

#39.70

6/23/72

Memorandum 72-46

Subject: Study 39.70 - Attachment, Garnishment, and Execution (Prejudgment Attachment)

We asked Senator Song to provide us with copies of the letters he received on the Marsh prejudgment attachment bill--Senate Bill 1048. He sent us a batch of letters. Because of the number of letters involved, we have not reproduced all of the letters for you. However, to give you the flavor of the letters, we have reproduced 47 letters favoring the bill and all three of the letters that Senator Song received objecting to the bill (pink pages attached). So that you will know the various types of organizations and persons that sent in letters on the bill, we have listed (on the attached green sheets) the names and organizations of the persons who wrote letters we did not reproduce.

We suggest you read the letters and the list of names. We will be sending the questionnaire to these persons and also to the persons on our attachment list.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

# LOS ANGELES CREDIT BUREAU

## COMMERCIAL COLLECTIONS

LICENSED AND BONDED

TELEPHONE  
384-9688

3960 WILSHIRE BLVD. • SUITE 908  
LOS ANGELES, CALIFORNIA 90008

May 15th, 1972

Hon. Alfred H. Song  
Senate Judiciary Committee  
% State Capitol  
Sacramento, Calif. 95814

Re: Senate Bill 1048

Honorable Sir:

Senate Bill 1048 concerns everyone in the state and under present conditions liberal credit has been curtailed which has reduced production, created unemployment and the manufacturer and purveyor does not have the protection necessary to obtain prompt payment after credit has been extended where the purchaser elects to take advantage of the existing law.

We urge you to approve Senate Bill 1048 and it is our considered opinion it will benefit the majority of people in the state.

Thank you for your courtesy and cooperation.

Respectfully,

  
D.W. WALDMAN, Manager  
LOS ANGELES CREDIT BUREAU



The Honorable Alfred H. Song  
Chairman  
Senate Judiciary Committee  
State Capitol  
Sacramento, California 95814

Subject: SENATE BILL No. 1048

My dear Senator Song:

May 18, 1972

Please actively support Senate Bill No. 1048.

Undoubtedly, the old attachment laws contained some inequities and erroneously allowed some hardships to occur. However, since the California Supreme Court declared prejudgment attachments unconstitutional, we, as suppliers, have little immediate recourse against a debtor who will not pay us. Because of our crowded court calendars, it now takes from months to years to obtain a judgment, and during this period the debtor can continue to dispose of our merchandise and refuse to pay us even if we are selling on a secured basis under a UCC filing.

We now have no legal procedure which will allow us, within a reasonable time, to repossess the remaining merchandise unless the debtor voluntarily agrees to the repossession.

Under these conditions we tend to restrict credit to only good credit risk accounts. This not only reduces sales, but also creates many hardships on marginal accounts who could normally purchase from us if we had the added protection of being able to attach within a reasonable time, if necessary.

The Honorable Alfred H. Song  
May 18, 1972  
Page Two

Subject: SENATE BILL No. 1048

Again, in fairness to all parties, we hope you will enthusiastically support passage of this very important bill.

Sincerely yours,

  
Max O. Hogue, Manager  
Credit Department

MOH:sm



KAISER STEEL CORPORATION  
TUBE DIVISION  
3851 SANTA FE AVENUE  
LOS ANGELES, CALIFORNIA 90058  
213 / 568-4261 714 / 523-2384

May 16, 1972

Senator Alfred H. Song  
State Capitol Building  
Sacramento, California 95814

RE: Senate Bill No. 1048  
To Restore the Remedy of Prejudgment Attachment

Senator Song,

I strongly urge your support of this Senate Bill, to alleviate some of the hardships placed upon Manufacturer's and Wholesale Credit Managers who must depend upon pre-judgment attachments in order to collect some of the delinquent accounts.

Under the present situation, by the time we get our judgments, the customer has had sufficient time, and warning to close his account and/or close his business. This leaves us no legal means to stop dishonest businessmen.

Please support Senate Bill No. 1048.

Very truly yours,

  
R. F. Johnson  
Credit Manager

RFJ:es



**PAN AMERICAN NATIONAL BANK**  
of East Los Angeles

May 17, 1972

The Honorable Alfred H. Song  
State Capitol  
Sacramento, California 95814

Dear Senator Song:

As the only independent bank working primarily within the minority community of East Los Angeles, we are vitally interested in the outcome of Senate Bill 1048.

Because we work with customers of a relatively low income and economic capability, our credit risks are proportionately higher than other banks which are able to spread the risk through branch banking in the entire state.

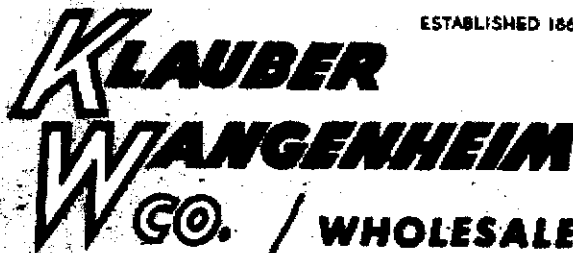
While we do not look to the pre-judgment attachment as a valid credit analysis tool, the fact remains that because of its present existence, many loans are made to minority persons that normally would not be approved because of various factors such as short employment, short residence and marginal credit.

We strongly urge you to vote "Yes" on this bill and use your considerable influence upon your fellow senators to see that they also vote "Yes" on May 23rd.

Sincerely,

  
Paul R. Hernandez,  
President

PRH:ml



ESTABLISHED 1869

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**TO**  
**INSTITUTIONS and RETAILERS**

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WAREHOUSE AND SALES OFFICE • 5th TO 7th ON ISLAND AVENUE • P. O. BOX 1911 • SAN DIEGO, CALIFORNIA 92112 • PHONE 234-0201

May 16, 1972

Honorable Alfred H. Song  
Chairman, Senate Judiciary Committee  
State Capitol  
Sacramento, Calif. 95814

Dear Mr. Song:

I urge you to approve Senate Bill #1048 allowing commercial credit grantors the privilege of prejudgment attachments on obligations growing out of business operations by the debtor.

Presently commercial credit grantors have no protection against dissipation of business assets during a lengthy pre-trial period. Unscrupulous debtors actually take advantage of this situation. Frequently a judgment is worthless because no assets exist on which to levy.

The business community needs some means to preserve the assets until a judgment is obtained.

Yours truly,

KLAUBER WANGENHEIM CO.

A handwritten signature in cursive script, appearing to read 'Howard Gardner', is written over the company name.

Howard Gardner, President

HG:h

May 17, 1972

Mr. Alfred H. Song, Chairman,  
Senate Judiciary Committee,  
State Capitol Building,  
Sacramento, California 95814.

Dear Mr. Song:

A hearing will be held before the Senate Judiciary Committee at 9:30 A. M., Tuesday, May 23 to consider Senate Bill #1048. This bill, introduced by Senators George N. Zenovich and William E. Coombs would restore the attachment remedy within the restrictions imposed by the California Supreme Court.

I urge you to give this new legislation your support. When pre-judgment attachment was abolished, it tampered with a very delicate mechanism called Mercantile Credit on which 95% of our economy is based. The obvious result will be much more reluctance on the part of suppliers to grant credit since the new current legislation penalizes the creditor and is overly protective of debtor interests.

To continue this philosophy will result in rewarding certain debtors who want to avoid paying their debts at the expense of creditors and other debtors who want to honor their obligations. My opinion is based on twenty years experience in the field of credit and collection.

