

# 2006 Annual CAJP Conference

**October 14–15, 2006**

**Saturday**

Registration: 8:00 am–9:00 a.m.

9:00 a.m.–5:30 p.m.

**Sunday**

8:00 a.m.–4:00 p.m.



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[www.cajp.org](http://www.cajp.org)

To register and book accommodations at the CAJP rate, visit [www.cajp.org](http://www.cajp.org) (Click on 'events').



2050 Gateway Place  
San Jose, California 95110  
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**Travis Farnsworth**  
**HOW TO INTERPRET RECORDED DOCUMENTS: DETERMINING EQUITY, OWNERSHIP AND LIEN PRIORITIES**

If a debtor owns real property, lien priorities and equity play a critical role when determining what course of action is necessary to satisfy the judgment. Travis Farnsworth will show how to read and understand documents at the county recorders office, how to sidestep homestead exemptions and how to make sure title companies don't miss recorded abstracts when the debtor sells or refinances.

Over the past decade Travis Farnsworth has bought and sold hundreds of trust deeds and judgments secured by real property in California. Travis is Vice President of CAJP and has operated a judgment collection firm in Costa Mesa, California for the past 5 years specializing in real estate related transactions. Travis also operates a real estate development company and has experience in developing and flipping real estate.  
[www.judicialrevenue.com](http://www.judicialrevenue.com)



**Ron Sargis, Esq.**  
**BANKRUPTCY—WHAT YOU MAY NOT KNOW ABOUT DISCHARGES AND LIENS**

- Renewing and enforcing judgment liens... after the debtor gets a discharge.
- Don't confuse discharge of debt with avoidance of a lien. The debtor must have your lien removed from property. What happens when the debtor's attorney forgets the home is exempt?
- When does a bankruptcy case extend the time to renew a judgment to preserve the judgment lien?
- The automatic stay and the discharge injunction—there is a difference and you need to know it.
- Why enforcing a judgment lien does not violate the discharge injunction.

Ronald Sargis is a partner in the Sacramento law firm of Hefner, Stark & Marois, LLP where he practices in the areas of bankruptcy and commercial creditor's rights. He serves as General Counsel for the California Association of Collectors and was made an honorary member of the CAJP in 2002. Ron Sargis received his B.A. degree from Stanford University and his J.D. degree, with distinction, from the University of the Pacific. Mr. Sargis was a Board Member for the ACA Member Attorney Program 1996–1999 and Chairman of the Board in 1999. He is a guest lecturer regularly for the American Collectors Association and the California Association of Collectors on federal and state licensing and regulatory issues, debt enforcement, business practices and state legislation affecting the collection industry.  
[www.HSMLaw.com](http://www.HSMLaw.com)



**Stephen Elias, Esq.**  
**MASTERING LEGAL RESEARCH**

Attorney Stephen Elias will show how to take the law into your own hands with a foolproof research method. Get the results you need, whether you're looking for the law and cases to support a motion or searching for a definitive answer to a legal question. Learn how to find and understand statutes, rules and case law, make sure your case law is current, and incorporate your research into a Memorandum of Points and Authorities to bolster your argument before the Court.

**AVOIDING THE PITFALLS OF UPL**

Business and Professions Code 6125 sets forth that, "No person shall practice law in California unless the person is an active member of the State Bar." When assignment is taken on a judgment, what is contained in your agreement with the original creditor? Is the language in your agreements and on your website setting you up for unlicensed practice of law charges? Attorney Stephen Elias explains what the practice of law is, what the unlicensed practice of law is, and what non-attorney recovery specialists must do to protect themselves from vigilant debtors looking to bring down assignees with UPL charges.

