

Clerk stamps date here when form is filed.

FILED
2.21.19
 Superior Court of California
 County of Tuolumne
 BY Kim Batanide
 Clerk

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:
SC19855
 Case Name:

Notice to the person being sued:

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in (1) and (2) must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
	1. <u>5/3/19</u>	<u>8:00 am</u>	<u>5</u>	
	2. _____	_____	_____	_____
	3. _____	_____	_____	_____
Date: <u>2/26/19</u>			Clerk, by <u>Kim Batanide</u> , Deputy <u>Hector X. Gonzalez, Jr.</u>	

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-100-INFO, Information for the Plaintiff, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/smallclaims/forms.
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: Sierra Park Services, Inc. Phone: 209-533-7909
Street address:
Mailing address (if different): P. O. Box 293
City: Mi Wuk Village State: CA Zip: 95346

If more than one Plaintiff, list next Plaintiff here:

Name:
Street address:
Mailing address (if different):

- Check here if more than two Plaintiffs and attach Form SC-100A.
Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

2 The Defendant (the person, business, or public entity being sued) is:

Name: Michael and Tresa Ford Phone:
Street address: 412 Palm Avenue Modesto Ca 95350
Mailing address (if different):

If more than one Defendant, list next Defendant here:

Name:
Street address:
Mailing address (if different):

- Check here if more than two Defendants and attach Form SC-100A.
Check here if any Defendant is on active military duty, and write his or her name here:

3 The Plaintiff claims the Defendant owes \$ 2,499.99 (Explain below):

a. Why does the Defendant owe the Plaintiff money?
See MC-031 Attached. The Defendant actually owes \$3,017.00.

When did this happen? (Date):

- b. If no specific date, give the time period: Date started: Through:
c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Plaintiff (list names):

Case Number:

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes No

If no, explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. (1) Where the Defendant lives or does business. (2) Where the Plaintiff's property was damaged. (3) Where the Plaintiff was injured.
- (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- b. Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ Code, § 1812.10.)
- d. Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ Code, § 2984.4.)
- e. Other (specify): See MC-031 Attached.

6 List the zip code of the place checked in 5 above (if you know): 95335

7 Is your claim about an attorney-client fee dispute? Yes No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity? Yes No

If yes, you must file a written claim with the entity first. A claim was filed on (date): _____
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: Feb. 13, 2019 T. M. Lechner
Plaintiff types or prints name here

T. M. Lechner
Plaintiff signs here

Date: _____
Second Plaintiff types or prints name here

Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)



"Small claims court" is a special court where claims for \$5,000 or less are decided. A "natural person" (not a business or public entity) may generally claim up to \$10,000, including a sole proprietor. (See below for exceptions.*) The process is quick and cheap. The rules are simple and informal. You are the *Defendant*—the person being sued. The person who is suing you is the *Plaintiff*.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Request to Waive Court Fees* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/smallclaims/forms.

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. § 116.220(c).)



PLAINTIFF/PETITIONER: Sierra Park Services, Inc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Michael and Tresa Ford	

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

SC-100, Item 3**a. Why does the Defendant owe the Plaintiff money?**

On December 11, 2018, judgment was entered following trial in Superior Court Case No. CV58100. In brief, Judge Frank Dougherty upheld Sierra Park Services, Inc. (SPS's) right to assess all lot owners in the Park for maintenance of the roads under California Civil Code §845. Likewise, the methodology for determining the cost of road maintenance for each property was upheld. This allows SPS to propose a budget for the year, have both shareholders and non-shareholder property owners comment on the budget, and then have the final budget approved by shareholder vote. The cost is then equally divided and billed to each property. SPS is asking judgment against Defendant for money owed it for at a minimum road maintenance. If SPS provided Ancillary Services were used by the defendant then SPS is owed for that as well.

When did this happen (Date):

b. If no specific date, give time period: *Date started:* June 1, 2016 *Through:* Present

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

The amount owed is \$3,017.00. This is the sum of the amounts of annual billings of \$705 for FY 16/17, \$718 for FY 17/18, and \$794 for FY 18/19 and \$800.00 in accumulated late fees. However, the amount being asked for is \$2,499.99.

SC-100, Item 5 Why are you filing your claim at this courthouse?


Sierra Park Services, Inc. owns property in I.O.O.F. Odd Fellow Sierra Camp Subdivision (Subdivision) No 1 and 2. SPS is the sole provider of services to the Subdivision. Additionally, it is stipulated in Ca CC Section 845, "(3) In the absence of an agreement addressing the maintenance of the easement, any action for specific performance or contribution shall be brought in a court in the county in which the easement is located."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

T. M. Lechner

(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):