I insist you support this measure which will be healthy for creditors and the economy as a whole.

It is my intention to obtain the voting record of all involved to permit appropriate reaction to those individuals who are unrealistic and fail to support this measure.

Thank you.

Yours very truly,

*H. T. Fagan*

H. T. Fagan,  
831 Idaho Avenue,  
Santa Monica, California 90403.  
(A Corporate Credit Manager and  
Licensed California Public Accountant)

HTF:dlp





**AYERST LABORATORIES**  
DIVISION OF AMERICAN HOME PRODUCTS CORPORATION

12833 South Spring Street / Los Angeles, California 90061 / Tel: (213) 321-5550

May 18, 1972

Honorable Alfred H. Song  
Chairman, Senate Judiciary Committee  
State Capital Building  
Sacramento, California 95814

Subject: Senate Bill #1048

Dear Sir:

The present requirement that claims of commercial creditors be reduced to judgement before an attachment can be executed has the adverse effect of permitting a dishonest or irresponsible debtor to defer or in some cases entirely avoid payment of just obligations.

By the time a suit can be brought to trial, a judgement obtained, and an attachment executed, the debtor often has disposed of all attachable assets resulting in higher losses to creditors. The inevitable result of such leniency is higher prices to the honest merchant and to the ultimate consumer.

We therefore urge that the subject bill permitting the attachment prior to judgement be favorably considered.

Very truly yours,

AYERST LABORATORIES

E. A. Dilley, Jr.  
Credit Manager

EAD:rc

cc: Honorable George Deukmejian

# San Diego Office Supply

Telephone 232-7661

Post Office Box 1551  
1035 Seventh Avenue  
San Diego, Calif. 92112

May 17, 1972

Hon. Alfred H. Song, Chairman  
c/o State Capitol  
Sacramento, California 95814

RE: SENATE BILL No. 1048

Dear sir:

SENATE BILL No. 1048, allowing commercial credit grantors the privilege of attachment before judgment, is scheduled for hearing on MAY 23rd by the Senate Judiciary Committee. We urgently request your attention to this vital hearing.

This bill is very necessary to eliminate an acute crisis in connection with the collection of obligations in the State of California, particularly with respect to obligations incurred in the operation of all businesses in this State. At present, we have no effective remedy whereby a creditor, of a business, can prevent the dissipation of assets or take any action to collect his debt, short of waiting while an action pends on the trial calendar. A judgment may well be worthless because no assets remain to satisfy it due to the time involved acquiring a judgment.

Sincerely,

SAN DIEGO OFFICE SUPPLY

  
George H. Dalton  
Controller-Treasurer

GHD/exp

CC: Members of the Senate Judiciary Committee

"the factor people"

*John P. Maguire* OF CALIFORNIA, INC.

425 SHATTO PLACE ■ LOS ANGELES, CALIFORNIA 90020 ■ (213) 380-9055

ROBERT E. CAHALL  
assistant treasurer

May 19, 1972

The Honorable Alfred H. Song, Chairman  
Senate Judiciary Committee  
State Capitol  
Sacramento, California 95814

Senate Bill 1048, allowing commercial credit grantors the privilege of attachment before judgement, is scheduled for hearing on May 23 by the Senate Judiciary Committee.

We urge you to vote for passage of this bill.

Our reasoning is that there is a very decided difference between commercial credit and consumer credit. We wholeheartedly endorse the procedure of judgement before attachment in the case of consumer credit; however, we feel just the opposite for wholesale-manufacture commercial credit, where the ability to attach before judgement is essential if we are to be permitted to extend credit to many marginal and/or new enterprises where, I am sure, we would not be able to do so if this Senate Bill 1048 is not passed.

Thank you, sir, for your consideration of this request.

Respectfully,

*Robert E. Cahall*

Robert E. Cahall

REC:st

*Knudsen*

CORPORATION

P. O. BOX 2335 TERMINAL ANNEX  
LOS ANGELES, CALIFORNIA 90054

May 17, 1972

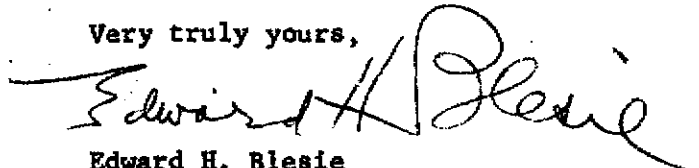
Hon. Alfred H. Song, Chairman  
Senate Judiciary Committee  
C/O State Capitol  
Sacramento, California 95814

Re: Senate Bill #1048

Your support of Senate Bill #1048 is respectfully and sincerely requested. Several thousand retail entities in California look to us for the granting of commercial credit.

To require a judgment prior to the Right of Attachment will cause credit grantors to shorten their line of credit and thereby hinder the retail merchant and slow down the entire business activity of our state. Further, the requirement of the judgment before attachment aids that debtor who, with malice, attempts to deceive and/or injure his vendors.

Very truly yours,



Edward H. Blesie  
Credit Manager

ERB:mc

# **MacBern PROVISION CO.**

PURVEYORS OF EASTERN MEATS AND PROVISIONS

TELEPHONES: TH 2-2191

VI 9-1464

ST 1-1850

211-221 WEST ORANGE GROVE AVENUE  
BURBANK, CALIFORNIA  
P.O. BOX 448

May 18, 1972

The Honorable Senator Alfred H. Song  
State Capitol Building  
Sacramento, California 95814

Re: Senate Bill No. 1048

Dear Sir:

Your fullest support of Senate Bill No. 1048 is  
urgently requested.

This bill will eliminate an acute crisis that now  
exists in connection with the collection of obli-  
gations, particularly those obligations incurred  
in the operation of all businesses in the State of  
California.

Our company has been in business in California for  
many years and we need legislation that will pre-  
vent dissipation of debtors' assets. Restoration of  
the prejudgment attachment remedy is needed to enable  
all creditors to effectively conduct our businesses.

Again, I urge you to give your fullest support to  
Senate Bill No. 1048. Give us what we need now.

Sincerely,

Mac Bern Provision Co.

*Max Bernbaum*  
Max Bernbaum,  
President

MB:mk



**BRANSON CROSS LUMBER CO.**

MAIL ADDRESS: P. O. BOX 3115

SAN LEANDRO, CALIFORNIA 94578

TELEPHONE (415) 351-3116 • 276-3034

OFFICE: 15285 HESPERIAN BLVD.

May 12, 1972

Hon. Alfred H. Song - Chairman  
c/o State Capitol  
Sacramento, California 95814

Dear Hon. Song,

We are in favor of Bill 1048 which is scheduled for hearing on May 23rd. Since it becomes increasingly difficult for business to collect monies owed them, we feel this legislation is necessary in order to hold intact assets one can levy upon prior to a judgment.

With the court calendar as it presently is, it can take from one to two years to obtain a judgment, and this delay could keep a creditor from ever collecting his monies.

Since most attachments require a bond of some sort a debtor or consumer is also protected against a fraudulent claim of a creditor.

Please give this bill your serious consideration and we would appreciate your help in passing it. Thank you.

