

FILED ED
2009 JUL 10 AM 9:40
CLERK
U.S. BANKRUPTCY CT.
SO. DIST. OF CALIF.

1 Joseph J. Rego, Esq. (SBN 163183)
8765 Aero Dr. Ste. 306
2 San Diego, California 92123
Tel: 858-598-6628
3 Fax: 858-598-6631
Email: joerego@regolaw.com

4 Attorney for Debtor
5 GORDY SPIRES

6
7 UNITED STATES BANKRUPTCY COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 In Re:

Chapter 13

11 GORDY SPIRES

Bankruptcy No. 08-1309#LT 13
Adversarial Case No: 09-90133-LT

12 Debtor,

**REPLY TO RESPONSE TO MOTION
FOR RECONSIDERATION OF ORDER
GRANTING MOTION FOR RELIEF
FROM STAY PURSUANT TO
BANKRUPTCY RULE 60 (b)**

14 _____
15 GORDY SPIRES
DEBTOR/PLAINTIFF

16 vs.

DATE: 07-14-09
TIME: 10:30 A.M.
DEPT: 3 HON. LAURA S. TAYLOR

18 G8 CAPITAL FUND VII, LLC.;
19 MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
"MERS" and DOES 1-50, inclusive.

20 Defendants.
21
22
23 _____

24 TO THE HONORABLE LAURA S. TAYLOR, UNITED STATES BANKRUPTCY
25 JUDGE, THE CREDITOR, THE CREDITOR'S COUNSEL, AND PARTIES IN
26 INTEREST:
27
28

1 **POINTS ADDRESSED:**

- 2 **1. DEBTOR HAS MADE ARRANGEMENTS TO POST A BOND;**
3
4 **2. DEBTOR HAS BEEN IN COMPLIANCE WITH CHAPTER 13 REQUIREMENTS;**
5
6 **3. PROPER SERVICE WAS EFFECTED ON OPPOSING COUNSEL;**
7
8 **4. THE MOVING DOCUMENTS CONTAINED POINTS AND AUTHORITIES;**
9
10 **5. THE ATTACHED EXHIBITS TO THE RESPONSE ARE NOT RELEVANT, THERE IS NO RES JUDICATA THE STATE COURT RULING DID NOT ADDRESS THE IMPROPER RECORDATION OF THE QUITCLAIM DEED; THERE IS AN ADMISSION BY THE LENDER THAT THE RECORDATION WAS IMPROPER AS SUCH THEIR REMEDY WOULD HAVE BEEN TO FILE A SEPARATE QUIET TITLE ACTION FOR REFORMATION OF THE DEED; THE LENDER CANNOT GET AROUND THE IMPROPER RECORDATION BY MERELY RECORDING A DEED BACK TO THEMSELVES;**

11 **1. DEBTOR HAS MADE ARRANGEMENTS TO POST A BOND:**

12 The Debtor has been in contact with HCC Surety Group, Khoi Tran (714) 740-7000
13 Ext. 1312, Ktran@hccsurety.com , upon the advise of his counsel. Mr. Tran awaits
14 instruction from this Court if a bond is required. A bond cannot be processed without
15 Court Order.

16 Mr. Tran will require an:

- 17 1. Application,
18 2. Copy of complaint and relevant pleadings,
19 3. Personal financial statement, and
20 4. Current bank statements from the Debtor, and/or his spouse in order to

21 process the bond.

22 If a 100% cash bond is required the Debtor could post between \$12,500.00 to
23 \$15,000.00; If a bond is required for fees and costs that Debtor could post a bond up to
24 \$50,000.00.

25
26 **2. DEBTOR HAS BEEN IN COMPLIANCE WITH CHAPTER 13**
27 **REQUIREMENTS;**
28

1 The Debtor met with the Chapter 13 Trustee with his counsel Joseph Rego at the
2 initial 341 A Creditors Meeting. The Debtor is in compliance with the requirements of
3 Mr. Billingslea the Chapter 13 Trustee.

4
5 **3. PROPER SERVICE WAS EFFECTED ON OPPOSING COUNSEL;**

6
7 To argue that service was not effected upon opposing counsel is nothing short of
8 ludicrous. What this Court wishes to do with the late filing of opposition is within the
9 prerogative of this Court. The proof of service filed and lodged with this pursuant to the
10 Noticed Motion, the pleadings were also faxed to opposing counsel as they have been
11 since the onset of all of this tumultuous litigation.

