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4 Appearing In Pro Per
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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 COUNTY OF SANTA CLARA

8
9 Steven T. Kirsch, an individual,

10 Plaintiff,

11 v.

12 Charles Cunningham et al

Defendants

Case No: 2-04-SC-001196

**MEMORANDUM OF POINTS AND
AUTHORITIES RE MOTION
APPOINTING RECEIVER**

Date: September 29, 2005

Time: 1pm

Dept: 86

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18 CCP § 708.620 states:

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20 “The court may appoint a receiver to enforce the judgment where the judgment
21 creditor shows that, considering the interests of both the judgment creditor and the
22 judgment debtor, the appointment of a receiver is a reasonable method to obtain the
23 fair and orderly satisfaction of the judgment.”

24 CCP § 712.600 states:

25 “The court may appoint a receiver pursuant to Article 7 (commencing with Section
26 708.610) of Chapter 6 of Division 2 to enforce a judgment for possession or sale of
27 property.”
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Judgment creditors' interests would be well served by this order, as judgment debtors have failed in all ways to comply with the law and court orders with respect to fulfilling their obligation with respect to these judgments, including:

1. Failure to pay judgments (as required by CCP § 116.620(a)),
2. Failure to comply with a wage garnishment order issued by the Court,
3. Failure to file the Judgment Debtor's Statement of Assets, as required by CCP § 116.830(b), and
4. Failure to comply with an assignment order issued by the Court.

It is clear that judgment debtors will not willingly comply with either the law or court orders regarding collection of judgments.

Judgment debtor's interests would also be served by this order, as the judgments are terminal and not further appealable. Continued failure to satisfy judgment debts will simply result in increasing the amount ultimately paid as both interest and collections charges accrue. Further, continued non-compliance with court orders may end in findings of contempt, including potential incarceration for defendant Hartwell.