Very truly yours,

Donald E. Branson

DEB/jf

1158 SOUTH FLOWER STREET



LOS ANGELES, CALIF. 90015

PHONE (213) 748-0211

May 12, 1972

Hon. Alfred H. Song, Chairman  
Senate Judiciary Committee  
State Capitol Building  
Sacramento, California 95814

Honorable Senator:

We are the largest wholesaler of men's and boys' furnishings and haberdashery in the State of California. We urge you to support Senate Bill #1048 because the present situation relative to our ability to protect our accounts receivable is very vicious. Since we are unable to attain the means for collection, we, in turn, must reduce the amount of credit given to various merchants, and this is against the best interests of the state. It can only result in more unemployment, smaller inventory, and less taxes that would otherwise be collected by our great state. As it is, the present situation encourages deadbeats and poor credit risks to take advantage of all suppliers.

Yours very truly,

FRANK L. ROBINSON COMPANY

  
Frank L. Robinson

FLR:jc

5/16/72  
SB

**CALVAL**  
DISTRIBUTING, INC.

May 12, 1972

Mr. Alfred H. Song  
Chairman  
Senate Judiciary Committee  
State Capitol Building  
Sacramento, Calif. 95814

Dear Mr. Song:

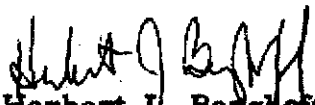
We are writing to you regarding the Senate Bill No. 1048 introduced by Senators George N. Zenovich and William E. Coombs. A hearing has been scheduled on that bill before your committee at 9:30 a.m. on Tuesday, May 23, 1972.

We are an auto parts warehouse distributor, located in the San Fernando Valley. Our current sales volume is now exceeding \$10 million per year. We cannot express enough concern over this upcoming bill.

In the past several months we have suffered considerably due to the California Supreme Court decision of *Randone v. Northern California Collection Service, Inc.* of Sacramento. It has become most difficult to collect funds due us from our customers. In order to collect all past due accounts we must go through such legal proceedings which could take years. We have had to take drastic steps upon approving credit due to our not being able to legally enforce collections.

We hope that you will give this pending Bill No. 1048 your utmost consideration in enabling companies such as ourselves to collect monies due us incurred in the day to day business. Thank you for your consideration.

Sincerely,

  
Herbert J. Berghoff  
Controller

5/16/72  
SB

HJB:cm  
7531 COLDWATER CANYON AVENUE, NORTH HOLLYWOOD, CALIFORNIA 91605

cc: Mr. David A. Roberti

(213)  
735-2560  
875-1328  
983-1880



Karl Duge  
12 Lighthouse  
Marina del Rey CA  
90291

The Honorable Alfred H. Seng  
State Capitol Building  
Sacramento CA 95814

Sir;

Recent judicial decisions in almost every field of American life have served to weaken the moral fiber of the American People. Financial responsibility is a paramount precept of our once-proud heritage. Senate Bill 1048 is a step in the right direction. Please, give the people the means to help themselves and at the same time help the sagging economy.

Every theory of Economics contains a "multiplier effect". The longer it takes to collect your debts, the less power this beneficial effect has. Time. This is what it is all about. The court system is overburdened now, you can ease the pressure now. If Senate Bill 1048 passes, legitimate claims can be handled easily, and in cases of unreasonable demands the debtor has recourse to the law.

The law as it now stands is protecting those who scoff at responsibility. Not through any fault or design, but through clerical encumbrances. Help our small businesses, help us all, support Senate Bill 1048.

Thank You

*Karl Duge*

# Wallichs Music City

May 12, 1972

Senator Alfred H. Song  
California State Senate  
Sacramento, Calif. 95814

Dear Senator:

As employees of a retail sales organization whose occupation is that of a collector, we would like to urge your support of Senate Bill #1048.

The difference between having the right of attachment before litigation, is a crucial tool in retail collection. It is not our intention nor the company's we work for to misuse or take advantage of the consumer which has a sincere desire to pay.

Senate Bill #1048 is badly needed if California retailers are to continue in business. Again we urge you to support Senate Bill #1048.

Sincerely,

WALLICHS MUSIC & ENTERTAINMENT CO., INC.

*Richard J. Lozar*

Richard J. Lozar  
General Credit & Collection Manager

*William B. McMurray*

William B. McMurray  
Collection Manager

Staff:

*Kenneth Hewett*

Kenneth Hewett

*Jerry Olson*

Jerry Olson

*James Christensen*

James Christensen

-17-

RJL/bd

U.S. Plywood



8779 Q Street, Sacramento, California 95819 Telephone 452-8101

May 17, 1972

Honorable Alfred H. Song, Chairman  
Senate Judiciary Committee  
State Capital  
Sacramento, California

Reference: Senate Bill #1048

Dear Sir:

This letter is being written to urge passage of Senate Bill #1048.


The provisions contained in this proposed legislation would be an important incentive in the extension of credit between merchants on a much less restrictive basis.

To include in any law regarding the granting of credit, a measure which would prohibit prejudgment attachments, is to make the granting of credit so restrictive as to favor only the large well financed business. Court calendars being what they are, makes the waiting time so long to get a hearing that it would allow anyone with a pending action against them, if they were so inclined, to completely dissipate assets, so that by hearing time there could be little or nothing left, on which to levy an attachment.

We are not in favor of all the advantages being on the side of the creditor. Likewise, we are not in favor of them all being on the side of the debtor. The penalties of wrongful attachment, we believe are severe enough to prevent misuse of the privilege.

We therefore strongly urge passage of the bill.

Very truly yours,

  
Floyd Sprague  
Credit Manager  
Office Manager

FS/ss

GENERAL OFFICE & PLANT  
2310 EAST 52ND STREET  
LOS ANGELES, CALIF. 90058  
TELEPHONE: 213-589-6901



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CHICAGO, ILLINOIS 60654  
TELEPHONE: 312-644-1511

May 17, 1972

Mr. Alfred H. Song, Chairman,  
Senate Judiciary Committee  
Mr. George Deukmejian  
State Capitol Building  
Sacramento, California 95814

Gentlemen:

As an extender of commercial credit in rather large amounts, it is extremely important to me that Senate Bill #1048 be passed as rapidly as possible.

Without the Attachment Remedy and the credit backlog in our courts, the credit function has become extremely difficult. The decision last year by the California Supreme Court rendering the Prejudgment Attachment unconstitutional should apply only to retail credit sales and not to commercial type transactions.

I completely endorse the new bill, and sincerely request your cooperation in seeing that it is processed.

Very truly yours,  
MAND CARPET MILLS

*Henk Schmidt*  
Henk Schmidt  
National Credit Manager

HS:lm

DAVID E. ROTKIN  
JOHN K. NAZARIAN

LAW OFFICES  
**ROTKIN & NAZARIAN**  
611 SOUTH KINGSLEY DRIVE, SUITE 308  
LOS ANGELES, CALIFORNIA 90005  
DUNKIRK 7-7287

May 17, 1972

Honorable Alfred H. Song  
Chairman  
Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California 95814

Re: Senate Bill 1048

Dear Mr. Song:

Our office has been representing commercial credit grantors for many years and we have also represented Credit Managers Association of Southern California.

In our practice over a number of years we have found that having an attachment law on the books is a valuable aid to the credit grantor.

Since our Supreme Court handed down the Randone decision, a number of meetings have been held to determine if there could be introduced a law that would meet the guidelines laid down by our Supreme Court in the Randone decision.

We are advised that Senate Bill 1048, which is scheduled for hearing on May 23 by the Senate Judiciary Committee, will meet the guidelines set down by the Supreme Court.