12 The lender with it's representatives present in the Unlawful Detainer Proceeding, took
13 two hours of the Debtor's time as well as that of counsel on 06-10-09 to argue and reach
14 a stipulation on the Unlawful Detainer Proceeding it filed, despite all this litigation in
15 Bankruptcy Court. A Stipulation was finally reached to hold in abeyance the Unlawful
16 Detainer proceeding until the initially set date of 07-01-09 for hearing, which was then
17 continued on this Court's own motion.

18 It took again an ex parte appearance, of which a copy is attached to show this Court
19 how much work it took for a simple extension of time of 10 days which could have been
20 stipulated to. 06-29-09 in North County Superior Court, by Joseph Rego, to hold in
21 abeyance further action on the Unlawful Detainer because G8 would not agree to stay their
22 action until after this Court's ruling on 07-14-09; Furthermore despite the request to Enter
23 Default, and the fact that G8 has employed three attorneys they still have not filed an
24 Answer to the Adversarial Complaint filed by the Debtor.

25 **4. THE MOVING DOCUMENTS CONTAINED POINTS AND AUTHORITIES;**

26 See documents filed and lodged with this Court in support of this Motion.

27
28 **5. THE ATTACHED EXHIBITS TO THE RESPONSE ARE NOT RELEVANT, THERE IS NO RES JUDICATA THE STATE COURT RULING DID NOT ADDRESS THE**

1 **IMPROPER RECORDATION OF THE QUITCLAIM DEED; THERE IS AN ADMISSION BY**
2 **THE LENDER THAT THE RECORDATION WAS IMPROPER AS SUCH THEIR REMEDY**
3 **WOULD HAVE BEEN TO FILE A SEPARATE QUIET TITLE ACTION FOR**
4 **REFORMATION OF THE DEED; THE LENDER CANNOT GET AROUND THE**
5 **IMPROPER RECORDATION BY MERELY RECORDING A DEED BACK TO**
6 **THEMSELVES;**

7 The opposing party continues to argue res judicata or collateral estoppel. If one
8 reviews the tentative ruling of the Honorable Jacqueline Stern, one sees that the improper
9 recordation of the deed was never addressed by the Court. There is an admission by the
10 lender in their response to this motion that the deed was improperly recorded. As such their
11 remedy would have been to file a quiet title action in State Court to remedy the defective
12 deed. They cannot simply ignore the defect and later remedy it by subsequent recordings.

13 For the reasons set forth above, the Movant respectfully requests the Court
14 to grant the motion for reconsideration. If this Court is inclined to disallow the relief requested
15 the Debtor's are prepared to move, but will need ten (10) days, and will pay reasonable
16 rent for the premises on a per diem basis.

17 Dated: July 10th, 2009

18 
19 _____
20 Joseph J. Rege
21 Attorney for Gordy Spires

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EXHIBIT "A"
EX PARTE PLEADINGS NORTH
COUNTY SUPERIOR COURT

1 **JOSEPH REGO ATTORNEY AT LAW/SBN 163183**
2 **8765 Aero Drive, Ste 306**
3 **San Diego, CA 92123**
4 **Telephone: 858-598-6628**
5 **Fax: 858-598-6631**
6 **website: regolaw.com**
7 **e-mail jjrego2@msn.com**

8 **Attorney for DEFENDANT**
9 **GORDY ANTHONY SPIRES**

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **OF AND FOR THE COUNTY OF SAN DIEGO, NORTH COUNTY JUDICIAL**
12 **DISTRICT**

13 **G8 CAPITAL FUND VII LLC A**
14 **CALIFORNIA LIMITED LIABILITY**
15 **COMPANY INCLUDING ANY**
16 **ASSIGNORS OR SUCCESSORS IN**
17 **INTEREST**

18 **Plaintiff,**

19 **v.**

20 **GORDY ANTHONY SPIRES,**

21 **Defendant.**

) **Case No. 37-2009-00038528-CL-UD-NC**
) **DECLARATION OF EX PARTE NOTICE**
) **EX PARTE DATE: JUNE 29, 2009**
) **TIME: 1:15 P.M.**
) **DEPT: 11**

22 I, Rhonda Lewis declare that:

23 1. On June 26, 2009 at 11:00 a.m. I telephoned the Law Office of John Bouzane at 909-
24 889-5151 and spoke to "BJ" and gave notice of the ExParte Hearing set for Monday June 29,
25 2009 at 1:15 p.m. in Department 11 of the Vista Superior Court. I further faxed a copy of the
26 Motion and notice to 909-889-3900.

