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7 SUPERIOR OF CALIFORNIA, COUNTY OF SAN DIEGO  
8 NORTH COUNTY JUDICIAL DISTRICT  
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10 HOWARD SMITH,  
Plaintiff,  
11 vs.  
12 ATLANTIC AIRLINES, INC., a California  
corporation; DAVID E. PETERS, an  
13 individual;  
and DOES 1 THROUGH 50, inclusive,  
14 Defendants.  
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16  
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Case No. N77736  
NOTICE OF MOTION AND MOTION IN SUPPORT  
OF ORDER TO ENTER COST BILL AFTER  
JUDGMENT; POINTS AND AUTHORITIES IN  
SUPPORT THEREOF; DECLARATION OF MARK  
P. KRONES IN SUPPORT THEREOF  
DATE: 5/20/99  
TIME: 3:00 p.m.  
DEPT.:  
(Tele. Ruling - No Appearance  
Required)

19 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:  
20 PLEASE TAKE NOTICE that on 5/20/99 at 3:00 p.m. in Department of the above-  
entitled court located at 325 S. Melrose , Vista, CA that Plaintiff and Judgment  
21 Creditor HOWARD SMITH ("Judgment Creditor ") will move this court for an order to  
22 enter cost bill after judgment. This application and motion is made under CCP §  
23 685.080 on the grounds that the costs claimed in the attached Cost Bill After  
24 Judgment were reasonable and necessary costs incurred by judgment creditor in  
25 enforcing this judgment.  
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1 This motion will be decided on the date set forth, but there will be no  
2 hearing in open court. After 3:00 p.m. on the hearing date, parties may obtain  
3 the ruling by telephoning (760) 806.6050, which was the number provided by the  
4 court clerk when the reservation for the motion was obtained. Requests for oral  
5 argument must be made in accordance with rule 6.18. The court may in its  
6 discretion require oral argument and shall so indicate in the telephonic ruling.

7 This motion for order to enter cost bill after judgment will be based on  
8 this Notice, the Memorandum of Points and Authorities, the declaration of Mark P.  
9 Kroner, and other pleadings filed herein, or any other matter that the Court may  
10 properly take notice, and such further oral and documentary evidence as may be  
11 presented at the time of the hearing.

12  
13 DATED: \_\_\_\_\_

\_\_\_\_\_ Mark P.  
Kroner, Esq.  
Attorney For Plaintiff and Judgment  
Creditor HOWARD SMITH

POINTS AND AUTHORITIES IN SUPPORT OF COST BILL AFTER JUDGMENT

**I. THE JUDGMENT CREDITOR IS ENTITLED TO THE REASONABLE AND NECESSARY COSTS OF ENFORCING A JUDGMENT.**

CCP § 685.040 states that a judgment creditor is entitled to the reasonable and necessary costs of enforcing a judgment. The judgment creditor may claim costs authorized under these code sections by noticed motion. CCP § 685.080.

A. COSTS WHICH MAY BE CLAIMED

CCP § 685.070 authorizes the judgment creditor to claim the following costs of enforcing a judgment: statutory costs for preparing, issuing, recording, and indexing an Abstract of Judgment; statutory fees for filing a Notice of Judgment Lien on Personal Property (J-1); statutory fees for issuing a writ for the enforcement of a judgment; statutory fees and costs of the levying officer for performing duties under the writ to the extent that the costs are not satisfied per CCP § 685.050. The judgment creditor has incurred all of above costs as outlined in paragraph 2 of Mark Krones declaration and as noted in the accompanying Cost Bill After Judgment.

B. FEES FOR LEVIES UNDER WRITS OF EXECUTION BY A REGISTERED PROCESS SERVER SHALL BE ALLOWED AS RECOVERABLE COSTS.

CCP § 699.080 states that the fee for levy services under writs by registered process servers shall be allowed as recoverable costs per CCP § 1033.5. As noted in the accompanying Cost Bill After Judgment, the judgment creditor has incurred registered process server fees in the amount of \$250.00 in efforts to enforce this judgment through writs of execution. (¶ 2.9 of MK decl.)

