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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

FDS Finance, LLC,

Plaintiff/Petitioner,

v.

Donald R. Sorchych, a single man,

Defendant/Respondent

CASE NO. CV2005-051885

**MOTION FOR JUDGMENT DEBTOR
EXAM OF DONALD R. SORCHYCH**

(Commissioner John Doody)

Plaintiff FDS Finance, LLC (“Plaintiff”), by and through counsel undersigned, moves this Court for the entry of an order providing for an examination of Donald R. Sorchych (“Judgment Debtor”). This Motion is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Final judgment was entered against Defendant Donald R. Sorchych on December 21, 2012 (the “Judgment”). To date, the Judgment has not been paid in full.

So that Plaintiff may further investigate and assert its rights as judgment creditor, Plaintiff requests that the Court order the Judgment Debtor to produce for inspection and copying all of the documents in his possession, custody or control (including documents in the possession, custody or control of his agents or attorneys) as set forth in Exhibit A, which is also

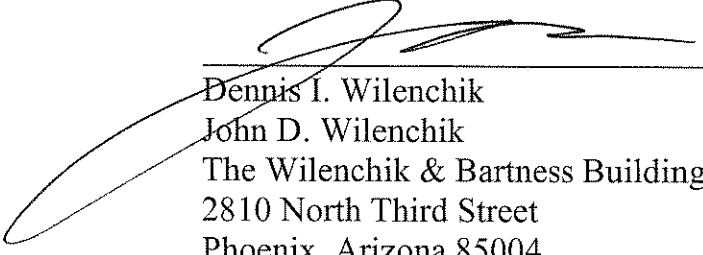
1 attached to the proposed order, lodged contemporaneously herewith. Plaintiff requests that the
2 Judgment Debtor be ordered to produce these documents at the time of the Judgment Debtor's
3 Exam before this Court.

4 Further, Plaintiff requests that the Court order the Judgment Debtor to appear for
5 examination on a date and at a time that this Court determines is available.

6 Finally, Plaintiff requests that the Court order the Judgment Debtor to produce such
7 additional documentation as Plaintiff may request from time to time.

8 **DATED** July 9, 2013.

WILENCHIK & BARTNESS, P.C.



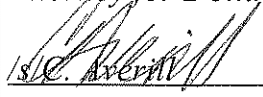
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14 ELECTRONICALLY filed July 9, 2013 using Turbocourt.com
15 and hand-delivered to:

16 Maricopa County Superior Court
17 Attention: Kay – Civil Hearings
18 125 West Washington Street, OCH
Phoenix, Arizona 85003

19 Commissioner John Doody
20 Maricopa County Superior Court
21 125 West Washington Street, OCH -- 001
Phoenix, Arizona 85003

22 COPY of the foregoing mailed July 9, 2013, to:
23 Carol De Szendeffy
24 PO Box 2810
25 Carefree, AZ 85377-2810
Attorney for Donald R. Sorchych



S.C. Averill

Exhibit "A"

DEFINITIONS

1. References to "you" or "your" as used in these Requests for Production shall be deemed to be references to Judgment Debtor Donald Sorchych, **as well as all of his companies in which he was involved as a director, officer, agent, servant, employee, attorney, and all persons acting or purporting to act on their behalf.**

2. Any pronoun shall be deemed to designate the masculine, feminine, or neuter gender, and singular or plural, as in each case may be appropriate.

3. "Any," "each," "every," and "all" shall be read to be all-inclusive, and to require the production of each and every document responsive to the request for production in which such term appears.

4. "And" and "or," and any other conjunctions or disjunctions used herein, shall be read both conjunctively and disjunctively, so as to require the production of all documents responsive to all or any part of each request for production in which any conjunction or disjunction appears.

5. The words "person" or "persons" means all natural persons and all entities of every type and description including, without limitation, all associations, companies, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, trusts, estates, and federal, state and municipal or local governmental agencies and entities and their subdivisions, bureaus, departments and boards.

6. "Pertaining to" means consisting of, relating to, referring to, reflecting, or having any logical or factual connection with, the subject matter dealt with or alluded to in a Request for Production.