We strongly urge the committee to approve Senate Bill 1048 because of its importance to the commercial credit grantors and the economy of the State of California.

Very truly yours,

ROTKIN & NAZARIAN

  
By David E. Rotkin

DER:cl

# Belinda Fashions, Inc.

2228 W. 7th St. • Los Angeles, Calif. 90057 • (213) 383-1231 • CABLE BELFASHION

May 17, 1972.

Hon. Alfred H. Song  
Chairman Senate Judiciary Committee  
c/o State Capital  
Sacramento, Calif. 95814.

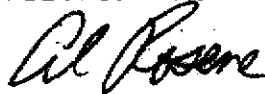
Dear Sir:

We are in favor of Senate Bill No. 1048 allowing commercial credit grantors the privilege of attachments before judgement.

As business men one of our most important assets is the ability to grant credit as a means to increase business. If we, however, miscalculate or give credit to an undeserving party we do not have the necessary tools with which to collect our money in a reasonable period of time. Therefore prejudgement attachments would aid and abet our collections tremendously.

Yours very truly,

BELINDA FASHIONS, INC.,



Al Rosene,  
Senior Vice President.

AR/bc



*neypesch printers, inc.*

May 17, 1972

Hon. Alfred H. Song, Chairman  
Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California 95814

Dear Sir:

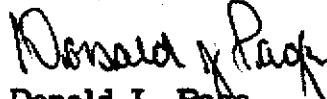
I am writing in regard to Senate Bill No. 1048.

We urge you to pass this Bill for several reasons. Virtually all of our printing business is done on credit. Since prejudgment attachments are now unconstitutional, we are incurring heavy financial losses because of the difficulty of getting these creditors into court. We have had to turn away potentially good business with marginal credit standing for the same reason. This has caused a marked reduction in our sales, leading to lay offs of production personnel. People out of work contribute to the increasing strain on fiscal management of the State of California.

As commercial credit grantors, we feel this Bill is very necessary and again we urge you to pass this Bill.

Very truly yours,

NEYENESCH PRINTERS, INC.



Donald J. Page  
Controller

DJP:ked

cc: Hon. Nicholas C. Petris, Vice-Chairman

**ITT Continental  
Baking Company Inc.**

9340 Santa Monica Blvd.  
Beverly Hills, Calif. 90213

May 16, 1972

The Honorable Alfred H. Song  
State Capitol Building  
Sacramento, California 95814

My dear Senator:

Business, as we know it in America, is transacted largely on credit. Between the time the shipment is made and the bill is paid, the shipper is actually helping to finance the customer.

Credit transactions are the lifeline of commerce for both consumer and merchant, as well as the commercial activities of manufacturer and wholesaler. To insure the continuation of this vital function in a proper frame of justice for both buyer and seller, I strongly urge you to support Senate Bill #1048.

Our legislative process is always aimed at providing equitable legal remedies for all concerned in our State. This Bill will enable both creditor and debtor to move swiftly to resolve their mutual problems. Again, I urge your support on this most important legislation.

Sincerely yours,  
ITT CONTINENTAL BAKING CO., INC.

*Victor L. Lengyel*

Victor L. Lengyel  
Regional Credit Manager.

VLL:ea





**Central MEAT CO.**  
WHOLESALE

EDWARD W. KUHLEN—President

ROBERT W. KUHLEN—Vice President

JOHN P. GALLAGHER—Secretary-Treasurer

1603 NATIONAL AVENUE • SAN DIEGO, CALIFORNIA 92113 • Telephone 239-1391

17 May 1972

Honorable Alfred H. Song  
Chairman, Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California 95814

Dear Sir:

I am writing to you regarding Senate Bill No. 1048 which is scheduled for hearing before your committee on May 23rd.

This bill is very necessary to eliminate a crisis in regards to the collection of obligations incurred in the operation of businesses such as ours. Under the current laws we cannot, as a good business practice, extend credit to those club, hotels and restaurants which are not in an excellent financial situation as there is no way to protect ourselves in cases where the customer is unwilling or unable to pay.

Due to the twelve to fifteen month backlog on the trial calendar it is impossible to either force collection of the moneys due or to prevent the debtor from dissipating all the assets prior to the completion of the trial at which time the judgement may be worthless as there may be no assets remaining.

I believe Senate Bill No. 1048 would remedy this situation and hope that you will give it your favorable consideration.

Very truly yours

*E. W. Kuhlken*  
E. W. KUHLEN

# Zacky Foods Co.

6104 EAST SHEILA ST.  
CITY OF COMMERCE, CALIFORNIA 90040  
(213) 723-8691

EXECUTIVE OFFICES

May 17, 1972

Senator Alfred H. Song  
Chairman, Senate Judiciary Committee  
State Capitol Building  
Sacramento, Calif. 95814

Honorable Alfred H. Song:

I would like to urge your support of Senate Bill #1048; "To Restore the Remedy of Prejudgement Attachment."

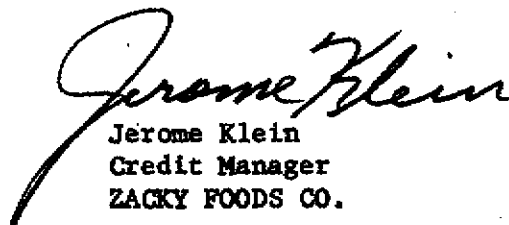
Zacky Foods, a wholesaler of meat, fish, and poultry, to markets, restaurants, and institutions, allows its customers to purchase merchandise on a credit basis. Credit terms in the wholesaling industry differ drastically in comparison to credit terms at the consumer level. For the most part, our trade receivables are on seven day terms. Profitable operation of our business is dependent upon timely recovery of our receivables combined with credit management aimed at minimizing losses.

Prejudgement attachment, when properly utilized is a tool of good credit management. The benefits of this tool to the entire business community outweigh any potential abuse or improper use of this remedy. Prior to being declared unconstitutional, we seldom found it necessary to utilize this remedy; the mere fact that we could use it was in itself a useful aid in resolving slow pay or doubtful accounts. On the few occasions that we did employ this remedy, we felt that immediate action was necessary to prevent further loss. The loss of this remedy has hindered our recovery of past due receivables. Presently, judgement proceedings delay attachment remedies for at least 30 and more often 90 days or more. A debtor who is intent upon creating profit for himself, can, during the delay caused by judgement proceedings, incur further liabilities to other unsuspecting suppliers, and may also during this period deplete his assets.

Without immediate recourse or remedy, the probability of recovery on a delinquent receivable diminishes rapidly with the passage of time.

In the interest of the entire business community, please support Senate Bill #1048.

Sincerely,

  
Jerome Klein  
Credit Manager  
ZACKY FOODS CO.

JK:so



P.O. Box 1278, Burlingame, California 94010 Telephone 415--892-2990

May 12, 1972

The Honorable Alfred H. Song  
Chairman, Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California 95814

Dear Senator Song: Re: Senate Bill 1048

I urge your approval of Senate Bill 1048, scheduled for a hearing by your committee on May 23.

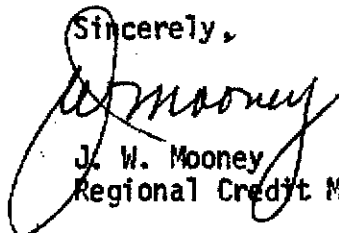
Prejudgment attachment for debt is as beneficial to the free flow of goods between merchants as is the Uniform Commercial Code. There must be a speedy remedy against a clear breach of trust.

