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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF _____

JOE CREDITOR,

Plaintiff,

vs.

DAN DEBTOR, individually and d/b/a COFFEE
4 YOU,

Defendants.

) Case No.:

) [PROPOSED] ORDER APPOINTING
) RECEIVER AS KEEPER

The Court, after hearing on motion to appoint receiver as keeper on February 14, 2003 at 9:30 a.m. in Department A of the Superior Court of California, County of _____, Unlimited Civil Division, having considered the declarations and papers in support thereof, and good cause appearing, hereby orders as follows:

1. IT IS ORDERED THAT Patrick Bulmer of California Receivership Services of Oroville, California (hereinafter "Receiver") be, and hereby is, appointed receiver in this action for the limited purpose of performing the duties of a levying officer and keeper, pursuant to Code of Civil Procedure §700.070.

2. IT IS FURTHER ORDERED THAT upon the Receiver's filing of an undertaking in the amount of \$_____ under CCP §567, and taking his oath, the Receiver shall have the following powers and responsibilities:

1 (a) Perform all duties of a levying officer and a keeper as the judgment
2 creditor may instruct, pursuant to Code of Civil Procedure §§568.5, 700.070 and
3 701.510, et. seq.

4 (b) That the Receiver shall care for, preserve and maintain any property
5 taken into Receiver's custody, and incur the expenses necessary in such care,
6 preservation and maintenance from monies coming into the possession of the said
7 Receiver pursuant hereto and not expended for any of the purposes herein
8 authorized shall be held by said Receiver, subject to such orders as this Court may
9 hereinafter issue as to its disposition.

10 (c) The Receiver shall be paid on an hourly basis in the amount of
11 \$150.00 per hour for his services as receiver, and \$75.00 per hour for travel and
12 waiting time. Receiver and Receiver's agents and employees shall be reimbursed at
13 the rate of \$0.60 per mile for use of their personal vehicles. Receiver is further
14 authorized to employ servants, agents, employees, clerks and accountants, to rent
15 vehicles and equipment, to procure transportation and lodging, to purchase
16 materials, supplies and services, and to pay for same at ordinary and usual rates
17 and prices, as deemed necessary and appropriate in Receiver's discretion for
18 operation of the receivership. All of the aforementioned fees and expenses shall be
19 paid out of funds that shall come into possession of the Receiver and shall constitute
20 a first charge against the property and funds in receivership.

21 (d) The Judgment Debtor(s) shall notify the Receiver on his taking
22 possession of any property whether or not there is sufficient insurance coverage
23 thereon. If sufficient insurance coverage does exist, Judgment Debtor(s) shall be
24 responsible and are hereby ordered to make certain that the Receiver is named as
25 an additional insured on such policy for the period that the receivership estate shall
26 be in possession of the Property. If sufficient insurance coverage does not exist, it is
27 hereby ordered that the Receiver shall have fifteen (15) working days to procure
28 said insurance on the Property, provided he has funds available to do so, and during

1 such period, said Receiver shall not be personally responsible for claims arising
2 form or for the procurement of insurance.

3 (e) That the Receiver may conduct sales of the Property or portions thereof
4 outside the ordinary course of business provided that the Receiver complies with
5 California Code of Civil Procedure §568.5.

6 3. IT IS FURTHER ORDERED THAT the Receiver shall comply with all provisions
7 of California Rules of Court regarding receiverships.

8 4. IT IS FURTHER ORDERED THAT the Receiver is authorized and directed to
9 collect and open all mail of Judgment Debtor(s) relating to Judgment Debtor(s) business, and
10 that the Receiver shall hold all monies and payments coming into his possession in an
11 interest-bearing account to be expended for the following purposes and in the following
12 priorities:

13 (a) For payment of the Receiver's fees and expenses;

14 (b) For payment of any expenses necessary to care for, preserve and
15 maintain any property taken into Receiver's custody;

16 (c) Payment to the judgment creditor to the extent that the judgment
17 entered in this action remains unsatisfied; and

18 (d) Payment of any remaining balance to the Judgment Debtor(s).

19 5. IT IS FURTHER ORDERED THAT, the Receiver and the parties to this action
20 may, from time to time and upon due notice to the parties entitled thereto, petition this Court
21 for instructions in pursuance of this Order and further orders this Court may hereafter make.

22 6. IT IS FURTHER ORDERED THAT, upon payment of the Receiver's fees and
23 expenses, and stipulation of the parties as to approval of the Receiver's final account
24 submitted to the Court, the within receivership may abate without further order of this Court.

25
26 DATED: _____

27 _____
28 JUDGE OF THE SUPERIOR COURT