

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address): Nemecek & Cole 16255 Ventura Blvd., Suite 300 Encino, CA 91436 TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____	LEVYING OFFICER (Name and Address): Stanislaus County Sheriff's Office Sheriff Civil Division P.O. Box 3288 801 11th Street, Suite 2200 Modesto, CA 95354 (209) 491-8762 Fax #: (209) 491-8766 California Relay Service Number (800) 735-2929 TDD or 711
ATTORNEY FOR (Name): Davis Boat Manufacturing-Nordic, Inc. dba Nordic Boats SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 801 10th Street, 4th fl MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95354 BRANCH NAME: Stanislaus Superior Court	COURT CASE NUMBER: 9000168
PLAINTIFF/PETITIONER: Davis Boat Manufacturing-Nordic, Inc. dba Nordic Boats DEFENDANT/RESPONDENT: Weldon Smith, Jr.	LEVYING OFFICER FILE NUMBER: 2024001926
SHERIFF'S SALE ON PERSONAL PROPERTY (701.530 CCP)	

UNDER A WRIT OF EXECUTION WRIT OF SALE
 WARRANT ISSUED BY STATE OF California

issued out of the Stanislaus Superior Court, 801 10th Street, 4th fl, P.O. Box 1098, Modesto, CA 95354, County of Stanislaus, State of California, on 05/08/2024, on a judgment rendered on 02/06/2020.

IN FAVOR OF: **Davis Boat Manufacturing-Nordic, Inc. dba Nordic Boats**

AND AGAINST: **Weldon Smith, Jr.**

For the sum of: **Five Hundred and Fifty-Three Thousand and Seven Hundred and Sixty Dollars and Twenty-Three Cents**
Dollars: **\$553,760.23**

I HAVE LEVIED upon all the right, title, claim, and interest of the debtor(s), personal property, in the County of Stanislaus, described as follows:

1-2010 Compe Carrier ; VIN: 13AC42307AC775210

1-2011 Nordic Vessel ; VIN: NDCL6837K011

Minimum Bid Amount (if applicable) \$: **0.00**

“PROSPECTIVE BIDDERS SHOULD REFER TO SECTION 701.510 TO 701.680, INCLUSIVE, OF THE CODE OF CIVIL PROCEDURE FOR PROVISIONS GOVERNING THE TERMS, CONDITIONS AND EFFECT OF THE SALE AND THE LIABILITY OF DEFAULTING BIDDERS” (CCP 701.547)

PUBLIC NOTICE IS HEREBY GIVEN that I will proceed to sell at public auction to the highest bidder for cash in lawful money of the United States, all the right, title, claim, and interest of said judgment debtor(s) in the above described property, or so much as may be necessary to satisfy said execution, with accrued interest and costs on:

Thursday, June 6, 2024 at 10:00 O'CLOCK AM, AT THE FOLLOWING LOCATION: Ramonts Tow Service, 320 7th St., Modesto, CA 95354 in the city of Modesto, County of Stanislaus, State of California. Directions to sale location can be obtained from the levying officer upon oral or written request.

Dated: **May 22, 2024 at Modesto, California**

Jeff Dirkse, Sheriff-Coroner
County of Stanislaus

Attorney for Judgment Creditor:

Nemecek & Cole
16255 Ventura Blvd., Suite 300
Encino, CA 91436

By _____
Enedina Vigil-Hernandez, Sheriff's
Authorized Agent

**STANISLAUS COUNTY
SHERIFF'S OFFICE**

**P.O. BOX 3288 / 801 11TH ST., STE 2200
MODESTO, CA 95353
(209) 491-8762 FAX 491-8766**

**JEFF DIRKSE
SHERIFF CORONER
PUBLIC ADMINISTRATOR**

**CIVIL DIVISION
TERMS AND CONDITIONS OF SHERIFF'S SALE**

1. IF YOU ARE THE HIGHEST BIDDER, YOU MUST BE PREPARED TO PAY IN CASH, CERTIFIED CHECK OR CASHIER'S CHECK. PERSONAL CHECKS, COMPANY CHECKS, TRAVELER'S CHECKS OR MONEY ORDERS ARE NOT ACCEPTABLE (701.590(A) CCP.)
2. IF YOU PAY CERTIFIED CHECK OR CASHIER'S CHECK, THE CHECK MUST BE PAYABLE TO "STANISLAUS COUNTY SHERIFF." YOU MAY NOT ENDORSE A CHECK, PAYABLE TO YOU OR ANYONE ELSE OVER TO THE SHERIFF'S DEPARTMENT.
3. THE HIGHEST BIDDER MUST BE PREPARED TO PAY THE FULL AMOUNT OF HIS/HER BID AT THE TIME OF SALE WHEN:
 - a) THE BID AMOUNT ON REAL PROPERTY IS \$5,000.00 OR LESS, OR,
 - b) THE BID AMOUNT ON PERSONAL PROPERTY IS \$2,500.00 OR LESS.
4. IF THE HIGHEST BID FOR AN INTEREST IN REAL PROPERTY SOLD EXCEEDS \$5,000.00, HIGHEST BIDDER MAY ELECT TO DEPOSIT AT LEAST \$5,000.00 OR 10% OF THE BID, WHICHEVER IS GREATER AND WITHIN 10 DAYS AFTER THE DATE OF SALE, PAY THE BALANCE DUE PLUS INTEREST ON THE BALANCE AND COSTS ACCRUING WITH REGARD TO THE PROPERTY SOLD.

IF THE HIGHEST BID FOR AN ITEM, GROUP OR LOT OF PERSONAL PROPERTY SOLD EXCEEDS \$2,500.00, THE HIGHEST BIDDER MAY ELECT TO DEPOSIT AT LEAST \$2,500.00 OR 10% OF THE BID, WHICHEVER IS GREATER AND WITHIN 10 DAYS AFTER THE DATE OF SALE, PAY THE BALANCE DUE PLUS INTEREST ON THE BALANCE AND COSTS ACCRUING WITH REGARD TO THE PROPERTY SOLD.

THE HIGHEST BIDDER IS NOT ENTITLED TO POSSESSION OF THE PROPERTY SOLD UNTIL THE AMOUNT OF BID PLUS COSTS AND INTEREST HAVE BEEN PAID.

IF THE HIGHEST BIDDER DOES NOT PAY THE AMOUNT BID AS PRESCRIBED ABOVE, HE/SHE WILL FORFEIT THEIR DEPOSIT. (701.590, 701.600 CCP.)

5. THE JUDGMENT CREDITOR MAY BID AGAINST ALL OR PART OF THE JUDGMENT. HOWEVER, UNPAID LEVYING COSTS, PREFERRED LABOR CLAIMS, EXEMPT PROCEEDS AND ANY OTHER CLAIM REQUIRED TO BE SATISFIED SHALL BE PAID IN CASH OR BY CERTIFIED CHECK OR CASHIER'S CHECK. (701.590 CCP.)
6. PROSPECTIVE BIDDERS SHOULD REFER TO SECTION 701.600(C) OF THE CODE OF CIVIL PROCEDURE REGARDING THE LIABILITY OF DEFAULTING BIDDERS.
7. ANY PERSON MAY BID ON AND PURCHASE PROPERTY AT A SHERIFF'S SALE, EXCEPT EMPLOYEES OF THE STANISLAUS COUNTY SHERIFF'S OFFICE AND THEIR IMMEDIATE FAMILIES.
8. DURING THE BIDDING YOU MAY BE ASKED TO QUALIFY YOURSELF AS A BIDDER. YOU WILL BE ASKED HOW YOU INTEND TO PAY FOR THE PROPERTY AND TO SHOW SOME EVIDENCE OF YOUR ABILITY TO PAY. THIS IS DONE FOR THE BENEFIT OF THE OTHER BIDDERS.
9. IF YOU ARE THE HIGHEST BIDDER, YOU MUST BE PREPARED TO DO BUSINESS IMMEDIATELY. THE AUCTIONEER WILL NOT WAIT WHILE YOU GO TO THE BANK FOR MONEY.

