

EJ-130

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:<br>NAME: Michael A. Friedrichs SBN 177980<br>FIRM NAME: WHITE AND BRIGHT, LLP<br>STREET ADDRESS: 970 Canterbury Place<br>CITY: Escondido STATE: CA ZIP CODE: 92025<br>TELEPHONE NO.: 760-747-3200 FAX NO.: 760-747-5574<br>EMAIL ADDRESS: mfriedrichs@whiteandbright.com<br>ATTORNEY FOR (name): HSN Capital Holdings, Inc.<br><input checked="" type="checkbox"/> ATTORNEY FOR: <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input checked="" type="checkbox"/> ASSIGNEE OF RECORD | <b>FOR COURT USE ONLY</b>  |
| <b>U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA</b><br>STREET ADDRESS: 280 South 1st Street, Room 2112<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: San Jose, CA 95113<br>BRANCH NAME: San Jose Division  |  |
| PLAINTIFF/PETITIONER: CENTURY 21 REAL ESTATE, LLC<br>DEFENDANT/RESPONDENT: ED/VAR, INC., et al.  | CASE NUMBER:<br>5:13-CV-00887-EJD  |
| <input checked="" type="checkbox"/> EXECUTION (Money Judgment)<br><b>WRIT OF</b> <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property<br><input type="checkbox"/> SALE <input type="checkbox"/> Real Property   | <input type="checkbox"/> Limited Civil Case (including Small Claims)<br><input type="checkbox"/> Unlimited Civil Case (including Family and Probate) |

1. **To the Sheriff or Marshal of the County of:** NORTHERN DISTRICT OF CALIFORNIA  
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process servers** you are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name): HSN CAPITAL HOLDINGS, LLC  
 is the  original 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 if not a natural person, and last known address):  
 9.  Writ of Possession/Writ of Sale information on next page.  
 10.  This writ is issued on a sister-state judgment.

ED/VAR, INC.  
 Attn: Andrea C. Avila,  
 Agent for Service of  
 Process  
 4 Rossi Circle  
 Salinas, CA 93907

**For items 11-17, see form MC-012 and form MC-013-INFO.**

|   |    |            |
|---|----|------------|
| 11. Total judgment (as entered or renewed)          | \$ | 179,766.30 |
| 12. Costs after judgment (CCP 685.090)              | \$ | 98.00      |
| 13. Subtotal (add 11 and 12)                        | \$ | 179,864.30 |
| 14. Credits to principal (after credit to interest) | \$ | 0.00       |
| 15. Principal remaining due (subtract 14 from 13)   | \$ | 179,864.30 |

5. **Judgment entered on** (date): 7/10/2014  
 (See type of judgment in item 22.)

6.  Judgment renewed on (dates):  
 16. Accrued Interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ 1,462.32  
 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ 0.00  
 18. **Total amount due** (add 15, 16, and 17) \$ 181,326.62

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.  
 19. **Levying officer:**  
 a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ 0.54  
 b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ 0.00



Date: 3/9/2022 Clerk, by Karen Gorman *Karen Gorman*, Deputy

**NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.**

**WRIT OF EXECUTION**

|  |                                   |
|--|-----------------------------------|
| Plaintiff/Petitioner: CENTURY 21 REAL ESTATE, LLC<br>Defendant/Respondent: ED/VAR, INC., et al | CASE NUMBER:<br>5:13-CV-00887-EJD |
|--|-----------------------------------|

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

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|--|--|--|--|--|--|--|--|--|--|
| Carlos Vargas<br>17300 Hendry Drive<br>Morgan Hill, CA 95037 |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

22. The judgment is for (check one):

a.  wages owed.

b.  child support or spousal support.

c.  other.

23.  Notice of sale has been requested by (name and address):

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24.  Joint debtor was declared bound by the judgment (CCP 989-994)

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|---|--|--|--|--|--|--|--|--|--|
| a. on (date):<br>b. name, type of legal entity if not a natural person, and last known address of joint debtor: |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|

c.  Additional costs against certain joint debtors are itemized:  below  on Attachment 24c.

25.  (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). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)

(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.

(3)  The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)

(4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:

(a) The daily rental value on the date the complaint was filed was \$

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: CENTURY 21 REAL ESTATE, LLC  
 Defendant/Respondent: ED/VAR, INC., et al

CASE NUMBER:  
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25. b.  Possession of personal property.  
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c.  Sale of personal property.
- d.  Sale of real property.
- e. The property is described  below  on Attachment 25c.

#### 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 demand that you turn over 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.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.