7. The term "document" as used herein is defined to include any and all manner of written, typed, printed, reproduced, filmed or recorded material, and all photographs, pictures, plans, or other representations of any kind or anything pertaining, describing, referring or relating directly or indirectly, in whole or in part, to the subject matter of each paragraph of these Requests for Production, and the term includes, without limitation:

a. Papers, books, journals, ledgers, statements, memoranda, reports, invoices, work sheets, work papers, notes, transcriptions of notes, letters, correspondence, abstracts, checks, drafts, vouchers, diagrams, plans, blueprints, specifications, pictures, drawings, films, photographs, graphic representations, diaries, calendars, desk calendars, pocket calendars, lists, logs, publications, advertisements, instructions, minutes, orders, purchase orders, messages, resumes, summaries, agreements, contracts, telegrams, telexes, cables, recordings, audio tapes, magnetic tapes, visual tapes, transcriptions of tapes or recordings, computer tapes, computer discs or any other writings or tangible things on which any handwriting, typing, printing, photostatic, or other forms of communications or information are recorded or reproduced, as well as all notations on the foregoing;

b. Original and all other copies not absolutely identical; and

c. All drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

INSTRUCTIONS

1. To the extent that you consider any of these Requests for Production objectionable, respond to so much of each Request for Production as, in your view, is not objectionable. Separately identify that part or aspect of each Request for Production to which you object and each ground for such objection.

2. If you perceive any ambiguities in a Request for Production, set forth the matter deemed ambiguous and the construction used in responding.

3. If any documents responsive to any Request for Production herein or fairly comprised within the scope of the following Requests for Production have been lost, destroyed, or cannot be located or are not presently within your possession, custody or control, please provide in lieu of a true, correct, and complete copy thereof a list of each document so lost, destroyed, not able to be located, or not presently within your possession, custody or control, together with the following information:

- a. A description of such document;
- b. The date of origin of such document;
- c. The author of such document;
- d. Whether the document was lost, destroyed, or is no longer locatable or presently within your possession, custody or control;
- e. The date upon which any such document was lost or destroyed;
- f. The substance of the document;
- g. The date on which the document was last seen, where it was last seen, and the identity of the person in whose possession the document was last seen; and
- h. A brief statement of the manner in which any such document was lost or destroyed.

4. If you claim privilege as a ground for refusing to produce any documents requested, respond to that part of each Request for Production that, in your view, does not request allegedly privileged information, communications, or documents. For each claim of privilege, describe the factual basis for your claim of privilege in sufficient detail to permit the court to adjudicate the validity of the claim, including, without limitation, the following information:

- a. The identities of the authors of the document, the signatories to the document, the addressees of the document, and the recipients of the document;
- b. A brief description of the nature of the document;
- c. A brief description of the subject matter of the document;
- d. The name and title of each person who has knowledge of the document;
- e. The identity of the present custodian of the document;
- f. A full explanation of the basis of the privilege claim; and
- g. The number of the Request for Production to which the document is responsive.

DOCUMENTS REQUESTED

1. Personal identification, including but not limited to a driver's license and social security card.
2. A copy of any and all Department of Motor Vehicle Registrations for any vehicle owned by you, leased by you, which you drive or possess, or in which you have any ownership or possessory interest whatsoever.
3. Federal and State Income Tax Returns: for the years 2007-2012 and any and all quarterly estimates of Federal or State income tax filed by you for this year.
4. All statements issued for any Checking, Savings, Share, Retirement, IRA, 401(k), Investment and/or Trust Accounts in which you have or have had any interest whatsoever, alone or jointly with any other person or persons, maintained at any bank, savings and loan association, credit union, investment firm, trust company or other financial institution in the past five (5) years. This request includes any and all interest on trust accounts, payroll accounts, lease accounts, and general business accounts.
5. Original certificates of any Stocks and Bonds belonging to you or in which you have or have had any interest whatsoever, either alone or jointly with any other person or persons.
6. Copies of any and all life insurance policies for your life or in which you are named as a beneficiary.
7. Copies of any and all promissory notes, contracts, negotiable instruments receivable, accounts receivable, whether due or not, belonging to or payable to you or in which you have or have had any interest whatsoever during the past five (5) years.
8. Copies of any and all titles, deeds or contracts of sale/purchase for any real property or mobile/manufactured homes, wherever situated: (i) in which you have (or have had) any ownership or secured interest whatsoever (in whole or in part, either alone or jointly with any other person(s), entity or entities) during the five (5) years immediately preceding the date of your debtor's exam; or (ii) which is currently subject to a pending sale/purchase agreement whereby you expect to either acquire or release any type of ownership or secured interest.
9. Copies of any and all titles, bills of sale or contracts of sale for any item of personal property with a fair market value greater than \$100.00 in which you have or have had any ownership, security or possessory interest whatsoever (either alone or jointly with any other person or persons) within the past ten (10) years; including but not limited to, automobiles, watercraft, household goods, furniture, electronics, works of art, firearms, collectibles, jewelry, watches, antiques, collectibles, etc.
10. Copies of any and all insurance policies on all automobile and personal property, to include casualty and/or collision and all risk insurance policies presently in your name or in which you have had any interest whatsoever, either alone or jointly with any other person(s) or entities for the past ten (10) years preceding the hearing.
11. A complete inventory of all items of personal property, currently owned by you, or in which you have had an ownership, security or possessory interest of any nature whatsoever within the past four (4) years, including but not limited to:
 - a. household fixtures;
 - b. furnishings;
 - c. appliances;
 - d. jewelry;
 - e. watches;