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Stephen R. Elias is an attorney and former associate publisher at Nolo, as well as current President of National Bankruptcy Law Project. He is the author of many Nolo books, most recently *The New Bankruptcy: Will It Work for You?* Other titles include *Special Needs Trusts: Protect Your Child's Financial Future*, *How to File for Chapter 7 Bankruptcy*, and *Legal Research: How to Find and Understand the Law*. He is also one of the original authors/designers of Nolo's bestselling *WillMaker* software. Steve holds a law degree from Hastings College of Law and was a practicing attorney in California, New York and Vermont before joining Nolo in 1980. He has been featured in such major media as *The New York Times*, *The Wall Street Journal*, *Newsweek*, *Good Morning America*, *20/20*, *Money* magazine, and more.



**Raymond Goldstein, Esq.**  
**COMMUNITY PROPERTY**

As assets are seized to satisfy judgments, community property claims of exemption are destined to hit the judgment collector squarely in the face. According to California law, property acquired during marriage is community property. Moreover, community property is subject to enforcement of a money judgment. But what is presumed to be community property? What rebuts the presumption of community property? What is separate property? When does separate property become community property? Is property held as husband and wife different from property held in joint tenancy? How is community property impacted by the bankruptcy of one spouse? Discover the tips and pitfalls surrounding community property executions.

**SUPPORT JUDGMENTS**

Support judgments are nondischargeable in bankruptcy. Once assigned, however, is a support judgment dischargeable? Should a judgment recovery specialist take assignment of support judgments? This session covers the ethics, laws, bankruptcy and enforcement variations regarding family law judgments.

Raymond R. Goldstein, Esq., is the managing partner for the Center for Enforcement of Family Support. The Center, established in 1979, is a private law firm that limits its practice to the collection of past-due child and spousal support and related marital obligations. In addition to utilizing common enforcement procedures such as bank levies and wage garnishments against mainstream debtors, the Center prides itself on pursuing debtors with creative lawyering and dogged persistence, using sophisticated remedies such as piercing corporate veils, stock turnover orders, set-asides of fraudulent transfers and extraordinary executions on such property as aircraft, boats and country club memberships. Mr. Goldstein is the author of many enforcement articles and actively participates in legislative reform. He has lectured to Bar Associations across the state, most recently, moderating the Enforcement panel at the 2005 Los Angeles County Bar Family Law Symposium. Mr. Goldstein has also guest lectured at Pepperdine University, University of West Los Angeles (his 1993 Alma Mater), Protect your Child Day, and has served as a media expert for print, radio and television on the topic of support enforcement.  
[www.enforcesupport.com](http://www.enforcesupport.com)



**Patrick Bulmer**  
**USING RECEIVERSHIPS TO GET PAID ON TOUGH CASES**

A receiver is an officer of the court who marshals the property rights of the judgment debtor. In some cases, a receiver maybe the only practical way to preserve the assets of the debtor; however, receiverships are all too often underutilized. Patrick Bulmer will dispel the mystique surrounding one of the most powerful enforcement tools available to creditors. Mr. Bulmer will provide an overview of using court-appointed receivers to assist in complex enforcement cases and will discuss various real world scenarios where receivership may be indicated. Topics include real property, operating businesses, hidden assets, intangible property, business assets, fraud and professional debtors.

Patrick Bulmer is a founding member of CAJP and a member of the Bay Area and Sacramento Valley chapters of the California Receivers Forum, specializing in fraudulent transfers and judgment enforcement.  
[www.calreceiver.com](http://www.calreceiver.com)



**Richard Enkelis, Esq.**  
**DISCOVERY—THE FOUNDATION FOR EFFECTIVE COLLECTION**

Discovery is critical to enforcement of a judgment. What is the difference between a Subpoena Duces Tecum and a Request for Production of Documents? When is one preferred over the other? When are interrogatories advised? How are they served and what are their limitations? Samples of both discovery tools will be provided.