27 I declare under the penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct and this document was executed in San Diego, CA.

Dated: June 26, 2009


RHONDA LEWIS

1 **JOSEPH REGO ATTORNEY AT LAW/SBN 163183**
2 **8765 Aero Drive, Ste 306**
3 **San Diego, CA 92123**
4 **Telephone: 858-598-6628**
5 **Fax: 858-598-6631**
6 **website: regolaw.com**
7 **e-mail jjrego2@msn.com**

8 **Attorney for DEFENDANT**
9 **GORDY ANTHONY SPIRES**

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **OF AND FOR THE COUNTY OF SAN DIEGO, NORTH COUNTY JUDICIAL**
12 **DISTRICT**

13	G8 CAPITAL FUND VII LLC A)	Case No. 37-2009-00038528-CL-UD-NC
14	CALIFORNIA LIMITED LIABILITY)	
15	COMPANY INCLUDING ANY)	EX PARTE MOTION FOR "STAY" ON
16	ASSIGNORS OR SUCCESSORS IN)	JULY 2, 2009 DUE TO COURT
17	INTEREST)	CONTINUANCE OF FEDERAL TRIAL
18)	FROM JULY 1, 2009 TO JULY 14, 2009.
19	Plaintiff,)	
20	v.)	EX PARTE DATE: JUNE 29, 2009
21	GORDY ANTHONY SPIRES,)	TIME: 1:15 P.M.
22	Defendant.)	DEPT: 11

23 Plaintiff, Gordy Spires, through his attorney of record Joseph J Rego hereby appears ex
24 parte requesting a stay on the lockout currently set for July 2, 2009 for the following reasons:

25 1. A stipulation was entered into at the Unlawful Detainer Trial that a "stay" would be
26 placed on the lockout pending the Federal Trial. The Federal Court, on its own motion continued
27 that trial until July 14, 2009. Attached as Exhibit A is a true and correct copy of the notice from
28 the Federal Court notifying parties of the continued date.

29 2. This office requested a continuance from Plaintiff's attorney and was denied. Exhibit
30 B is a true and correct copy of the correspondence regarding the request.

31 3. It is out of the control of the Defendant that the Court continued the motion and should
32 not be penalized for it.

1 4. A continuance would be proper in this case because it is likely that the Defendant will
2 prevail in the Federal Trial. The ruling from the Trail previously set for July 1, 2009 has a direct
3 bearing on the relief from stay and due to the Court's own motion the Honorable Judge Laura
4 Taylor continued the matter to July 14, 2009.

5 5. The client's have offered to pay a reasonable rent.

6
7 Respectfully submitted:

8 *6-26-09*


JOSEPH J REGO
ATTORNEY AT LAW

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EXHIBIT A

CSD3025
07/05

United States Bankruptcy Court
Southern District of California
Jacob Weinberger U.S. Courthouse
325 West F Street
San Diego, CA 92101-6991

Telephone: 619-557-5620
Website: www.casb.uscourts.gov
Hours: 9:00am-4:00pm Monday-Friday

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Gordy A. Spires Debtor(s)	BANKRUPTCY NO. 08-13091-LT13
Gordy A. Spires Plaintiff(s)	ADVERSARY NO. 09-90133-LT
v. G8 CAPITAL FUND VII, LLC Defendant(s)	

NOTICE OF CHANGE IN DATE AND TIME FIXED FOR HEARING

TO PARTIES IN INTEREST:

YOU ARE HEREBY NOTIFIED that the HEARING on the matter(s) presently set for 7/01/09 at 10:30 a.m. to wit:

PLAINTIFF'S MOTION TO SET ASIDE SALE OF REAL PROPERTY; RULE 60(B) CONSIDERATION ON MOTION FOR RELIEF FROM STAY; POSTING OF BANK; DEFAULT REQUESTED

be, and the same is hereby changed to 7/14/09 at 10:00 AM, in Courtroom 3, Room 129, Jacob Weinberger U.S. Courthouse, 325 West F Street, San Diego, CA 92101-6989.