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C. COSTS INCURRED IN CONNECTION WITH JUDGMENT DEBTORS' EXAMS MAY BE CLAIMED.

CCP § 685.080 authorizes the judgment creditor to claim costs incurred but not approved by the court or referee in debtors' examinations. The court shall make an order allowing or disallowing the costs to the extent justified under the

1 circumstances of the case. As outlined in the accompanying Cost Bill After  
2 Judgment, the judgment creditor has incurred filing fees for 2 sets of 2 debtor  
3 exams (III 2.3 & 2.13 of MK decl.) and process server service fees in attempting  
4 to serve those exams (III 2.10 & 2.11 of MK decl.). The judgment creditor hereby  
5 requests that these costs be allowed to be claimed as reasonable and necessary  
6 costs of enforcing this judgment because the debtor exams are necessary to  
7 ascertain the location of assets and income of the judgment debtor to be used to  
8 satisfy this judgment.

9 **III. CONCLUSION**

10 Based on the foregoing, the judgment requests this court grant its  
11 motion/application for Order to Enter Cost Bill After Judgment for total costs in  
12 the sum of \$767.75.

14 Dated: \_\_\_\_\_

\_\_\_\_\_  
15 P. Kroner, Attorney for Judgment  
16 Creditor

**DECLARATION OF MARK P. KRONES IN SUPPORT OF ORDER ENTERING COST BILL AFTER JUDGMENT**

I, Mark P. Krones, declare:

1. I am the attorney for Plaintiff and Judgment Creditor HOWARD SMITH.

All of the below-stated facts are within my own personal knowledge and if called as a witness I could and would testify thereto.

2. The following post-judgment costs have been incurred to date:

	<b>DESCRIPTION</b>	<b>AMOUNT</b>
2.1	2/3/99 EX PARTE APPEARANCE FEE TO ENTER JUDGMENT	\$23.00
2.2	2/4/99 ISSUANCE OF 2 ABSTRACTS OF JUDGMENTS AND 2 WRITS OF EXECUTION (FOR ORANGE AND LA COUNTIES)	\$28.00
2.3	2 MOTION FEES FOR 2 DEBTOR EXAMS FOR 2 DEFENDANTS	\$46.00
2.4	RECORD ABSTRACT IN SAN DIEGO COUNTY	\$22.50
2.5	RECORD ABSTRACT IN LOS ANGELES COUNTY	\$50.00
2.6	RECORD SECRETARY OF STATE J-1 PERSONAL PROPERTY LIEN	\$20.00
2.7	ORANGE COUNTY MARSHAL FEE FOR BANK LEVY	\$28.00
2.8	LOS ANGELES COUNTY MARSHAL FEE FOR BANK LEVY	\$28.00
2.9	PROCESS SERVER CHARGES FOR SERVICE OF 2 BANK LEVIES IN ORANGE AND LA	\$250.00
2.10	PROCESS SERVER CHARGES FOR ATTEMPTED SERVICE OF ORDERS TO APPEAR ON DEFENDANT DAVID PETERS AT POWAY RESIDENCE	\$41.50
2.11	PROCESS SERVER CHARGES ON ATTEMPTED SERVICE OF 2 DEFENDANTS AT CORPORATE HEADQUARTERS IN LA	\$121.75
2.12	ISSUANCE OF WRIT OF EXECUTION FOR SAN DIEGO COUNTY	\$7.00
2.13	REISSUANCE OF DEBTOR EXAMS FOR 5/14/99 DATES	\$46.00
2.14	MARSHAL FEE FOR 2 BANK LEVIES	\$56.00
	<b>TOTAL COSTS TO DATE</b>	<b>\$767.75</b>

3. None of these costs have been satisfied under the writs.

4. I prepared the accompanying Cost Bill After Judgment. These costs were reasonable and necessarily incurred in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 1999 in San Diego, California.

\_\_\_\_\_  
Mark P. Krones