The remedies for wrongful attachment should be severe enough to prohibit such an action, and access to the bond posted against wrongful attachment should be equally swift. It follows that each should go to hearing and judgment prior to disposition of the assets held.

It benefits a creditor little if his attachment and that of others forces a debtor business into bankruptcy. This fact alone is cause for considerable restraint in the use of prejudgment attachment. Nevertheless, without a "race of diligence" between merchants the marketplace will wither.

I do urge your favorable consideration toward passage of this bill.

Sincerely,

  
J. W. Mooney  
Regional Credit Manager

JWM:vas

5/16/72  
SB

May 18, 1972

Honorable Alfred H. Song  
% State Capitol  
Sacramento, California 95814

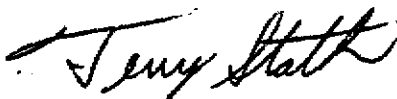
Dear Sir:

Please vote in favor of Senate Bill No. 1048 allowing commercial credit grantors the privilege of attachment before judgment. Assets attached could be held in trust until a judgment is obtained.

Too many debtors are liquidating their assets before a judgment is granted either by the physical removal of the property to be attached or through sales.

A debtor may have no defense against a creditor's claim but there may be a substantial delay between filing suit and the time of trial to allow him to violate a trust agreement. For obvious reasons, as mentioned above, time is of the essence in cases such as these.

Sincerely,



Terry Stath  
Credit Manager

TS/jap

Los Angeles

Period

Furniture

DIVISION OF THE  
SINGER COMPANY

Phone 231-1111

Area Code 213

1735 South

San Antonio

San Antonio

San Antonio

San Antonio

San Antonio

San Antonio

San Antonio

San Antonio

# Smart & Final Iris Co. / 4700 South Boyle Avenue, Vernon, California

May 19, 1972

The Honorable Alfred H. Song  
State Capitol Building  
Sacramento, California 95814


My Dear Senator:

Business, as we know it in America, is transacted largely on credit. Between the time the shipment is made and the bill is paid, the shipper is actually helping to finance the customer.

Credit transactions are the lifeline of commerce for both consumer and merchant, as well as the commercial activities of manufacturer and wholesaler. To insure the continuation of this vital function in a proper frame of justice for both buyer and seller, I strongly urge you to support Senate Bill #1048.

Our legislative process is always aimed at providing equitable legal remedies for all concerned in our State. This Bill will enable both creditor and debtor to move swiftly to resolve their mutual problems. Again, I urge your support on this most important legislation.

Sincerely yours,

  
John Steinbroner  
General Credit Manager

JS:am

W H O L E S A L E G R O C E R S S I N C E 1 8 7 1

## UNION-TRIBUNE PUBLISHING CO.

940 THIRD AVENUE, SAN DIEGO, CALIFORNIA 92112. TELEPHONE (714) 234-7111

Earle J. Stone  
Credit Manager

May 17, 1972

The Honorable Alfred H. Song  
Chairman, Senate Judiciary Committee  
State Capitol  
10th at L & N  
Sacramento, CA. 95814

RE: Senate Bill No. 1048

Dear Sir:

We would like to urge the passage of the above Bill, in the interest of all commercial credit extenders.

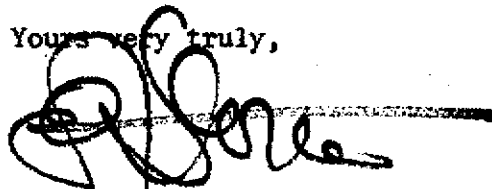
At the present, prejudgment attachments are unconstitutional. This law causes a tremendous loss of revenue to Creditors who are helpless to recover money due from Debtors. We feel that no Creditor would knowingly wrongfully attach an asset to protect his interest. That he is presently barred by law from making an attachment almost invariably assures that he will be unable to recover in the future.

The Debtor has many months in which to dissolve any assets that could be attached in event of judgment. This organization has experienced numerous such instances since the present law was put into effect.

We respect the rights of others, however, we feel very strongly that a deadbeat Debtor should not have the ability to take away our rights, namely, the ability to collect money rightfully due us.

These facts are very basic, but any situation involving millions of dollars demands consideration.

Yours very truly,



Earle J. Stone

EJS:liz



## AMERICAN FOREST PRODUCTS

CORPORATION

A Subsidiary of The Bendix Corporation

**Building Materials Division** P.O. BOX 245, ARTESIA, CA. 90701, 14103 PARK PLACE, CERRITOS, CA. 90701, PHONE (213) 773-9200

May 18, 1972

The Honorable Alfred H. Song  
State Capitol  
Sacramento, California

Dear Senator Song:

This letter is being written to solicit your support of S.B. 1048 dealing with attachments prior to judgement.

I, as well as my company and credit profession, feel that pre-judgement attachments are extremely important in instances of commercial credit where time is of essence in protecting a creditor's involvement and rights. (Even as a credit manager, I can go along somewhat with the theory of no pre-judgement attachments on Consumer problems.)

To many times, especially in the construction industry where the action is very fast moving, debtors can use the legal process of a long drawn out suit as a stall procedure to use a creditor's money. A pre-judgement attachment supported by a bond will protect both parties and enable the creditor's money to be "freed".

Another important aspect of this bill is that the proposed procedure will result in early disposition of cases since such the procedure envisions an immediate judicial determination of the probable merits of the creditor's claim or the debtor's defense.

We earnestly request your very serious and favorable consideration to the passage of this bill.

Very truly yours,

AMERICAN FOREST PRODUCTS

  
R. C. Terry  
Credit Manager

RCT:vi



## AMERICAN FOREST PRODUCTS

CORPORATION

A Subsidiary of The Bendix Corporation

**Building Materials Division** P.O. BOX 245, ARTESIA, CA. 90701, 14103 PARK PLACE, CERRITOS, CA. 90701. PHONE (213) 773-9200

May 18, 1972

The Honorable Alfred H. Song  
State Capitol  
Sacramento, California

Dear Senator Song:

This letter is being written to solicit your support of S.B. 1048 dealing with attachments prior to judgment.

In the commercial field of credit as opposed to retail it is extremely important that credit grantors be afforded avenues of protection so that credit can and will be granted particularly to new and struggling companies. Should those avenues be closed, new, small, private and deserving enterprises will be denied the credit assistance that they so often need to succeed.

As a credit manager of this company, for many years, I have seen many instances where we have agreed to grant credit knowing of certain inherent protective devices written into the law which influenced our decision. With those removed, favorable decisions are more difficult to arrive at. Now is your opportunity to restore one of these protective devices in a manner that is fair to both the debtor and creditor.

As we understand this bill, it will also have an additional benefit coming to all in that it will speed up the legal process by early disposition of cases falling into this category, for it calls for an immediate determination of the probable merits of the creditors claim or the debtors defense.

The situation as it now stands is such that dishonest debtors can remove assets from the reach of creditors while stalling in the courts for a period of time to the point where no recovery can be made.

We earnestly request your very serious and favorable consideration to the passage of this bill.

