

DOC # 2012-0413878

08/30/2012 10:23A Fee:39.00

Page 1 of 9

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

Thomas D Mauriello
1181 Puerta Del Sol #110
San Clemente, CA 92677

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Space above this line for recorder's use only

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517

Notice of attachment

Title of Document

TRA: _____

DTT: _____

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

AT-165

RECEIVED
U.S. MARSHAL'S SERVICE
LOS ANGELES, CA 90012
12 AUG 28 PM 2:55

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
After recording return to:
Thomas D. Mauriello (SBN 144811)
Mauriello Law Firm, APC
1181 Puerta Del Sol, Suite 120
San Clemente, CA 92673

TELEPHONE NO.: (949) 542-3555
FAX NO. (Optional): (949) 606-9690
E-MAIL ADDRESS (Optional): tomm@maurlaw.com
ATTORNEY FOR (Name): Plaintiff Sweeteners Plus, Inc.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF U.S.D.C.- C.D. Cal.
STREET ADDRESS: 411 West Fourth Street
MAILING ADDRESS:
CITY AND ZIP CODE: Santa Ana, CA 92701-4516
BRANCH NAME: Southern Division

FOR RECORDER'S USE ONLY

CASE NUMBER
2: 12-cv-05442-JVS-MLG
LEVYING OFFICER (Name and Address):
U.S. Marshal
255 East Temple Street, Room 346
Los Angeles, CA 90012

PLAINTIFF: Sweeteners Plus, Inc.
DEFENDANT: Timothy D. Myers, et al.

NOTICE OF ATTACHMENT
[This form is used in connection with levy under a writ of attachment.]

FOR COURT USE ONLY

TO THE PERSON NOTIFIED (name): Gilbert Freire - record owner

1. Plaintiff in this action seeks to attach property in which defendant has an interest. The property to be attached is
- a. (describe property):
71375 Cholla Way, Palm Desert, CA
(See "Attachment A" hereto for Legal Description)
 - b. described in the Writ of Attachment and Order for Issuance of Writ of Attachment, attached hereto and incorporated by reference.
2. You are notified as
- a. a defendant.
 - b. a person other than defendant (state capacity in which person is being notified):

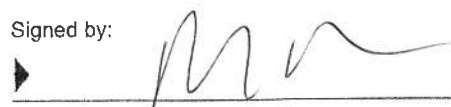
Riverside County Recorders

(Read Information for Defendant or Information for Person Other than Defendant on reverse.)

3. A notice was filed with the
- a. Secretary of State.
 - b. Department of Motor Vehicles.
 - c. Department of Housing and Community Development.

4. Notice of Attachment was
- a. mailed on (date):
 - b. delivered on (date):
 - c. posted on (date):
 - d. filed on (date):
 - e. recorded on (date): 8-30-12

Signed by:



Matthew W Polan Riv 349

Levying officer Registered process server

Page 1 of 2



Sweeteners Plus, Inc. v. Myers, et al

Exhibit A to Notice of Attachment

Legal Property Description

Parcel One of Parcel Map 31336, in the County of Riverside, State of California, as per map recorded in Book 212 Parcel Maps, pages 21 and 22, in the office of the County Recorder of said County.

Also known as: 71375 Cholla Way, Palm Desert, CA 92260

AP #: 628 – 380 – 034 – 4.



1 **TO ANY REGISTERED PROCESS SERVER: You are only authorized**
2 **to serve this writ in accord with CCP 488.080.**

3 1. This writ is to attach property of the following Defendants:

4 Gilbert Freire and Tatiana Navarro

5 71375 Cholla Way

6 Palm Desert, CA 92260

7 2. The attachment is to secure \$8,362,187.

8 3. The name and address of Plaintiff is as follows:

9 Sweeteners Plus, Inc.

10 5768 Sweeteners Blvd.

11 Lakeville, NY 14480

12 4. **YOU ARE DIRECTED TO ATTACH** the following property or so much
13 thereof as is clearly sufficient to satisfy the amount to be secured by the
14 attachment:

15
16 Parcel One of Parcel Map 31336, in the County of Riverside, State of
17 California, as per map recorded in Book 212 Parcel Maps, pages 21
18 and 22, in the office of the County Recorder of said County.

19 Also known as: 71375 Cholla Way, Palm Desert, CA 92260

20 AP #: 628 – 380 – 034 – 4.

21 Date:

AUG 21 2012

Clerk of the United States District Court

For the Central District of California

By: NANCY INTERIANO



12 AUG 29 AM 3:02
RECEIVED
U.S. MARSHAL'S SERVICE
LOS ANGELES, CA 90012

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SWEETENERS PLUS, INC.,
a New York corporation,

Plaintiff,

vs.

TIMOTHY D. MYERS, an individual;
LAW OFFICES OF TIMOTHY D.
MYERS, a California entity; CLAIRE
AMBROSIO, an individual;
TATIANA NAVARRO, an individual;
and GILBERT FREIRE, an individual,

Defendants.

CASE NO. CV 12-05442 JVS (MLGx)

RIGHT TO ATTACH ORDER AND
ORDER FOR ISSUANCE OF WRIT
OF ATTACHMENT

Hearing Date: None
Time: None
Judge: Hon. Marc L. Goldman
Courtroom: 6A

The Application of Plaintiff Sweeteners Plus, Inc. for a Right to Attach
Order and Order for Issuance of Writ of Attachment Against the Property of
Defendants Gilbert Freire and Tatiana Navarro came before this Court on an *ex*
parte basis.



1 **FINDINGS**

2 THE COURT FINDS as follows:

- 3 1. Defendants Gilbert Freire and Tatiana Navarro are natural persons.
4 2. The claim upon which the application is based is one upon which an
5 attachment may be issued.
6 3. Plaintiff has established the probable validity of the claim upon which the
7 attachment is based.
8 4. The attachment is not sought for a purpose other than the recovery on the
9 claim upon which the attachment is based.
10 5. The amount to be secured by the attachment is greater than zero.
11 6. Defendant failed to prove that all the property described in Plaintiff's
12 application is exempt from attachment.
13 7. The following property of defendants, described in Plaintiff's Application
14 as: 71375 Chollo Way, Palm Desert, CA 92260 is not exempt from
15 attachment.
16 8. An undertaking shall not be required at this time.

17 **ORDER**

18 THE COURT ORDERS:

- 19 A. Plaintiff has a right to attach property of defendants Gilbert Freire and
20 Tatiana Navarro in the amount of \$8,362,187.
21 B. The Clerk shall issue a Writ of Attachment forthwith.
22 1. For the property of defendants who are natural persons that is subject to
23 attachment under Code of Civil Procedure section 487.010, described as
24 follows:
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Parcel one of parcel map 31336, in the County of Riverside, state of California, as per map recorded in book 212 parcel maps, pages 21 and 22, and the office of the County recorder of said County.
Also known as: 71375 Chollo Way, Palm Desert, CA 92260
AP #: 628 - 380 - 034 - 4.

**NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER
MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR
CONTEMPT OF COURT.**

Date: August 20, 2012



MARC L. GOLDMAN
United States Magistrate Judge

[PROPOSED] RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT
(ADAPTED FROM CA STATE FORM CV-4B)



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APPROVED FOR SIGNATURE
DATE

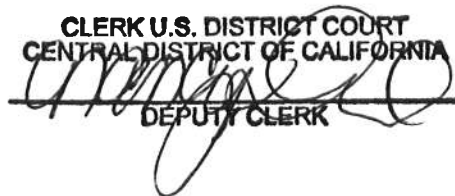


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I hereby attest and certify on 8-2-12
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA


DEPUTY CLERK

