

Tentative Rulings for April 22, 2025
Department 403

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

24CECG03894	<i>Howell v. Select Portfolio Servicing, Inc. (Dept. 403)</i>
24CECG02012	<i>Garcia v. Hudson, Jr.</i>

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(34)

Tentative Ruling

Re: **Asset Acquisition Group, LLC v. Vega**
Superior Court Case No. 13CECG00820

Hearing Date: April 22, 2025 (Dept. 403)

Motion: by Assignee Perryville Recovery Corporation for Issuance of
Earnings Withholding Order

Tentative Ruling:

To deny without prejudice.

Explanation:

Community property is liable for debt incurred by either spouse before or during marriage. (See Fam. Code §§ 760, 910(a); *Dawes v. Rich* (1997) 60 Cal.App.4th 24, 26.) Code Civ. Proc. § 695.020 provides:

(a) Community property is subject to enforcement of a money judgment as provided in the Family Code.

(b) Unless the provision or context otherwise requires, if community property that is subject to enforcement of a money judgment is sought to be applied to the satisfaction of a money judgment:

(1) Any provision of this division that applies to the property of the judgment debtor or to obligations owed to the judgment debtor also applies to the community property interest of the spouse of the judgment debtor and to obligations owed to the other spouse that are community property.

(2) Any provision of this division that applies to property in the possession or under the control of the judgment debtor also applies to community property in the possession or under the control of the spouse of the judgment debtor.

Code of Civil Procedure section 708.510, providing for assignment orders, is in the same division as section 695.020 regarding enforcement of money judgments.

A judgment creditor may apply for an earnings withholding order only if: a writ of execution has been issued to the county where the judgment debtor's (or spouse's) employer is to be served; and the writ has not been outstanding for more than 180 days. (Code Civ. Proc., § 706.102, subd. (a).)

Here, the writ of execution was issued on December 19, 2017 in Fresno County and returned October 15, 2020 wholly unsatisfied. Assignee Becharoff Capital Corporation applied for a renewal of the judgment on November 14, 2022 and the renewal was issued