Sincerely yours,

AMERICAN FOREST PRODUCTS

  
J.A. Viscounty  
Regional Credit Manager



ROBERT A. WILKS  
ATTORNEY AT LAW  
2323 NORTH BROADWAY  
SANTA ANA, CALIFORNIA 92706  
TELEPHONE (714) 835-2731

May 19, 1972

THE HONORABLE ALFRED H. SONG  
Chairman  
Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California 95814

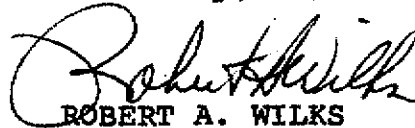
Re: Senate Bill 1048

Dear Senator Song:

As a member of the Commercial Bar I am extremely interested in a favorable consideration of Senate Bill 1048, which I believe to be critical to the preservation of creditor's rights in the State of California.

I respectfully draw your attention to the fact that Senate Bill 1048 emphasizes the rights between merchants and that it is not inappropriate for the Senate Judiciary Committee to entertain legislation which distinguishes between rights and obligations of consumers and the rights and obligations of merchants viz v. merchants. In that regard, I respectfully refer you to the California Commercial Code, which in various and many parts, alters contract rules of long standing in so far as dealings between merchants are concerned, and I submit that the concept of a transaction between merchants is already well recognized in our California Law. Therefore I urge your support in favor of Senate Bill Section 1048.

Sincerely,

  
ROBERT A. WILKS

RAW:at

RUTH SEIDMAN  
211 S. Doheny Dr.  
Beverly Hills, California-90211

May 16, 1972

Hon. Alfred H. Song  
Senate Judiciary Committee  
c/o State Capitol  
Sacramento, California-95814

Dear Sir:

I urgently request that you make every effort to get Senate Bill  
No. 1048 passed.

Without the privilege of attachment before judgement, the  
fraudulent individual, or business, is provided with a screen  
of protection and the lender can become involved in an exceed-  
ingly prolonged and expensive situation when attempting to ef-  
fect collection.

The honorable business man seeking funds will also suffer with-  
out passage of this bill. It will become increasingly diffi-  
cult for him to obtain credit.

Very truly yours,

*Ruth Seidman*

# **SIMON LEVI COMPANY, LTD.**

1245 E. WATSON CENTER ROAD, CARSON, CALIFORNIA 90744  
(AREA CODE 213) 830-6000

May 16, 1972

MAILING ADDRESS  
P.O. BOX 20130  
LONG BEACH, CALIFORNIA 90801

Senator Alfred H. Song  
Senate Judiciary Committee  
State Capitol Building  
Sacramento, California 95814

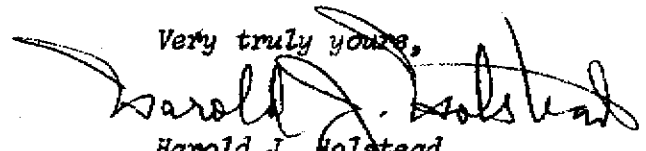
Dear Senator Song:

I am writing to you regarding Senate Bill No. 1048  
which deals with Prejudgment Attachments.

Since the California Supreme Court declared Prejudgment Attachments unconstitutional, the wholesale liquor industry, in which I am closely involved, has been seriously handicapped in the pursuit of delinquent debtors who are willfully attempting to avoid payment of their just obligations. Needless to say, a debtor who recognizes his responsibility and is doing all he can to fulfill his obligations is not affected by the attachment remedy. It is only in those cases where the debtor is using every means possible to avoid payment that we require this device to secure the assets of the business before they are completely dissipated.

I strongly urge you, on behalf of our company and others in our industry, to support Senate Bill No. 1048 and do anything possible to assist in its passage. Your cooperation is sincerely appreciated.

Very truly yours,

  
Harold J. Holstead  
Vice President and  
General Manager

HJH:ln



1900 EAST 25TH STREET • LOS ANGELES • CALIFORNIA 90058 • (213) 233-6036

May 16, 1972

Mr. Alfred H. Song  
Chairman  
Senate Judiciary Committee  
State Capitol Building  
Sacramento, CA 95814

Dear Mr. Chairman:

We wish to add our voice to those in the business community as being in favor of Senate Bill No. 1048.

Since the California Supreme Court declared all California statutes relating to pre-judgment attachment unconstitutional, the business community has been placed in the totally untenable position of not being able to preserve any of the assets of the debtor for the ultimate partial satisfaction of the creditors.

The collection course now available to all creditors can only be likened to the old adage of "closing the barn door after the horse is gone," and must be corrected to afford the seller with the same measure of protection as the buyer.

Sincerely yours,

KK HOSIERY COMPANY

  
W. R. Ross  
President

wrr/of

# jeff-craig associates, inc.

6725 sunset boulevard, hollywood california 90028 • 213-465-7133

From the Office of the Chairman of the Board,  
Zoltan S. Farkas

May 15, 1972

Honorable Alfred H. Song, Chairman  
Senate Judiciary Committee  
State Capitol  
Sacramento, California 95814

Dear Sir:

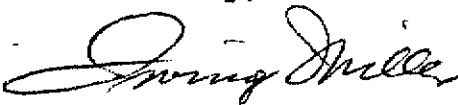
May I respectfully urge you and the Members of the above Committee to act in favor of the passage of Senate Bill 1048.

Commercial Creditors have been deprived of the valuable deterrent and privilege of thwarting devious or dishonest obligors who would avoid payment for goods or services made in good faith.

They are aware that legal remedies can now only be obtained after lengthy and expensive litigation, which formerly could probably be satisfied through the proper use of attachment with supporting documentation.

I trust your careful deliberation and recommendations will result in the passage of this Bill.

Sincerely,



IRVING MILLER

IM/dg

May 12, 1972


The Honorable Alfred H. Song  
California State Senate  
State Capitol  
Sacramento, California 95814

Dear Senator Song:

I want to strongly urge you to support S.B. 1048, which would restore the attachment remedy within the restrictions imposed by the decision of the California Supreme Court.

If this bill is not enacted, assets could disappear before a creditor could get judgment. This is something that should be settled within 20 - 30 days after attachment is sought by a creditor.

Very truly yours,

  
H. V. Hoff, Jr.  
5842 Buena Vista  
Van Nuys, Ca. 91401

Amsco Division

Union Oil Company of California

Region Office: 14445 Alondra Boulevard

P.O. Box 727, La Mirada, California 90638

Telephone: (714) 523-5120



May 15, 1972

Hon. Alfred H. Song

The State Capitol

Sacramento, California 95814

Re: Senate Bill No. 1048

Dear Sir:

Credit is based on "man's confidence in man", and the effective usage of this relationship has allowed our economy to realize tremendous growth. It is no news to most people that this confidence occasionally breaks down, and usually to the detriment of the credit grantor. It is my feeling that the denial of the remedy of prejudgment attachment serves only to throw our economy back into the doldrums. It is imperative that the credit grantor be empowered to protect its interests no matter how small or how large they may be.

With this in mind, I urge you and the other members of the Senate Judiciary Committee to do all within your powers to encourage support of Senate Bill No. 1048.

Very truly yours,

A handwritten signature in cursive script, reading "W. Thomas Skok Jr.".

W. Thomas Skok Jr.

Region Credit Manager

WTS/tk

May 18, 1972

Hon. Alfred H. Song  
Room 3048, State Capitol  
Sacramento, California 95814

RE: Senate Bill No. 1048

Dear Senator Song:

The California Supreme Court's decision in the case of Randone vs Northern California Collection Service, Inc. (August, 1971) holding the California Attachment Statute unconstitutional has seriously jeopardized the position of the unsecured creditor in all credit transactions. Prior to this decision, creditors could attach a debtor's assets to be held by the Sheriff awaiting the outcome of the suit to enforce payment of claims of unsecured creditors. Since the decision of the California Supreme Court, no levy upon assets of a debtor can be made and creditors now must wait the obtaining of a judgment against the debtor before causing his assets to be seized and sold to satisfy the judgement. Naturally, during the lengthy period of time from the commencing of suit action to obtaining a judgment, the debtor can easily dispose of his assets leaving nothing to satisfy the judgment once it is obtained.

