

**June 5, 2026, Civil Law & Motion Tentative Rulings**

**1. CU0002531          Steven Snyder, et al. v. BMO Bank N.A., and related Cross-Complaint**

The May 11, 2026, application for writ of possession by Cross-Complainant BMO Bank N.A. against Cross-Defendants Matthew and Mai Snyder is granted.

**Opposition Brief**

Cross-Complainant correctly observes that Cross-Defendants' May 26, 2026, opposition is untimely as it was due on May 22, 2026. Code Civ. Proc. § 1005(b). The Court, in the exercise of its discretion, will consider the same. Cal. Rules of Court, rule 3.1300(d). Cross-Defendants are advised that they must abide by all applicable Rules of Procedure and Court, including deadlines.

**Legal Standard**

“Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this chapter for a writ of possession by filing a written application for the writ with the court in which the action is brought.” Code Civ. Proc. § 512.010(a).

Pursuant to Code of Civil Procedure section 512.010(b), the application must be submitted under oath and include:

- (1) A showing of the basis of the plaintiff's claim and that the plaintiff is entitled to possession of the property claimed. If the basis of the plaintiff's claim is a written instrument, a copy of the instrument shall be attached.
- (2) A showing that the property is wrongfully detained by the defendant, of the manner in which the defendant came into possession of the property, and, according to the best knowledge, information, and belief of the plaintiff, of the reason for the detention.
- (3) A particular description of the property and a statement of its value.
- (4) A statement, according to the best knowledge, information, and belief of the plaintiff, of the location of the property and, if the property, or some part of it, is within a private place which may have to be entered to take possession, a showing that there is probable cause to believe that such property is located there.
- (5) A statement that the property has not been taken for a tax, assessment, or fine, pursuant to a statute; or seized under an execution against the property of the plaintiff; or, if so seized, that it is by statute exempt from such seizure.

Before the hearing on the writ of possession, the defendant must be served with (1) a copy of the summons and complaint; (2) a Notice of Application and Hearing; and (3) a copy of the application and any affidavit in support thereof. Code Civ. Proc. § 512.030.

“The writ will be issued if the court finds that the plaintiff’s claim is probably valid and the other requirements for issuing the writ are established.” Code Civ. Proc. § 512.040(b). “A claim has ‘probable validity’ where it is more likely than not that the plaintiff will obtain a judgment against the defendant on that claim.” Code Civ. Proc. § 511.090.

### Discussion

#### Notice

Cross-Complainant provided proper notice, per the proofs of service filed on May 11, 2026.

#### Probable Validity of Cross-Complainant’s Claim

Cross-Complainant seeks a writ of possession based on its claim for breach of contract. On November 4, 2022, Cross-Defendants entered into a purchase agreement (“Agreement”) with BMO for the purchase of a 2019 RV Vehicle (“Vehicle”). Lawson Decl., ¶ 6; Exh. 1. To secure the obligations, Cross-Defendants granted BMO a security interest in the Vehicle. Lawson Decl., ¶ 6; Exh. 1. Cross-Defendants defaulted on the Agreement by failing to make payments when due since March 4, 2025. Lawson Decl. ¶¶ 8-11; Exh. 2. This establishes that Plaintiff probably will prevail on the claim. The Court is not persuaded by any of Cross-Defendants arguments to the contrary.

#### Wrongful Detention

Pursuant to Code of Civil Procedure section 512.010(b)(2), the application must include “a showing that the property is wrongfully detained by the defendant, of the manner in which the defendant came into possession of the property, and, according to the best knowledge, information, and belief of the plaintiff, of the reason for the detention.” Under the Agreement, Cross-Complainant has the right to repossess the Vehicle in the event of default. Lawson Decl., Exh. 1. Cross-Complainant has demanded that Cross-Defendant cure the default to prevent repossession of the Vehicle. Lawson Decl., ¶¶ 9-10; Exh. 2. Thus, Plaintiff has made the requisite showing.

#### Description and Value of Property

Pursuant to Code of Civil Procedure section 512.010(b)(3), the application must include a particular description of the property and a statement of its value. Cross-Complainant has provided a particular description of the property, by make, and VIN number. Cross-Complainant has also given a statement as to value. Therefore, Cross-Complainant has satisfied this requirement. Lawson Decl., ¶ 6; Exh. 4.

