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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 OSCAR BRAUN and ANDREA ) CIVIL NO: C 05-3777 MJJ  
12 BRAUN, )  
13 Plaintiffs, )  
14 v. )  
15 GALE NORTON, et al. )  
16 Defendants. )

17 THE UNITED STATES OF AMERICA, )  
18 Defendant and )  
19 Counter-Claimant, )

20 v. )  
21 OSCAR BRAUN and ANDREA )  
BRAUN, )  
22 Plaintiffs and )  
23 Counter-Defendants. )

**WRIT OF ASSISTANCE**

~~(Proposed)~~

24  
25 TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, GREETINGS:

26 The plaintiffs and counter-defendants, Oscar Braun and Andrea Braun (the "Brauns"), having  
27 been, by partial summary judgment ("Summary Judgment") of the Court herein on the 8<sup>th</sup> day of  
28

1 February, 2006, commanded to deliver possession to the United States of America of the  
2 premises therein described, to wit: Spaces No. 95 and No. 96, Pleasure Cove Resort, Lake  
3 Berryessa, Napa County, California; and proof having been made by affidavit of refusal or  
4 neglect by the Brauns, to obey said Summary Judgment,

5 NOW, THEREFORE, you are hereby commanded that, immediately after the reception of  
6 this writ, you are enter the aforesaid premises, Spaces 95 and 96 in Pleasure Cove Resort, Lake  
7 Berryessa, Napa County, California (the "Property"), and take all necessary steps to put the  
8 United States in possession by doing the following:

- 9 1) Remove any personal property remaining on the Property after the departure (or removal)  
10 of the Brauns or any other person occupying the Property, including but not limited to  
11 travel trailers, mobile homes, decks, sheds, and any other items of any description;
- 12 2) At his sole discretion, the U.S. Marshal may either (a) immediately dispose of any  
13 personal property removed under paragraph 1, above, from the Property in appropriate  
14 debris or garbage containers; or (b) store such personal property for sale under paragraph  
15 3, below; or, ( c) if reasonable and practical, have the mobile homes moved to a legally  
16 appropriate location selected by the Brauns, at the sole expense of the Brauns, **Provided:**  
17 any such movement and placement shall not, in any way, delay or otherwise impede the  
18 immediate removal of the mobile homes from the Property.
- 19 3) The U.S. Marshal may sell or otherwise dispose of any personal property taken from the  
20 Property. Any sale shall be conducted pursuant to 28 U.S.C. §§ 2001 and 2004, including  
21 by private sale. If the U.S. Marshal later determines that certain personal property that  
22 has been stored cannot be sold, he may abandon it; and
- 23 4) Clean or contract for the clean up of the Property.

24 **Provided:** The time frame for removal of the two mobile homes on the property shall  
25 coincide with weather conditions consistent with safe transportation of such mobile homes; and

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28 **WRIT OF ASSISTANCE**

Braun v. Norton Civ. No. 05-3777


1 **Further Provided:** All required permits for movement of the two mobile homes on public  
2 roadways shall be secured by the United States Marshals Service and/or its agent for  
3 transportation of such mobile homes.

4 In addition, the Brauns are ordered to reimburse the United States and the U.S. Marshal's  
5 Service for the following, as allowed under 28 U.S.C. § 1921, or any other provision of law:

- 6 1) All costs and fees incurred in connection with the removal of any personal property taken  
7 from the Property;
- 8 2) All costs and fees associated with any sale of personal property taken from the Property;
- 9 3) All costs associated with the removal of debris and trash and overall clean-up of the  
10 Property; and,
- 11 4) All costs and attorneys fees associated with this motion to obtain a writ of assistance.

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DATED: April 27, 2006

  
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MARTIN J. JENKINS  
United States District Judge