To protect the unsecured creditors, Senate Bill 1048 was recently introduced. I request your favorable consideration of same and urge you to vote for passage of this bill.

Sincerely,



R. J. Remen  
5845 Antigua Drive  
San Jose, California 95120





May 15, 1972

Honorable Alfred H. Song, Chairman  
C/O State Capitol  
Sacramento, California 95814

Dear Sir:

We are heartily in accord with Senate Bill 1048 allowing commercial credit grantors the privilege of ~~attachment~~ before judgment.

The present legal status of a debtor practically allows those of irresponsibility - who receive credit - the opportunity to dissipate their assets during the process of a creditor obtaining a judgment. At least if an attachment is instituted on a delinquent account prior to obtaining a judgment, there is an excellent chance for a substantial amount of asset value to be frozen and not dissipated.

Hoping the Senate Judiciary Committee passes the bill without contention, I beg to remain,

Sincerely,

King Meat Packing Company, Inc.

Gabriel Kahn, Secretary Treasurer

GK:mc



CARTON INC.

MANUFACTURERS OF CORRUGATED CARTONS

1423 EAST 18th STREET  
LOS ANGELES, CALIF. 90021  
(213) 749-6021

May 12, 1972

Alfred H. Song  
2337 So. Garfield  
Monterey Park, Calif.

Dear Mr. A. H. Song:

We urge support of Senate Bill No. 1048 to restore the remedy of prejudgment attachment. It would give legitimate business some protection against legalized robbery by unscrupulous business operators. In order to better facilitate its passage, this bill should apply to businesses and corporations only.

Sincerely,

Lewis Eagle,

EMPIRE CARTON, INC.

*Coca-Cola Bottling Company*  
*of Los Angeles*

EL-MONTE  
BURBANK  
GARDENA  
IRVINE  
DOWNEY

1334 CENTRAL AVENUE LOS ANGELES, CALIFORNIA 90021

TEL. 213-748-6511

POMONA  
FRESNO  
LAS VEGAS  
VENTURA  
HONOLULU

Honorable Alfred H. Song  
State Capitol Building  
Sacramento, California 95814

Honorable Senator Song:

I strongly urge you to support Senate Bill No. 1048.

Our legislative process is always aimed at providing equitable legal remedies for all concerned in our state. This bill will enable both creditor and debtor to move swiftly to resolve their mutual problem.

Credit transactions are the lifeline of commerce for both consumer and merchant, as well as the commercial activities of manufacturer and wholesalers. To ensure the continuation of this vital function in a proper frame of justice for both buyer and seller, again I urge your support on this most important legislation.

Sincerely yours,



R.E. MacGrégor  
Credit Manager

REM/sr

May 11, 1972

Honorable Alfred H. Song  
State Capitol Building  
Sacramento, California 95814

Dear Sir:

I am writing to you with regard to Senate Bill No. 1048 to Restore the Remedy of Prejudgement Attachment which is scheduled for a hearing before the Senate Judiciary Committee on Tuesday, May 23, 1972.

Having been in the credit field for twelve years, the Randone Decision has taken away the most effective tool of collecting a legitimate commercial type debt. At the same time more restrictive measures have been implemented in credit granting, which in due course will adversely effect our economy.

My contemporaries and I will be most appreciative in your support of this Bill.

Gratefully yours,

  
E. H. Simmons  
405 Annette Place  
Corona, California 91720

Credit Manager, Ford Wholesale Company, Inc,  
El Monte, Orange County, San Bernardino, San Diego,  
San Jose, San Francisco, Oakland, Sacramento

**GOS JEWETT & COMPANY, INC.**

*Laundry and Dry Cleaning Supplies*

16055 HERON STREET LA MIRADA, CALIF. 90638 (213) 944-8835 (714) 523-4381

May 11, 1972

Mr. Alfred H. Song  
Chairman, Los Angeles County  
Senate Judiciary Committee  
State Capitol Building  
Sacramento, California 95814

Dear Mr. Song:

We urgently request that you support Senate Bill No. 1048, To Restore the Remedy of Prejudgment Attachment. This has worked a very serious hardship on us in making collections from our past due accounts. In some instances the length of time required to get a judgment and then attach is too late as the customer has already gone through bankruptcy. Collections are difficult enough these days without our legislative body imposing further handicaps on us.

Your support of this Bill will be appreciated and noted by us.

Sincerely,

GOS JEWETT & COMPANY, INC.


  
Eugene Henry  
President

Trend Mills of California  
7020 East Slauson Avenue  
Los Angeles, California 90022  
Telephone (213) 685-5260

May 11, 1972

Honorable Alfred H. Song  
Chairman Senate Judiciary Committee  
State Capitol Bldg.  
Sacramento, Calif. 95814

Dear Senator:

 As Credit Manager, Western Region for Trend Mills, Inc., division of U.S. Plywood-Champion Papers, Inc., handling credit for eleven Western States, one of which is California, I would like to take this opportunity to express my great disappointment in the California Supreme Court Decision in the Randone Case recently. However, I was greatly elated to see that two Senators, George N. Zenovich and William E. Coombs, had the great insight to introduce a bill, namely Senate Bill #1048, in which some California creditor's problems can be protected. Naturally, as a Credit Manager, I would like to see the burden put back on the creditor and see some protection given me as a credit manager for my Company. Credit has always been a problem, as I'm sure you are aware, and at times has gotten out of hand. However, it is the feeling of most credit managers at this time that we are having to hold back credit decisions in some areas based on the fact that we have no protection at all by which we can handle border line credit cases. This, of course, cuts down our Company's sales, profits, purchases and gives considerably less revenue to the State and Government through taxes.

As a member of the Credit Managers Assoc. of Southern California and also a member of the National Assoc. of Credit Management, Northern & Central California, I would like to take this opportunity to request your full support of Senate Bill #1048 when it comes before your Committee on the 23rd.

Thank you for any consideration you may be able to give your various constituents in this area who are involved in the credit field.

Very truly yours,

TREND MILLS, INC., DIVISION OF  
U.S. PLYWOOD-CHAMPION PAPERS

  
Ronald F. DeWees

Credit Mgr., Western Region

-45-

RFD:js

TELEPHONES:  
RIVERSIDE 883-8380  
LOS ANGELES 747-2408

P.O. BOX 5707  
2810 DURAHART STREET  
RIVERSIDE, CALIFORNIA

**L. M. BROWER CO.**  
**WHOLESALE FOOD SERVICE**

May 12, 1972

5/16/72  
SB

Honorable Alfred H. Song, Chairman  
Senate Judiciary Committee  
California State Senate  
Sacramento, California

Dear Sir:

We respectfully request your support of Senate Bill number 1048.

Traditionally attachment has been the only recourse that a debtor has to protect his or their interest from someone who seeks credit with the intent to defraud. The present Supreme court decision is going to make it more difficult for the legitimate seeker of credit, since there has already been a tightening of credit controls with most companies who extend credit due to the above decision.

