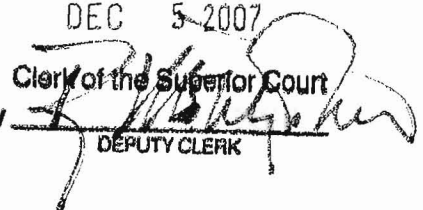


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11 OWNERS' ASSOCIATION

FILED
SAN MATEO COUNTY

DEC 5 2007
Clerk of the Superior Court
By 
DEPUTY CLERK

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN MATEO

14 CIVIL - LIMITED JURISDICTION

15 EDGEWATER ISLE SOUTH OWNERS')
16 ASSOCIATION, a non-profit)
17 California corporation,)

18 Plaintiff,)

19 v.)
20 NORMA RONCO, and DOES 1 to 10,)
21 inclusive,)

22 Defendants.)

CASE NO.: **CLJ 468285**
COMPLAINT AND COMMON COUNTS
(CONDOMINIUM ASSESSMENTS)

23 Plaintiff complains of Defendants above-named, and
24 each of them, jointly and severally, and alleges:

25 FIRST CAUSE OF ACTION

26 1. Plaintiff is a condominium homeowners
27 association, and a non-profit California corporation duly
28 organized and existing under and by the laws of the State of
California governing such corporate entities.

2. Plaintiff is not certain of the true names and
capacities of Defendants DOE 1 through DOE 10, inclusive, and
therefore, Plaintiff sues said Defendants under and by the

1 provisions of Code of Civil Procedure, §474. Plaintiff is
2 informed and believes, and thereon alleges, that said DOE
3 Defendants, and each of them, claim some interest in the real
4 property constituting the subject of this action, and that said
5 interest is subject to this lawsuit and its effect on the
6 title.

7 3. Defendant NORMA RONCO (hereinafter "HOMEOWNER"),
8 claims an interest in the real property constituting the
9 subject of this action, and said interest is subject to this
10 lawsuit and its effect on the title.

11 4. On November 27, 1988, Plaintiff caused to be
12 recorded in the Official Records of the County of San Mateo,
13 State of California, a document entitled, "Declaration of
14 Covenants, Conditions and Restrictions," said document was
15 recorded as Document Number 85127921, and the First Amendment
16 to Declaration of Covenants, Conditions and Restrictions,
17 recorded on April 16, 1986, in the Official Records of the
18 County of San Mateo, State of California as Document Number
19 86037409. Among other things, said documents (hereinafter
20 "Declarations") provide that all purchasers of condominium
21 units shall take title subject to said Declarations.
22 Furthermore, said Declarations empower and require Plaintiff to
23 levy assessments for the maintenance of the common area, as
24 well as for capital necessary for the management of said
25 Association.

26 5. After November 14, 1986, Defendant took title to
27 the real property subject to this action commonly known as 2111
28 Vista Del Mar, San Mateo, California, and more particularly

1 described in the attached Exhibit "A" which is incorporated
2 herein by reference as though fully set forth at length. Said
3 Defendants took title subject to the Declarations referred to
4 above, and was, at all times material herein, and now is, bound
5 by said Declarations.

6 6. Among other things, said Declarations permit and
7 authorize Plaintiff to record a Notice of Delinquent Assessment
8 Lien against any owner of a unit who is delinquent in the
9 monthly dues assessments. On July 2, 2007, Plaintiff caused to
10 be recorded in the Official Records of the County of San Mateo,
11 State of California, its Notice of Delinquent Assessment Lien
12 against Defendant. Said Notice of Delinquent Assessment Lien
13 was recorded as Recorder's Document No. 2007-110054. A true
14 and correct copy of said Notice of Delinquent Assessment Lien
15 is attached hereto as Exhibit "B" and incorporated herein by
16 reference as though fully set forth at length.

17 7. Prior to the recordation of said Notice of
18 Delinquent Assessment Lien, Plaintiff has repeatedly demanded
19 of Defendant to pay said assessments, but Defendant has failed
20 and refused, and continues to do so, and said sum of \$9,355.00
21 is now due, owing, and unpaid to Plaintiff as and for the
22 principal amount of the dues assessment.

23 8. Said Declarations further provide that in the
24 event that legal action be instituted to enforce collection of
25 the dues assessment, as is the case herein, Plaintiff shall be
26 entitled to recover of Defendant, in addition to all other
27 relief, reasonable attorney's fees. Plaintiff has incurred the
28 sum of \$500.00 as and for attorney's fees thus far, and is

1 informed and believes, and thereon alleges, that it will
2 continue to incur attorney's fees in such sum according to
3 proof.

4 9. The Notice of Delinquent Assessment Lien alleged
5 herein is authorized under and by the provisions of Civil Code
6 §1366-67 as well as the Declarations set forth above.

7
8 SECOND CAUSE OF ACTION

9 10. Plaintiff incorporates herein, by reference, the
10 entire FIRST CAUSE OF ACTION, and each allegation thereof, as
11 though fully set forth at length.

12 11. Within four (4) years last past, at San Mateo
13 County, California, Defendant HOMEOWNER and DOE 1 through DOE
14 5, inclusive, and each of them, became indebted to Plaintiff on
15 an open book account in the sum of \$9,355.00.

16 12. Although demand has been made on Defendant for
17 payment of said sum, neither the whole nor part thereof has
18 been paid, and that said sum is now due, owing, and unpaid to
19 Plaintiff.

20
21 THIRD CAUSE OF ACTION

22 13. Plaintiff incorporates herein, by reference, the
23 entire FIRST CAUSE OF ACTION, and each allegation thereof, as
24 though fully set forth at length.


25 14. Within four (4) years last past, at San Mateo
26 County, California, Defendant HOMEOWNER and DOE 6 through 10,
27 inclusive, and each of them, became indebted to Plaintiff on an
28 account stated in writing in the sum of \$9,355.00.

1 15. Although demand has been made on Defendant for
2 payment of said sum, neither the whole nor any part thereof has
3 been paid, and that said sum is now due, owing, and unpaid to
4 Plaintiff.

5 WHEREFORE, Plaintiff prays judgment against
6 Defendants as follows:

- 7 1. Damages in the sum of \$9,355.00;
8 2. Reasonable attorney's fees in the sum of at least
9 \$1500.00, or such other or further sum according to proof;
10 3. That all sums claimed herein be entitled to
11 interest at the rate of ten percent (10%) per annum from the
12 date said sums were owed to Plaintiff until entry of judgment;
13 4. Costs of suit; and
14 5. Such other and further relief as this Court may
15 deem just and proper.

16
17
18 DATED: December 5, 2007



TOM FIER
Attorney for Plaintiff