

Richard L. Wynne
KIRKLAND & ELLIS
777 S. Figueroa Street
Los Angeles, CA 90017
(Special Lit. Counsel, Trustee)
TELEPHONE NO.: (213) 680-8400 FAX NO.: (213) 680-8500

ATTORNEY FOR (Name): R. Todd Neilson, Chapter 11 Trustee

NAME OF COURT: US Bankr. Ct. for the Central Dist. of CA

STREET ADDRESS: 1415 State Street

MAILING ADDRESS:

CITY AND ZIP CODE: Santa Barbara, CA 93101-2511

BRANCH NAME: Northern Division

PLAINTIFF: R. TODD NEILSON, as Chapter 11 Trustee

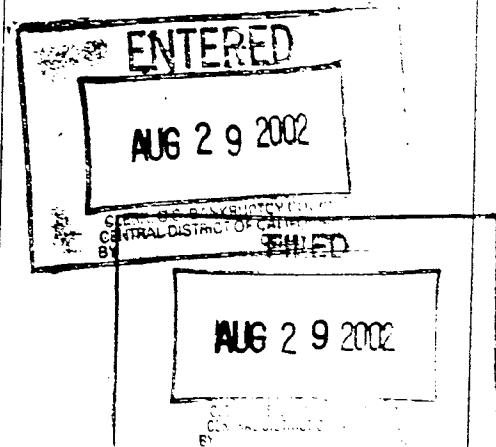
DEFENDANT: ANTHONY AND MARGARET HITCHMAN, as individuals; and DOES 1-50

EX PARTE

- RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)
- ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT (RESIDENT)

CASE NUMBER:

ND 01-11549-RR/AD 02-1111



1. The application and supporting declaration or affidavit of plaintiff (name): R. Todd Neilson, as Chapter 11 Trustee for an ex parte right to attach order and order for issuance of writ of attachment order for issuance of an additional writ of attachment has been considered by the court.

FINDINGS

2. THE COURT FINDS

- a. Defendant (specify name): Anthony and Margaret Hitchman are partnership unincorporated association corporation natural persons other (specify):
- b. The claim upon which the application is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. The affidavit or declaration accompanying the application shows that the property sought to be attached, or the portions thereof to be specified in the writ, are not exempt from attachment.
- g. The portion of the property sought to be attached described in item 3b is not exempt from attachment.
- h. An undertaking in the amount of: \$ 10,000 is required before a writ shall issue, and plaintiff has has not filed an undertaking in that amount.
- i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
 - (1) There is a danger that the property sought to be attached would be
 - (a) concealed.
 - (b) substantially impaired in value.
 - (c) made unavailable to levy by other than concealment or impairment in value.
 - (2) Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010, subdivision (b)(2), as set forth in the affidavit or declaration filed in support of this application, which specifies the defendant's known undisputed debts and the basis for plaintiff's determination that the defendant's debts are undisputed.
 - (3) A bulk sales notice was recorded and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
 - (4) An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is:
 - (5) Other circumstances (specify):
- j. A Right to Attach Order was issued on (date): August 30, 2002 pursuant to Code of Civil Procedure section 484.090 (on notice) Code of Civil Procedure section 485.220 (ex parte)
- k. Other (specify):

(Continued on reverse)

ORDER

3. THE COURT ORDERS

a. Plaintiff has a right to attach property of defendant (name): Anthony and Margaret Hitchman

in the amount of: \$ 2,709,406.40

b. The clerk shall issue a writ of attachment an additional writ of attachment in the amount stated in item 3a forthwith upon the filing of an undertaking in the amount of: \$

(1) for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of the sale of such property, described as follows (specify):

(2) for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (specify):

(3) for any property of a defendant who is not a natural person for which a method of levy is provided.

(4) for property of a defendant who is a natural person subject to attachment under Code of Civil Procedure section 487.010 (specify): Interests in real property except leasehold estates with unexpired terms of less than one year; Accounts receivable, chattel paper, and general intangibles; Equipment; farm products; inventory; final money judgments; money on the premises; deposit accounts; negotiable documents of title; instruments; securities; minerals or the like (including oil and gas) to be extracted; and any other fraudulently transferred assets, or proceeds from the sale of these assets, in whatever form they may be.

c. Defendant shall transfer to the levying officer possession of

(1) any documentary evidence in defendant's possession of title to any property described in item 3b.

(2) any documentary evidence in defendant's possession of debt owed to defendant described in item 3b.

(3) the following property in defendant's possession (specify):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

d. Other (specify): SEE ATTACHMENT A

e. Total number of boxes checked in item 3: 6

Date:

AUG 29 2002

[Handwritten Signature]

(SIGNATURE OF JUDGE OR COMMISSIONER)

The defendants shall: (1) within two court days of service of this order produce to plaintiff any documentary evidence in defendants' possession showing where the proceeds from the sale of 625 Via Trepadora are located. This shall include the name(s) and location(s) of the financial institution(s) holding the proceeds from the sale, the name(s) on the account and account number(s), the amount in the account(s), and the amount in the account(s) which came from the sale of 625 Via Trepadora. (2) within two court days of service of this order produce to plaintiff any documentary evidence in defendants' possession of any property owned by defendant described in 3b. If defendants do not have in their possession documents regarding the property described in 3b, then defendants shall obtain such documents and produce them to plaintiffs within four court days of the date of this order. (3) deposit their current passports with the Court within one court day of service of this order. The Court shall retain defendants' passports for the space of thirty days following the deposit of the passports.

Exhibit 2

14

Exhibit 2

Exhibit 1

NOTE TO USERS OF THIS FORM:
Physically attach this form as the last page of the proposed Order or Judgment.
Do not file this form as a separate document.

In re REED E. SLATKIN, DEBTOR.	(SHORT TITLE)	CHAPTER 11 CASE NUMBER: ND 01-11549-RR
--	---------------	---

**NOTICE OF ENTRY OF JUDGMENT OR ORDER
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 116(1)(a)(iv), that a judgment or order entitled,
(specify): **AUG 29 2002**

**EX PARTE RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF
ATTACHMENT (RESIDENT) (Attachment)**

1. was entered on (specify date): **AUG 29 2002**
2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on (specify date):

DATED: **AUG 29 2002**

JON D. CERETTO
Clerk of the Bankruptcy Court

by: L. Marshall / KAM RUS