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 8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 FEDERAL DEPOSIT INSURANCE)
 CORPORATION, as Receiver for LA JOLLA) Case No.: 2:13-ms-00025
 12 BANK, FSB,)
)
 13 Plaintiff,)
 vs.) **WRIT OF EXECUTION**
 14)
 15 DANNY TARKANIAN, an individual; AMY)
 M. TARKANIAN, an individual; JERRY)
 16 TARKANIAN, an individual; LOIS)
 TARKANIAN, an individual; GEORGE)
 17 TARKANIAN, an individual; ZAFRIR)
 DIAMANT, an individual; DOUGLAS R.)
 18 JOHNSON, an individual; DEBRA)
 JOHNSON, an individual; and DOES 1)
 19 through 100, inclusive,)
)
 20 Defendants.)
 21)

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WRIT OF EXECUTION

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TO THE UNITED STATES MARSHALL FOR THE DISTRICT OF NEVADA:

On April 17, 2013, a Judgment was entered in the docket of the above-entitled Court and action, in favor of FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for LA JOLLA BANK, FSB as Judgment Creditor, and against DANNY TARKANIAN, AMY TARKANIAN, JERRY TARKANIAN, and LOIS TARKANIAN as Judgment Debtors, for

\$ 16,995,005.17 principal,
\$ 0.00 attorney fees,
\$ 0.00 interest, and
\$ 0.00 costs, making a total of:
\$ 16,995,005.17 JUDGMENT AS ENTERED.

WHEREAS, according to an affidavit and request for issuance of writ of execution filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

\$ 32,593.12 accrued interest, computed at 10%
\$ 398.40 accrued costs and fees, making a total of
\$ 32,991.52 ACCRUED INTEREST, COSTS AND FEES.

CREDIT must be given for payments and partial satisfactions in the amount of \$0.00 which is to be first credited against the total accrued interest, costs and fees, with any excess credited against the Judgment as entered, leaving a net balance of \$ _____ ACTUALLY DUE on the date issuance of this writ, of which \$ 16,995,005.17 is due on the Judgment as entered, and bears interest at 10% per annum, in the amount of \$ 4,656.16 PER DAY, from the date of entry of judgment to the date of

1 issuance on this writ, to which must be added the accrued costs and fees and the commissions
2 and costs of the officer executing this writ.

3 Notice by mail of any sale under the writ of execution [] Has [X] Has Not been
4 requested. The following named persons have requested such notice of sale:

5 NAME ADDRESS

6 n/a n/a

7 YOU ARE THEREFORE COMMANDED to satisfy the said Judgment with interest
8 and costs as provided by law and your costs and disbursements out of the personal property of
9 said debtor, except that for any pay period, 75 percent of the disposable earnings of the
10 debtor during this period or for each week of the period 30 times the minimum hour wage
11 prescribed by section 6(a)(1) of the Federal Fair Labor Standards Act of 1938 [29 U.S.C Sec.
12 206(a)(1)], and in effect at the time the earnings are payable, whichever is greater, is exempt
13 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
14 found, then out of his real property; or if the Judgment be a lien upon real property, then out
15 of the real property belonging to such debtor, and make return of this writ within not less than
16 ten (10) days nor more than sixty (6) days after your receipt thereof with what you have done
17 endorsed hereon.
18

19 Judgment Creditor/Plaintiff will identify to the U.S. Marshall or his representative
20 assets that are to be seized to satisfy the judgment/order.

21 YOU ARE FURTHER COMMANDED if necessary, to turn over any property seized
22 under this order to a third party custodian or to the plaintiff. The U.S. Marshal or his
23 representative is authorized to use reasonable force in the execution of this Judgment/Order
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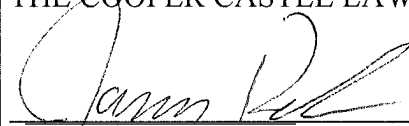
1 and the Judgment Creditor/Plaintiff will hold the U.S. Marshals Service harmless of any
2 liability that may be imposed as a result of the execution of the Judgment.

3 DATED this _____ day of April, 2013.

4
5 LANCE S. WILSON
6 Clerk, U.S. District Court

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8 By: _____
9 Deputy Clerk

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11
12 Respectfully submitted by:
13 THE COOPER CASTLE LAW FIRM, LLP

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15 _____

16 Aaron M. Waite, Esq.
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, FEDERAL DEPOSIT INSURANCE CORP., as Receiver for LA JOLLA BANK, FSB, alleges that you owe them money. Plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act including, without limitations retirement and survivor benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Welfare Division of the Department of Human Resources or a local governmental entity.

4. Proceeds from a policy of life insurance if the annual premium does not exceed \$15,000.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum wage, in which case the entire amount may be exempt.

12. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. §§ 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

(Added to NRS by 1989, 1139; A 1991, 814, 1415; 1993, 2631; 1995, 230; 1997, 269, 3416; 2003, 1014, 1816)