Dated: 6/11/09

Barry K. Lander
Clerk of the Bankruptcy Court

09-90133-LT Notice of Change in Date Fixed for Trial/Hearing

From: info_casb@casb.uscourts.gov
Sent: Thu 6/11/09 12:19 PM
To: casb_ecf@casb.uscourts.gov

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

U.S. Bankruptcy Court

Southern District of California

Notice of Electronic Filing

The following transaction was received from Purkey, J. entered on 6/11/2009 at 12:19 PM PDT and filed on 6/11/2009

Case Name: Spires v. G8 CAPITAL FUND VII, LLC et al

Case Number: 09-90133-LT

Document Number: 31

Docket Text:

Notice of Change in Date Fixed for Trial/Hearing **HEARING Scheduled for 7/14/2009 at 10:00 AM at Courtroom 3, Room 129, Weinberger Courthouse** (related documents [29] Notice of Hearing and Motion) (Purkey, J.)

The following document(s) are associated with this transaction:

09-90133-LT Notice will be electronically mailed to:

Stephen L. Burton on behalf of Defendant G8 CAPITAL FUND VII, LLC
Steveburtonlaw@aol.com

Joseph J. Rego on behalf of Plaintiffs Gordy Spires
jjregos2@msn.com

09-90133-LT Notice will not be electronically mailed to:

Mortgage Electronic Registration Systems, Inc "MERS"

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EXHIBIT B

JOSEPH REGO
ATTORNEY AT LAW
8765 AERO DRIVE
Suite # 306
San Diego, CA 92123

Telephone: (858) 598-6628
Fax: (858) 598-6631
E-MAIL: joerego@regolaw.com
Web Site: www.regolaw.com

"Movement in any direction is better than none at all"

June 19th, 2009

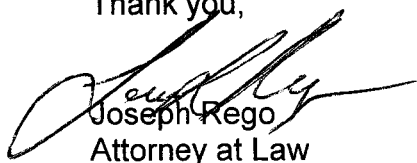
JOHN BOUZANE
ATTORNEY AT LAW
634 OAK COURT
SAN BERNARDINO, CA 92410

RE: G8 VS. SPIRES
Transmitted Via Fascimile @ 10:10 a.m.

Dear Mr. Bouzane,

I am in receipt of your correspondence faxed to my office late 06-18-09. Thank you for the prompt reply. My office will set an ex parte appearance in North County to request an extension of the settlement agreement, and advise you of the date once obtained.

Thank you,


Joseph Rego
Attorney at Law

**LAW OFFICES
JOHN E. BOUZANE
634 OAK COURT
SAN BERNARDINO, CA 92410**

(909) 889-5151
FAX: 909-889-3900

June 18, 2009

Joseph Rego
Attorney at Law
8765 Aero Drive
Suite #306
San Diego, CA 92133

Re: G8 Capital v. Spires

Dear Mr. Rego:

I am in receipt of your letter dated June 17, 2009.

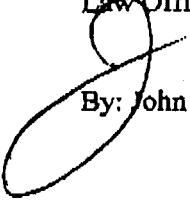
I am sorry that I cannot accommodate your request to extend the stipulated judgment until 07/14/09.

I am very familiar with what this case hinges on and I do not believe that your motion for reconsideration has much chance of success.

Based on the advice from my client I must insist that we adhere to our stipulation for judgment.

Very truly yours,
Law Offices of John E. Bouzane

By: John E. Bouzane



RX REPORT

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
0546	RX	ECM 001	9098893900	06/17 16:15	001	OK 00'19

JOSEPH REGO
ATTORNEY AT LAW
8765 AERO DRIVE
Suite # 306
San Diego, CA 92123

Telephone: (858) 598-6628
Fax: (858) 598-6631
E-MAIL: joerego@regolaw.com
Web Site: www.regolaw.com

"Movement in any direction is better than none at all"

June 17th, 2009

JOHN BOUZANE
ATTORNEY AT LAW
LESLIE BORN ESQ.
634 OAK COURT
SAN BERNARDINO, CA 92410

RE: G8 CAPITAL VS. SPIRES
CONTINUANCE OF FEDERAL COURT DATE FROM 07-02-09 TO 07-14-09
TRANSMITTAL VIA FAX (909) 889-3900 @ 4:50 P.M.

Dear Counsel,

Please be advised that the Federal Court continued the hearing originally set for 07-01-09 to 07-14-09. I had nothing to do with this schedule change, the Court notified

06/16/2009 16:57 8585986631

REGO_LAW

P.001

*** TX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
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 *** RX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
0540	RX ECM	001	+16196961410	06/16 17:23	003	OK 00'38

JOSEPH REGO
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E-MAIL: joerego@regolaw.com
Web Site: www.regolaw.com

"Movement in any direction is better than none at all"

June 17th, 2009

JOHN BOUZANE
ATTORNEY AT LAW
LESLIE BORN ESQ.
634 OAK COURT
SAN BERNARDINO, CA 92410

RE: G8 CAPITAL VS. SPIRES
CONTINUANCE OF FEDERAL COURT DATE FROM 07-02-09 TO 07-14-09
TRANSMITTAL VIA FAX (909) 889-3900 @ 4:50 P.M.

