

MUNICIPAL COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
SMALL CLAIMS DIVISION

CASE NO. S.C. _____ CS81 - 032638

PLAINTIFF (Name and address):

DEFENDANT (name and address of each):

Thomas John Herbat
P.O.Box 21065
San Jose, CA 95151

Edward P. Tracy
2635 Larkey Lane
Walnut Creek, CA 94596

NOTICE OF ENTRY OF JUDGMENT

JUDGMENT WAS ENTERED AS INDICATED BELOW.

1. Plaintiff recover from defendant (Name): Edward P. Tracey
 - \$ 389.00 principal and: \$ 5.00 costs on plaintiff's claim.
2. Plaintiff take nothing from defendant on plaintiff's claim.
3. Defendant recover from plaintiff: \$ principal and: \$ costs on defendant's claim.
4. Defendant take nothing from plaintiff on defendant's claim.
5. Possession of the premises located at:
is restored to plaintiff.
6. (Other):
7. Date judgment was entered: 11/16/81

J.J. Speciale,

Clerk-Administrative Officer by

Jose N. Sanchez
JOSE N. SANCHEZ

Deputy

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage prepaid, at (Place): San Jose, California in a sealed envelope addressed to the parties as shown above, and that the mailing of the foregoing and execution of this certificate occurred (Date): 11/24/81.

J.J. Speciale,

Clerk-Administrative Officer by

Jose N. Sanchez
JOSE N. SANCHEZ

Deputy

The foregoing instrument is a correct copy of the original document now in my possession.
J.J. SPECIALE
Clerk-Administrative Officer
Municipal Court of California
Santa Clara County Judicial District
San Jose Facility
State of California

NOTICE TO PARTIES: SEE REVERSE FOR IMPORTANT INFORMATION

SEAL

(Continued on reverse)

NOTICE OF ENTRY OF JUDGMENT

CS81-032638
order of exam
scheduled 1/26/81
call 299-2272
12/15/81

INFORMATION AFTER JUDGMENT

1. You may not appeal a judgment against your claim. If you are dissatisfied with the Court's decision, however, you may appeal a judgment against you on the other party's claim.
 - a. If you appeared at the trial, your appeal begins by filing a notice of appeal within 20 days after the date judgment was entered. On appeal you will have a new trial in the superior court, and you may be represented by an attorney.
 - b. If you did not appear at the trial and wish to appeal, you must first file a motion to set aside the judgment within 30 days from the date the clerk mailed this notice of entry of judgment.
 - (1) You must appear on the day set for hearing of your motion to set aside the judgment. If you cannot appear, you must file with the court a written statement showing good cause for not appearing, together with written evidence to support your motion, before the time set for hearing.
 - (2) If your motion to set aside the judgment is denied, you have 10 days from the date of denial to appeal. If your motion has not been decided within 60 days after it was filed, you may appeal within 10 days after the 60-day period expires.
 - (3) Your appeal shall be from the motion to set aside the judgment. If the superior court finds your motion should have been granted you will have a new trial in the superior court. On appeal you may be represented by an attorney.
2. Enforcement of judgment is automatically postponed until the time for filing an appeal expires, and if filed, until the appeal is decided.
3. If you did not appear at the trial because you were not properly served with the other party's claim, you should promptly file a motion to set aside the judgment. Your motion must be filed no later than 180 days from the date you knew or should have known that judgment was entered against you. See the clerk for forms to set aside the judgment.
4. Payment of judgment (principal and costs) is to be made directly to the party in whose favor it was entered, and not to the clerk.
5. If the court has allowed relief other than the payment of money, or the possession of the premises in an unlawful detainer action, and the losing party has not complied, see the clerk for forms and procedure.

ENFORCEMENT AND SATISFACTION OF A SMALL CLAIMS JUDGMENT FOR MONEY OR POSSESSION OF PREMISES IN UNLAWFUL DETAINER

The court does not collect the judgment for you. If the losing party (judgment debtor) does not pay voluntarily, the following are available to you for the enforcement of a judgment for money.

1. You may consult an attorney for assistance in collecting the judgment. (Attorneys are permitted to represent parties in small claims actions in proceedings after entry of judgment.)
2. You may obtain a WRIT OF EXECUTION from the clerk. The Writ of Execution may be used to take the wages, bank account, automobile or other personal property of the judgment debtor in payment of the judgment. In an unlawful detainer action, the writ may be used to obtain possession of the premises. This writ can be served by a marshal, constable or sheriff acting on your instructions. Fees are required for issuance and service of the writ.
3. You may obtain an ABSTRACT OF JUDGMENT from the clerk. When recorded with a County Recorder, the abstract becomes a lien on the judgment debtor's real property in that county until the satisfaction of judgment is recorded. Fees are required for issuance and recording.
4. To discover property or assets of the judgment debtor, you may ask the court to issue an ORDER OF EXAMINATION. This will require the debtor to appear in court and answer questions concerning the debtor's property, income and assets. The clerk will provide you with the forms. There is no fee for issuance. A fee is required for service by marshal, constable or sheriff.
5. Fees you pay for the issuance, service or filing of documents described above may be added to the original judgment by filing with the clerk and mailing to the debtor a MEMORANDUM OF CREDITS, ACCRUED INTEREST AND COSTS AFTER JUDGMENT. Obtain the form from the clerk.
6. Upon payment of judgment, the prevailing party must file a satisfaction of judgment, as required by law.

SATISFACTION OF JUDGMENT

Case No. _____

Plaintiff(s) _____ vs. Defendants(s) _____

(Do not use if an Abstract of Judgment has been issued. See Clerk for proper form)

To the Clerk of the court.

I acknowledge full satisfaction of the judgment in this action.

Dated

Signature of Judgment Creditor

63386

NOTE: Please fill out and return this form only after full payment has been received to address shown on front.

LIBER 1281 PAGE 1016

COPY

REQUESTED BY

Thomas Hester

IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

\$ 6.00 pp

1981 DEC 21 PM 12:13

SUZANNE BEAUDREAU
RECORDER

Suzanne Beaudreau
clerk

63386

LIBER 1281 PAGE 1017