#### Statutory Statement

Pursuant to Code of Civil Procedure section 512.010(b)(5), Cross-Complainant must provide a statement that the property has not been taken for a tax, assessment, or fine, pursuant to statute and has not been seized under an execution against the Cross-Complainant property. Cross-Complainant has complied with this requirement. Lawson Decl., ¶ 15.

### Location of the Property

Pursuant to Code of Civil Procedure section 512.010(b)(4), Cross-Complainant must identify the probable location of the Vehicle and establish probable cause to that effect. Cross-Complainant seeks a writ of possession directing the levying officer to take the Vehicle from the following locations: “25690 Burda Lana, Nevada City, California 95959 or 5501 Tripp Way, Rocklin California 95765.” Lawson Decl., ¶ 13. Cross-Complainant must establish “probable cause” to believe that the Vehicle is located at the property specified in the application. See Code Civ. Proc. §§ 512.010(b)(4), 512.080. Cross-Complainant has satisfied this requirement. See Lawson Decl. ¶¶ 6, 13; Exh. 1.

### Undertaking

Code of Civil Procedure section 515.010 requires an undertaking to be filed before the writ issues in the amount of “not less than twice the value of the defendant’s interest in the property.” Section 515.010(a) states that the value of the defendant’s interest “is determined by the market value of the property less the amount due and owing on any conditional sales contract or security agreement and all liens and encumbrances on the property, and any other factors necessary to determine the defendant’s interest in the property.” Section 515.010(b) states that “[i]f the court finds that the defendant has no interest in the property, the court shall waive the requirement of the plaintiff’s undertaking and shall include in the order for issuance of the writ the amount of the defendant’s undertaking sufficient to satisfy the requirements of subdivision (b) of Section 515.020.” Section 510.020(a) states that “the defendant may prevent the plaintiff from taking possession of property pursuant to a writ of possession or regain possession of property so taken by filing with the court in which the action was brought an undertaking ... in the amount determined by the court pursuant to subdivision (b) of Section 515.010.”

Here, Cross-Complainant submits evidence that the amount owed on the Agreement exceeds the Vehicle’s value. Lawson Decl. ¶ 9, Exh. 2; Lawson Supp. Decl., ¶ 6, Exh. 4. Accordingly, the evidence supports a finding that Cross-Defendants do not have any interest in the Vehicle and Cross-Complainant is *not* required to post an undertaking. The court sets the undertaking required for Cross-Defendants to prevent Cross-Complainant from taking possession at \$123,450, which is the approximate current liquidation value of the Vehicle. Lawson Supp. Decl. ¶ 6, Exh. 4. The Court is not persuaded by any of Cross-Defendants arguments to the contrary.

### Turnover Order

Cross-Complainant requests a turnover order. Proposed Order ¶ 5.g. Section 512.070 states: “***If a writ of possession is issued***, the court may also issue an order directing the defendant to transfer possession of the property to the plaintiff. Such order shall contain a notice to the defendant that failure to turn over possession of such property to plaintiff may subject the defendant to being held in contempt of court.” (emphasis added.) “Thus a ‘turnover’ order, issued pursuant to section 512.070, is not a separate remedy but rather an alternative means of enforcing a writ of possession.” *Edwards v. Superior Court* (1991) 230 Cal.App.3d 173,

178. Because all requirements for issuance of the writ of possession are met, the court also issues a turnover order.

Conclusion

Based upon the foregoing, the court orders as follows:

1. The court grants Cross-Complainant's application for a writ of possession.
2. The court issues a turnover order.
3. The court orders that Cross-Complainant is not required to post an undertaking.
4. The court orders that Cross-Defendants post an undertaking of \$123,450.00 in order to prevent Cross-Complainant from taking possession of the vehicle.
5. Cross-Complainant's counsel shall provide notice and file proof of service with the court.

**2. CU0002221 Bill Sinor, Jr. vs. B&W Resorts, INC., d.b.a. Harmony Ridge Resorts, et al**

No appearances are required. The Court has approved the joint stipulation of the parties filed on May 27, 2026 regarding defendants' motion to compel responses to special interrogatories.