SAID NORTH LINE SOUTH 81 DEG. 44 MIN. 35 SEC. EAST, 174.15 FEET; THENCE SOUTH 21 DEG. 49 MIN. 35 SEC. EAST 26.62 FEET; THENCE ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 92.00 FEET THROUGH AN ANGLE OF 24 DEG. 22 MIN. 07 SEC. A DISTANCE OF 39.13 FEET TO A POINT MARKING THE INTERSECTION OF THE SOUTH LINE OF MAGAZINE STREET WITH THE WEST LINE OF STATE HIGHWAY, ROAD X-SOL-7-F, AS SAID STATE HIGHWAY EXISTED SEPTEMBER 19, 1956; THENCE ALONG LAST SAID SOUTH LINE NORTH 81 DEG. 44 MIN. 35 SEC. WEST, 256.00 FEET; THENCE NORTH 5 DEG. 10 MIN. 58 SEC. EAST, 30.04 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:



THAT PORTION THEREOF DESCRIBED IN THAT CERTAIN MEMORANDUM OF LEASE EXECUTED BY AND BETWEEN TERRY A. CURTOLA, ET UX, AS LESSOR, AND SHELL OIL COMPANY AS LESSEE, DATED JUNE 4, 1957 AND RECORDED OCTOBER 10, 1957 IN BOOK 901 OF OFFICIAL RECORDS, PAGE 319, INSTRUMENT NO. 16432, AND MEMORANDUM OF LEASE AS AMENDED, RECORDED DECEMBER 27, 1978 IN BOOK 1978 OF OFFICIAL RECORDS, PAGE 109623, INSTRUMENT NO. 63865.

**PARCEL FIVE:**

BEGINNING AT THE NORTHEAST CORNER OF PARCEL NO. 1, AS SAID PARCEL IS DESCRIBED IN THE DEED FROM ARTHUR T. ANDREWS, ET UX, TO WALTER SUCHORSKI, ET UX, RECORDED MARCH 24, 1965 IN BOOK 1329 OF OFFICIAL RECORDS, PAGE 205, INSTRUMENT NO. 8087; SAID POINT BEING THE NORTHWEST CORNER OF THE LAND DESCRIBED IN DEED FROM HARRY R. GOMEZ, ET AL, TO THE STATE OF CALIFORNIA RECORDED DECEMBER 1, 1955, IN BOOK 802, OF OFFICIAL RECORDS, PAGE 341, INSTRUMENT NO. 23481; THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID SUCHORSKI PARCEL NORTH 83 DEG. 42 MIN. WEST 20.11 FEET MORE OR LESS TO AN ANGLE POINT IN SAID NORTH LINE, THENCE RUNNING SOUTH 06 DEG. 18 MIN. WEST, 13.10 FEET TO AN ANGLE POINT IN SAID SUCHORSKI PARCEL; THENCE RUNNING SOUTH 83 DEG. 42 MIN. EAST TO A POINT IN THE WEST LINE OF SAID PARCEL CONVEYED TO THE STATE OF CALIFORNIA; THENCE RUNNING NORTHERLY ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

**PARCEL SIX:**

THAT PORTION OF LOTS 92, 93, AND 100, AS SHOWN ON THE MAP ENTITLED: CARQUINEZ SUBDIVISION, UNIT NO. 3, SOLANO COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, CALIFORNIA ON SEPTEMBER 18, 1940 IN BOOK 9 OF MAPS, PAGE 49, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT CERTAIN EASEMENT FOR WATER MAIN GRANTED TO THE CITY OF VALLEJO FROM TERRY CURTOLA AND WIFE BY DEED DATED NOVEMBER 1, 1956 AND RECORDED NOVEMBER 13, 1956 IN BOOK 857, AT PAGE 150, AS RECORDER'S SERIES NO. 20214, OFFICIAL RECORDS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID EASEMENT, NORTH 81 DEG. 44 MIN. 35 SEC. WEST 130.00 FEET; THENCE NORTH 16 DEG. 00 MIN. 10 SEC. WEST, 20.26 FEET TO THE SOUTHERLY LINE OF THE PROPERTY OF THE STATE OF CALIFORNIA AS SAID LINE IS DESCRIBED IN THAT CERTAIN DEED TO TERRY CURTOLA FROM THE STATE OF CALIFORNIA RECORDED IN BOOK 843, PAGE 574, OFFICIAL RECORDS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, SERIES NO. 14962; THENCE NORTH 70 DEG. 58 MIN. 51 SEC., EAST, 82.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 87 DEG. 11 MIN. 34 SEC. AND AN ARC LENGTH OF 45.65 FEET; THENCE SOUTH 21 DEG. 49 MIN. 35 SEC. EAST 51.34 FEET TO THE POINT OF BEGINNING.

*APN's 062-061-310 and 062-061-340*