Dear Counsel,

Please be advised that the Federal Court continued the hearing originally set for 07-01-09 to 07-14-09. I had nothing to do with this schedule change, the Court notified my office sua sponte.

To that end it would appear necessary to extend our stipulated judgment to 07-14-09. Please review with your client and advise. If we cannot reach an amicable resolution I will be forced to make an ex parte appearance. As you may recall much of what happens with this matter hinges on the 07-01-09 hearing, ie: will the Court grant my Request for Reconsideration of the Automatic Stay which allowed your client to foreclose.

Please advise at your earliest convenience.

Thank you


Joseph Rego
Attorney at Law

TO (Name and Address): Gordy Anthony Spires, All Unknown Occupants 4743 Crater Rim Rd Carlsbad, CA 92010	LEVYING OFFICER (Name and Address): San Diego County Sheriff's Office San Diego County Sheriff Sheriff's Civil Office 325 South Melrose Dr Ste 2400 Vista, CA 92081-8692
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: - San Diego County Superior Court - 325 S Melrose Dr Vista, CA 92081 Vista	(760) 940-2898 Fax: (760) 806-6215 California Relay Service Number (800) 735-2929 TDD or 711
PLAINTIFF: G8 Capital Fund VII LLC (see attached Writ)	COURT CASE NO.: 37-2009-00038528
DEFENDANT: Gordy Anthony Spires	LEVYING OFFICER FILE NO.: 2009443425
Notice to Vacate	

By virtue of the Writ of Execution for Possession/Real Property (eviction), Issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

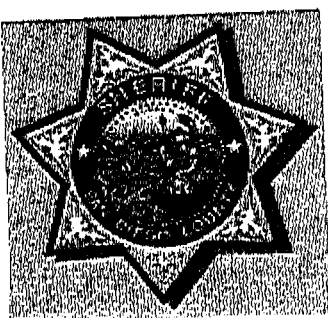
Eviction Address:	4743 Crater Rim Rd Carlsbad, CA 92010
--------------------------	--

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

Eviction day, date and time:	Thursday, July 02, 2009 12:01 AM
-------------------------------------	---

Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$300.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



William B. Kolender
Sheriff

By: S. Phan
 Sheriff's Authorized Agent

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
JOHN E. BOUZANE
JOHN E., BOUZANE ATTORNEY AT LAW BAR #079804
634 OAK CT. SAN BERNARDINO, CA 92410
SAN BERNARDINO, CA 92410

TELEPHONE NO.: **909-889-5151** FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): **PLAINTIFF**

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: **325 S. MELROSE DR**
MAILING ADDRESS: **719 S. MADERA AVE.**
CITY AND ZIP CODE: **VISTA, CA. 92081**
BRANCH NAME: **NORTH COUNTY DIVISION**

PLAINTIFF: **G8 CAPITAL FUND VII LLC A CALIFORNIA LIMITED LIABILITY COMPANY INCLUDING ANY ASSIGNORS OR SUCCESSORS IN**
DEFENDANT: **GORDY ANTHONY SPIRES**

WRIT OF EXECUTION (Money Judgment) Personal Property
 POSSESSION OF Real Property
 SALE

CASE NUMBER:
37-2009-00038528-CL-UD-NC

- To the Sheriff or Marshal of the County of: **SAN DIEGO**
You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
- To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.
- (Name): **G8 CAPITAL FUND VII LLC A CALIFORNIA LIMITED LIABILITY COMPANY INCLUDING ANY ASSIGNORS OR SUCCESSORS IN INTEREST**
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):

GORDY ANTHONY SPIRES
4743 CRATER RIM RD CARLSBAD CA
92010/SAN DIEGO COUNTY

ALL UNKNOWN OCCUPANTS
4743 CRATER RIM RD CARLSBAD CA
92010/SAN DIEGO COUNTY

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	\$	0.00
12. Costs after judgment (per filed order or memo CCP 685.090)	\$	0.00
13. Subtotal (add 11 and 12)	\$	0.00
14. Credits	\$	0.00
15. Subtotal (subtract 14 from 13)	\$	0.00
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees)	\$	15.00
17. Fee for issuance of writ	\$	15.00
18. Total (add 15, 16, and 17)	\$	30.00

19. Levying officer:
(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of \$ 0.00
(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$ 0.00

5. Judgment entered on (date): **JUN 10 2009**

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.