SALES SUBJECT TO THE RIGHT OF REDEMPTION

THE RIGHT TO REDEMPTION APPLIES ONLY TO **REAL PROPERTY**. WHEN AN INTEREST IN REAL PROPERTY IS SOLD SUBJECT TO THE RIGHT OF REDEMPTION, IT MEANS THAT THE DEBTOR, WHOSE INTEREST IN THE PROPERTY IS BEING SOLD, WILL HAVE A CERTAIN AMOUNT OF TIME TO REDEEM OR BUY BACK HIS/HER PROPERTY INTEREST. IN THE MEANTIME, THE PURCHASER WILL BE ISSUED A CERTIFICATE OF SALE AND A DUPLICATED COPY OF THE CERTIFICATE WILL BE RECORDED. (729.030 CCP.) THIS CERTIFICATE DOES NOT CONSTITUTE A TRANSFER OF TITLE, BUT IT DOES GRANT THE PURCHASER CERTAIN RIGHTS (729.090 CCP.)

THE REDEMPTION PERIOD WILL DEPEND ON THE SELLING PRICE AS FOLLOWS: (709.030 CCP)

- A. **THREE MONTHS** AFTER THE DATE OF SALE IF THE PROCEEDS OF THE SALE ARE SUFFICIENT TO SATISFY THE SECURED INDEBTEDNESS WITH INTEREST AND COSTS.
- B. **ONE YEAR** AFTER THE DATE OF SALE IF THE PROCEEDS OF THE SALE ARE NOT SUFFICIENT TO SATISFY THE SECURED INDEBTEDNESS WITH INTEREST AND COSTS.

THE **REDEMPTION PRICE** IS THE TOTAL OF THE FOLLOWING:

- A. THE PURCHASE PRICE AT THE TIME OF SALE.
- B. THE AMOUNT OF ANY ASSESSMENTS OR TAXES AND REASONABLE AMOUNTS FOR FIRE INSURANCE, UPKEEP AND REPAIR OR IMPROVEMENTS ON THE PROPERTY.
- C. ANY AMOUNT PAID BY THE PURCHASER ON A PRIOR OBLIGATION SECURED BY THE PROPERTY TO THE EXTENT THAT THE PAYMENT WAS NECESSARY FOR THE PROTECTION OF THE PURCHASER'S INTEREST.
- D. INTEREST ON THE AMOUNTS DESCRIBED ABOVE FROM THE TIME SUCH AMOUNT WAS PAID UNTIL THE DATE OF THE DEPOSIT IS MADE.
- E. IF THE PURCHASER HAS ANY LIENS SUBORDINATE TO THE LIEN UNDER WHICH THE PROPERTY WAS SOLD, THE AMOUNT OF THE PURCHASER'S LIEN, PLUS INTEREST FROM THE DATE OF THE SALE UNTIL THE DATE THE DEPOSIT IS MADE.

RENTS AND PROFITS FROM THE PROPERTY PAID TO THE PURCHASER OR THE VALUE OF THE USE AND OCCUPATION OF THE PROPERTY TO THE PURCHASER MAY BE OFFSET AGAINST THE AMOUNTS DESCRIBED ABOVE. (729 CCP)

IF A DISPUTE SHOULD ARISE BETWEEN THE PURCHASER OF THE PROPERTY AND THE PERSON SEEKING TO REDEEM REGARDING THE REDEMPTION PRICE OR WHETHER THE PERSON IS ENTITLED TO REDEEM, THE PERSON SEEKING TO REDEEM MAY FILE A PETITION WITH THE COURT FOR A HEARING TO SETTLE THE DISPUTE. THE PETITION MUST BE FILED BEFORE THE EXPIRATION OF THE REDEMPTION PERIOD. THE LEVYING OFFICER MUST ALSO BE GIVEN WRITTEN NOTICE OF THE HEARING (729.060 CCP.)

CONCERNED PARTIES SHOULD REFER TO SECTIONS 729.090 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE FOR MORE DETAILED INFORMATION CONCERNING THE REDEMPTION PROCESS.

A COPY OF THIS BULLETIN CAN BE OBTAINED FROM THE SHERIFF'S CIVIL DIVISION