

CD-120

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joonsik Maing (SBN 240927) Reed Smith LLP 101 Second Street, Suite 1800 San Francisco, CA 94105		FOR COURT USE ONLY
TELEPHONE NO.: 415-543-8700 FAX NO. (Optional): 415-391-8269 E-MAIL ADDRESS (Optional): jmaing@reedsmith.com ATTORNEY FOR (Name): Plaintiff VFS Financing, Inc.		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF U.S.D.C., N.D. of California STREET ADDRESS: 280 South First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: San Jose Division		
PLAINTIFF: VFS FINANCING, INC.		
DEFENDANT: SKF AVIATION, LLC and FREDERICK SCOTT SALYER, individually and as trustee		
AMENDED ORDER FOR WRIT OF POSSESSION <input type="checkbox"/> AFTER HEARING <input checked="" type="checkbox"/> EX PARTE		CASE NUMBER: C 09-5603 JW

AFTER HEARING

1. The application of the plaintiff* for a writ of possession was heard as follows (check boxes in 1c and 1d to indicate personal presence at the hearing):

a. Judicial Officer (name):

b. Hearing date:

Time:

 Dept.: Rm.:c. Plaintiff (name): Attorney (name):d. Defendant (name): Attorney (name):**EX PARTE**

2. The application of the plaintiff for an ex parte writ of possession has been considered by the court.

3. The court finds:

a. Defendant has been properly served as required by Code of Civil Procedure section 512.030.

(Do not check this item if the application is ex parte.)

b. Plaintiff has has not filed an undertaking as required by Code of Civil Procedure section 515.010.

c. Plaintiff has established the probable validity of the plaintiff's claim to possession of the following property (specify):

Hawker Beechcraft; Model No.: (Baron) G58; Serial No.: TH-2187;
 Registration No.: N887WA (pending change to N969SK); Engine make:
 Teledyne Continental; Model No.: IO550C; Serial Numbers: 688291 and
 688290; together with the ancillary equipment and documents necessary
 for maintenance and operation.

 Continued on Attachment 3c.

d. There is probable cause to believe this property or some part of it is located at one or more of the following private places (specify): Monterey Peninsula Airport (MRY), 200 Fred Kane Drive, Monterey, Monterey County, California 93940.

 Continued on Attachment 3d.

*Plaintiff includes cross-complainant, and defendant includes cross-defendant.

PLAINTIFF: VFS FINANCING, INC.	CASE NUMBER:
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ADDITIONAL FINDINGS FOR EX PARTE ISSUANCE OF WRIT OF POSSESSION

4. The court also finds:

- a. Defendant gained possession of the property described in item 3c, which was not entrusted to the defendant, by feloniously taking such property from the plaintiff by means other than by false or fraudulent representation, pretense, or embezzlement.
- b. The property is a credit card.
- c. Defendant acquired possession of this property in the ordinary course of the defendant's trade or business for commercial purposes, and (1) the property is not necessary for the support of the defendant or the defendant's family; (2) there is an immediate danger that the property will become unavailable to levy by reason of being transferred, concealed or removed from the state, or will become substantially impaired in value by acts of destruction, or by failure to take care of the property in a reasonable manner; and (3) the ex parte issuance of a writ of possession is necessary to protect the property.
- d. Total number of boxes checked in item 4: 1

ORDERS

5. IT IS ORDERED

- a. The clerk of this court is directed to issue a writ of possession as provided in Code of Civil Procedure section 512.020, directing the sheriff or marshal within whose jurisdiction the property described in item 3c, or some part of it, is located, to seize such property and retain custody of it as provided by Code of Civil Procedure sections 514.010–514.050.
- b. The clerk is directed to issue the writ of possession immediately.
- c. The clerk is directed to issue the writ of possession upon the plaintiff's filing of a written undertaking, as required by Code of Civil Procedure section 515.010, in the amount of: \$
- d. The written undertaking required by the defendant for redelivery or to stay delivery is in the amount of: \$
- e. The clerk of this court is directed to attach a copy of this order and a copy of plaintiff's undertaking to the writ of possession.
- f. The sheriff or marshal may enter the following private place(s) to take possession of the property or some part of it:

Monterey Peninsula Airport (MRY), 200 Fred Kane Drive, Monterey, Monterey County, California 93940.

Continued on Attachment 5f.

- g. Defendant (name): SKF Aviation, LLC and Frederick Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust dated as is ordered to transfer possession of the property described in item 3c to the plaintiff. (Code Civ. Proc., § 512.070.) of July 9, 1984,
NOTICE TO DEFENDANT: Failure to comply with an order of the court to turn over possession of such property to the plaintiff may subject you to being held in contempt of court.

6. Number of pages attached: _____

Dated: December 9, 2009



James W. Wase
(JUDICIAL OFFICER)

Signature follows last attachment.