

Clerk stamps date here when form is filed.

FILED

AUG 07 2012

Superior Court of California
County of Tuolumne

By: Laura Kuffler Clerk

Fill in court name and street address:

Superior Court of California, County of
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

Fill in your case number and case name below.

Case Number: SC18586
Case Name:

Answer

The person listed in ① on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in ① is asking for.
- Fill out ⑦–⑩ below.
- Mail your completed form to the court right away.
- Mail a copy of this form to each plaintiff and defendant listed in ① and ② on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

⑦ The person filing this answer is:

Name: Charles P. Varvayanis and Patricia T. Jones

Address: P.O. Box 395, Long Barn, CA 95335

Check one: A defendant in this case A plaintiff in this case

⑧ Tell the court what you want to do about this request.

(Check all that apply):

- a. I agree to the order requested in ③.
- b. I do not agree to the order requested in ③. *(Explain below:)*

See Attachment

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.


c. I ask the court to have a hearing to decide this matter.

⑨ I mailed a copy of this form to everyone listed in ① and ② of this form on (date): 8/7/2012

⑩ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: 8/7/2012

Charles P. Varvayanis
Type or print your name


Sign your name

? **Need help?**
For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

If the request on page 1 was made after the hearing, the clerk fills out below.

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (check one):

- A Certificate of Mailing is attached.
- The Request for Court Order and Answer was mailed first class, postage paid, to all parties at the addresses listed in ②.

On (date): _____
From (city): _____, California

Clerk, by _____, Deputy

1 Charles Varvayanis
2 Patricia T. Jones
3 P. O. Box 395
4 Long Barn, CA 95335
5 Telephone: (209) 586-3782
6 Facsimile: (209) 586-3761

7 SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE

8	CHARLES P. VARVAYANIS,)	No.: SC 18586
9	PATRICIA T. JONES,)	
10)	PLAINTIFFS' ANSWER TO
11	Plaintiffs,)	UNVERIFIED REQUEST FOR COURT
12)	ORDER
13	vs.)	Dept: 5
14)	JUDGE: Honorable Kim Knowles
15	ODD FELLOWS SIERRA RECREATION)	
16	ASSOCIATION, INC.,)	
17	Defendant)	

18 Comes now Plaintiffs CHARLES P. VARVAYANIS AND PATRICIA T. JONES, natural
19 persons, and answers to Defendant's unverified request for court order.

20 **I. Answer to: Statement of the Facts.**

21 **Plaintiffs' Claims.**

22 OFSRA changed its gate policies and procedures forcing the deactivation of nine of our
23 gate devices and a reduction in value in our property.

24 **II. Answers to: The Sum of the Three Small Claims Actions filed Against Defendant by
25 Plaintiffs Exceeds Small Claims Jurisdictional Limits**

Section 116.221 grants a small claims court jurisdiction over actions brought by natural
persons for amounts not more than \$10,000.00.

1 Section 116.220 (D) grants that in any case in which the lack of jurisdiction is due solely
2 to an excess in the amount of the demand, the excess may be waived, but any waiver is not
3 operative until judgment.

4 As set forth above, this action is one of three (3) small claims actions filed by Plaintiffs
5 against Defendant that are set for trial on August 23, 2012 in Dept. 5 of this court. Plaintiffs ask
6 for recovery of \$270.00 in this matter. In SC18563, Plaintiffs seek recovery of \$2,048.00. In
7 SC18553, Plaintiffs seek recovery of \$8,460.00. The total damages requested by Plaintiffs in all
8 three actions are \$10,778.00

9 Plaintiffs will wave \$778.00 from SC18553 to be within the "total sum test of
10 jurisdiction" of \$10,000.00

11
12 **V. Answers to: Conclusion.**

13 Plaintiffs' case is appropriate for resolution in small claims court because Plaintiffs have
14 filed three (3) separate small claims actions, Plaintiffs will wave \$778.00 to keep the aggregate
15 from exceeding \$10,000.00. Plaintiffs accordingly ask that this case proceed.

16
17 DATED: August 7, 2012

Respectfully submitted,

18 *Charles P. Varvayanis*
By: *Pat Jones*
19 Charles Varvayanis
20 Patricia T. Jones
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