Legitimate seekers of credit who have suffered reverses still have protection through the Homestead and Federal Bankruptcy Laws.

Respectfully yours,

L. M. BROWER COMPANY

*Edward C. Horn*

Edward C. Horn

ECH:lw

LAW OFFICES  
**DAVID BLONDER**

DAVID BLONDER  
ARTHUR LEVITAS  
THOMAS H. HAUGHTON

SUITE 910 WM. FOX BUILDING  
608 SOUTH HILL STREET  
LOS ANGELES, CALIFORNIA 90014  
MADISON 2-1364

May 12, 1972

Hon. Alfred Song  
California Senate  
State Capital Building  
Sacramento, California 95814

Dear Sir:

I am taking this opportunity to respectfully urge approval and passage of Senate Bill No. 1048 relating to the establishment of the provisional remedy of attachment in commercial actions.

This office, for many years, has represented business firms in the manufacturing and wholesale industries which have sold merchandise, machinery, equipment, etc., to wholesalers, retailers, and manufacturers on credit.

In California, the sale of goods and equipment on credit has, for years, been aided by the fact that such manufacturers and suppliers were able, if necessary, to obtain payment on their accounts by using the remedy of prejudgment attachment in those cases where a debtor refused to pay.

In 1971, the California Supreme Court decided the Randone case, pursuant to which the attachment statutes, as they were written many years ago, were declared unconstitutional.

As the result of the attachment remedy having been eliminated in California, we have seen many situations where debtors in business were refusing to pay their bills, because they now know their creditors can do nothing more than institute lawsuits, which can take anywhere from two to three years to come to trial. This means that there are many situations where creditors can do nothing to obtain payment except to file lawsuits and then be



Hon. Alfred Song  
Sacramento, California

May 12, 1972  
Page 2:

compelled to wait for an undue period until they can obtain judgment. This undue delay has, in many cases, given debtors the opportunity to dissipate their assets, so that judgments, when finally obtained, cannot be satisfied.

As a result many manufacturers and wholesalers are now refusing to extend what would amount to normal credit because of the difficulties in collection which have ensued as a result of the attachment law being eliminated in California.

To correct the situation, we therefore respectfully urge the passage of Senate Bill No. 1048 which will create a new attachment remedy in commercial business transactions. It is our opinion that Senate Bill No. 1048 contains the safeguards necessary to satisfy the constitutional requirements.

Respectfully submitted,



DAVID BLONDER

DB:mls

May 12, 1972

The Honorable Alfred H. Song  
The State Senate  
State Capitol Building  
Sacramento, Calif. 95814

Dear Sir:

In connection with Senate Bill #1046 which will be coming before the Senate Judiciary Committee later this month, I would like you to give this bill your affirmative vote.

Having been involved in industrial debtor, creditor relations for over 20 years, I feel that this bill as written will not be unfair to debtors and yet will afford creditors a tool with which to enforce collection before the debtor can dispose of any of his assets to the detriment of creditors.

Thank you for your consideration.

Sincerely,



E. L. Banks  
3107 Silva Street  
Lakewood, Calif. 90712

ELB/aw

5/16/72  
SB



PHONE 714/465-8327 (9am to 9pm)

SUBJECT: Senate Bill #1048

3502

DATE: May 17, 1972

IMPORTERS-DISTRIBUTORS-MANUFACTURERS

Hon. Alfred H. Song, Chairman  
Hon. Clark L. Bradley  
Hon. George Deukmejian  
Hon. Arlen Gregorio  
Hon. Donald L. Grunsky  
Hon. John W. Holmdahl  
Hon. Robert J. Lagomarsino

Hon. Fred W. Marler, Jr.  
Hon. Nicholas C. Petris;  
Vice Chairman  
Hon. George R. Moscone  
Hon. David A. Roberti  
Hon. Robert S. Stevens  
Hon. George N. Zenovich

c/o State Capitol  
Sacramento, Calif. 95814

Dear Sirs:

In regards to Senate Bill #1048, I urge you to vote against this bill as this situation is unconstitutional and represents "Gestopo tactics" to confiscate a person's property or business without due process of the law. I do not believe any attachment of any kind should be allowed without a court order.

I appreciate your efforts in my behalf on this matter.

Sincerely,

Bill Newgent,  
President

BN:sln



# CAPITAL MACHINE CORPORATION

POWER TRANSMISSION EQUIPMENT

MECHANICAL • PNEUMATIC • HYDRAULIC • ELECTRICAL  
MACHINING • FABRICATING • REPAIRING

83 NORTH 17TH ST. • PHONE (916) 443-8671  
SACRAMENTO, CALIFORNIA 95814

April 11, 1972

The Honorable Alfred H. Song Chairman  
Senate Judiciary Committee  
% State Capitol  
Sacramento, Calif.

Ref: Senate Bill 1048

Dear Senator Song:

As a credit manager of more than forty years at the wholesale level I strongly protest the above referenced bill.

Sound credit practices are being prostituted by many today in order to gain sales. Credit is being extended to those who are not entitled to it, having already obligated themselves beyond their ability to pay. This bill encourages those granting credit indiscriminately to continue to do so and use scare tactics in their approach to collecting.

The threat of attachment without both sides being heard could drive the debtor to unwarranted protective action such as bankruptcy est., and both sides would lose.

Any law or the lack of it that encourages proper credit investigation before the sale tends to eliminate the need of harsh collection procedures.

To legislate to protect only the creditor is contrary to my business philosophy, as it would be to legislate to protect only the debtor.

Good credit practices is essential to a sound and growing economy- the scales of justice must always be in balance between debtor and creditor so that California will continue to have a healthy business growth and climate.

Sincerely,  
*M. E. Sale*  
M. E. Sale

5/16/72  
SB



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SACRAMENTO, CALIFORNIA 95814  
April 11, 1972

Mr. C. E. Swanson  
National Association of Credit Management  
P. O. Box 3857  
San Francisco, Calif. 94119

Dear Carrol:

From the correspondence I have been receiving I would assume N.A.C.M. supports passage of Senate Bill No. 1048.

If this be true, then I can't agree with you. It would seem to me that the Association would benefit more from selling a credit service to Commercial Credit Grantors who extend credit to those who have a need and are entitled to receive such credit, warning against those who misuse the privileges of credit.

Supporting legislation that can only benefit "fly by nite" collection agencies and credit grantors who use little or no credit service, but extend credit to all who may pass their way, depending on "tough" legislation and harsh collection procedures to bail them out, is without reason to me.

Sorry Carrol but it is just the way I feel about this bill.

Sincerely,

M. E. Sale

LONG BEACH . . . 436-3211  
ORANGE COUNTY 527-2263  
SOUTH BAY . . . 833-9666  
LOS ANGELES . . . 775-3016

## OMAHA MEAT COMPANY

845 WEST 16TH STREET LONG BEACH, CALIFORNIA 90813

May 15, 1972

Honorable Alfred Song  
Chairman  
Senate Judiciary Committee  
c/o State Capitol  
Sacramento, Calif. 95814

Dear Honorable Alfred Song:

It has come to our attention the Senate Bill  
#1048 is coming up for passage this Friday,  
May, 19, 1972.

If granted, we believe it will cause hardship  
on business concerns and we are very much against  
this bill. We feel that the opponent does have  
his day in Court to give his version.

Thanking you for taking this consideration.

Yours truly,

PRIME STEER, INC.

  
L. Y. KAWANISHI,  
Sec.

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