- f. works of art;
- g. recreational equipment;
- h. tools;
- i. electronics;
- j. sound or visual media; and
- k. all computers and computer-related equipment.

12. All wage receipts/pay stubs or other documentation reflecting any remuneration paid to you during the five (5) years prior to this hearing.

13. All statements or other documentation reflecting any remuneration paid to any employee or independent contractor who at any time in the past five (years) performed work for any business in which you have or have had any ownership interest.

14. All pages of any lease or rental agreements that you have with any landowner, Manager or other person and evidence of any and all security deposits associated with those lease and rental agreements.

15. Any divorce decree or divorce judgment in which you are a party.

16. Any and all pre-nuptial and post-nuptial agreements.

17. Any and all agreements for spousal maintenance and/or child support;

18. Proof of payment of spousal maintenance;

19. Proof of payment of child support.

20. A list of all wages, commissions, salaries, draws, deposits, bonuses and/or monies owing to you or to any account in which you have an interest (in whole or in part), or held in trust for you, including the names of the person(s) and/or firm or company from whom monies are being received or due, for five (5) years preceding the date of the above hearing.

21. All 1099 forms issued to you during the last five (5) years immediately preceding the date of the hearing.

22. A complete listing of any monies from an estate or inheritance received by you as beneficiary for five (5) years preceding the date of the hearing.

23. A copy of each trust, revocable or irrevocable, in which you are named as Settlor, Trustee or Beneficiary.

24. Location of any and all safe deposit boxes wherever situated, whether privately maintained or in any bank or savings and loan, credit union or similar association, belonging to you or in which you have or have had any interest whatsoever, either alone or jointly with any other person(s), entity or entities, for the five (5) years immediately preceding the date of the above hearing.

25. All evidence and all certificates of any and all stocks, bonds, securities and annuities belonging to you or in which you have or have had any interest whatsoever either alone or jointly with any other person(s), entity or entities, for the four years immediately preceding the date of the above hearing.

26. All fire, burglary and extended coverage or similar insurance policies now in force upon any real estate or personal property (including copies of insurance inventories) owned by you or in which you have or have had any interest whatsoever, either alone or jointly with any other person(s), entity or entities, for the five (5) years immediately preceding the date of the hearing.

27. All property assessment notices issued to you within the five (5) years immediately preceding the date of the above hearing.

28. Copies of all shareholders agreements, partnership agreements, operating agreements or similar agreements to which you are, or have been, a party over the past 5 years.

29. Copies of all documents that evidence, refer or relate to your ownership interest in, or control of, any business entity.

30. Copies of all statements issued for any Checking, Savings, Share, Retirement, IRA, 401(k), Investment and/or Trust Accounts in which any closely held business entity which you have an ownership interest in, or control, maintained at any bank, savings and loan association, credit union, investment firm, trust company or other financial institution in the past five (5) years. This request includes any and all interest on trust accounts, payroll accounts, lease accounts, and general business accounts.

31. Copies of any financial statements or loan applications or similar documents, whether formally or informally prepared, that you have furnished to anyone or to any entity, including a bank or financial institution, for purposes of obtaining a loan or otherwise, during the past three years.