Richard Enkelis has been practicing law for over 30 years and has written and lectured extensively on the area of judgment enforcement issues. His published works include *Collection Law in California: Lorman Education series*, *Debt Collection Practice in California, Second Edition*, CEB lead author, multi-volume collection treatise and *Enforcing Civil Money Judgments, CEB Action guide*. He currently serves on the executive committee of the Provisional and Post-Judgment remedies Section of the Los Angeles County Bar Association. Mr. Enkelis is an honorary member and advisor to CAJP's Board of Directors.  
[www.debtcollector.com](http://www.debtcollector.com)



**William Fason**  
**SUN TZU AND THE ART OF JUDGMENT COLLECTION**

Sun Tzu (6th century BC) was a brilliant military strategist and the author of *The Art of War* written over 2,500 years ago. Can the principles from the greatest military treatise ever written be applied to judgment recovery? Using *The Art of War* as a framework of reference, Mr. Fason will discuss:

- Two books that every judgment recovery specialist should have.
- Eight methods of uncovering a banking or brokerage relationship.
- The one thing that must quickly be done as soon as the case is assigned.
- The \$64,000 letter.
- Seizing foreign assets without domesticating the judgment.
- The one essential thing that

must be done if the debtor files bankruptcy.

- Seizing property even after the debtor gets a discharge in bankruptcy.
- Collecting money even when the debtor has gone out of business.
- Negotiating a settlement.
- The low-down on judgment recovery in Texas, debtor's paradise.

A seasoned recovery specialist, CAJP member Bill Fason is the owner of Judgment Enforcement Service in Houston, Texas. A contributor to Texas Civil Process/ Practice and Forms, Bill has appeared in *The Texas Investigator* and *P.I. Magazine*. He is the author of the forthcoming book, *A License to Steal: Enforcing Money Judgments in the Most Pro-Debtor State in the Union*.



**Jaime C. Holmes, CPA, JD, CVA, ABV**  
**PIERCING (OR PROTECTING) THE CORPORATE VEIL—WHAT JUSTIFIES A HOLDING OF ALTER EGO LIABILITY?**

When the judgment debtor is a corporation with no assets, the logical question is whether the shareholders have assets to satisfy the judgment. How does one determine if alter ego liability is present? What are the initial considerations to make this determination? What is the California law of 'alter ego' liability and the two-pronged test? This session will cover various factors relied upon by courts when evaluating the "piercing issue". Specifics will be covered, such as controlling case law and questions to ask a debtor corporation as well as documents to request.

Jaime Holme's unique combination of being an attorney and a Certified Public Accountant brings valuable insight to the investigation and valuation process of forensic accounting. Mr. Holmes graduated from the University of Redlands with a Bachelor of Science degree in Quantitative Decisions Analysis. He earned his Juris Doctorate from Western State University with emphasis in Taxation and was associated with a "Big Eight" CPA firm, serving clients in the litigation support and audit departments. Mr. Holmes

has worked in management for a Fortune 1000 manufacturing company and a major real estate developer. He authored *Pierce or Protect the (Corporate) Veil* and has been appointed as the court's expert on numerous cases over the years. He is a partner in Zamucen, Curren, Holmes and Hanzlich LLP in Irvine, California. The firm has been court appointed in over 100 cases and specializes in Business Valuations, Economic Damage Calculation for Business & Individuals, Forensic Accounting, Financial Fraud Investigation, Expert Witness Testimony, Computer Support for Litigation, Goodwill Impairment, Merger & Acquisition Consulting, Corporate "Alter Ego" Analysis & Testimony and other general CPA services.  
[www.zamucen.com](http://www.zamucen.com)

**Popular bestsellers included in course materials!**

Nolo's *Legal Research—How to Find and Understand the Law*, A systematic method to find answers and get results. By attorneys Stephen Elias and Susan Levinkind.



*Pierce or Protect the Veil* — the definitive guide to piercing the corporate veil in California. Extensively researched by Jaime Holmes, CPA, JD, CPA, CVA, ABV. Reflects actual trial experience and includes a comprehensive case list.



**Keynote** by 'Meany' Walter Steinmann, "Pioneer" Master Judgment Enforcer; Founder and Past President of CAJP.  
[www.mrmeaney.com](http://www.mrmeaney.com)

**Questions?**

E-mail: [pwith@jrssf.com](mailto:pwith@jrssf.com)

*CAJP reserves the right to revise the course outline or faculty if circumstances are beyond our control.*