20. The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor.



Issued on (date): **JUN 23 2009**

Clerk, by

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

WRIT OF EXECUTION

Legal Solutions & Plus

Code of Civil Procedure

Deputy

*** RX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
0572	RX ECM	001	7607209805	06/25 08:24	002	OK 01'16

EJ-130

PLAINTIFF: G8 CAPITAL FUND VII LLC A CALIFORNIA LIMITED LIABILITY COMPANY INCLUDING ANY ASSIGNORS OR SUCCESSORS IN DEFENDANT: GORDY ANTHONY SPIRES	CASE NUMBER: 37-2009-00038528-CL-UD-NC
---	---

— Items continued from page 1 —

21. Additional judgment debtor (name and last known address):
22. Notice of sale has been requested by (name and address):
23. Joint debtor was declared bound by the judgment (CCP 989-994)
 a. on (date):
 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: (Check (1) or (2)):
 a. Possession of real property: The complaint was filed on (date): 5/1/09
 (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: 4743 CRATER RIM RD CARLSBAD CA 92010/SAN DIEGO COUNTY

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).

*** RX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
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2009 JUL 10 AM 9:40
CLERK
U.S. BANKRUPTCY CT.
SO. DIST. OF CALIF.

1 Joseph J. Rego, Esq. (SBN 163183)
8765 Aero Drive
2 Suite 306
San Diego, California 92123
3 Tel: 858-598-6628
Fax: 858-598-6631
4 Email: joerego@regolaw.com

5 Attorney for Debtor
6 GORDY A SPIRES
7
8
9

10 UNITED STATES BANKRUPTCY COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 GORDY A SPIRES)

CHAPTER 13
CASE NO: 08-13091-LT 13

13)
14 Debtor/Plaintiff,)

ADVERSARIAL CASE NO:
09-90133-LT

15 v.)

PROOF OF SERVICE OF
REPLY TO RESPONSE

16 G8 CAPITAL FUND VII, LLC.;)
17 MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.)
18 "MERS" and DOES 1-50, inclusive.)
19)
20)

21 Defendant)
22)
23)
24)

25
26
27
28 PROOF OF SERVICE

1 I JOSEPH REGO AM THE ATTORNEY FOR the Debtor GORDY SPIRES in the
2 Bankruptcy Case and Adversarial Case Number referenced above. Pursuant to Court Order I
3 prepare this Proof of Service with a copy of the Court Order, and all of the written materials
4 which support Plaintiff's Request to wit: **REPLY TO RESPONSE** and deposited copies of the
5 foregoing to :

6 I Deposited copies of the foregoing documents to the recipients addressed above, via first
7 class mail with postage prepaid and deposited the same at the date referenced below.

8 Addressed as Follows:

9 LAW OFFICE OF JOHN E. BOUZANE
10 ATTORNEY FOR G8 CAPITAL
634 OAK CT,
11 SAN BERNARDINO, CA 92410

12 BANKRUPTCY TRUSTEE
THOMAS H. BILLINGSLEA
13 530 B STREET, STE. 1500
SAN DIEGO, CA 92101

14 STEPHEN L. BURTON ESQ (Relief from Stay Counsel)
15 15260 Ventura Blvd. #640
Sherman Oaks, Ca 91403

16 **FACSIMILE SERVICE OF ORDER SETTING HEARING & BRIEFING SCHEDULE**

17 **I SERVED THE ORDER AND BRIEFING SCHEDULE ISSUED BY THE COURT**
18 **ON 05-01-09 VIA UNITED STATES POSTAL SERVICE AS STATED ABOVE AND**
19 **SERVED THE ORDER BY FACSIMILE TO THE FOLLOWING PARTIES VIA**
20 **FACSIMILE NUMBERS JOHN BOUZANE ESQ. (909) 889-3900; THOMAS**
21 **BILLINGSLEA TRUSTEE (619) 233-7267 AND STEPHEN BURTON RELIEF FROM**
22 **STAY COUNSEL (818) 501-5849 TRANSMITTED @ 2:30 P.M. ON 05-04-09 FROM**
23 **FACSIMILE NUMBER (858) 598-6631.**

24 Dated: 07-10-09

25 
26 JOSEPH REGO ATTORNEY FOR DEBTOR GORDY SPIRES
27
28