

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name)

bar number, and address):

✓ **LAW OFFICES OF KEVIN D. FREDERICK** SB#83431
 702 Marshall Street, Suite 620
 Redwood City, CA 94063

TELEPHONE NO.: 650 365-9800

FAX NO.: 650 365-9808

ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY

RECEIVED

APR 20 2004

**SUPERIOR COURT
CIVIL DIVISION****SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO**

STREET ADDRESS:

MAILING ADDRESS: 400 County Center
 CITY AND ZIP CODE: Redwood City, CA 94063

BRANCH NAME: LIMITED JURISDICTION

CASE NAME: EDGEWATER ISLE SOUTH v. RONCO

CIVIL CASE COVER SHEET

☐ **Unlimited**
 (Amount demanded exceeds \$25,000)

☒ **Limited**
 (Amount demanded is \$25,000 or less)

Complex Case Designation
☐ **Counter** ☐ **Joinder**
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 1811)

CASE NUMBER:

CLJ 438810

JUDGE:

DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☒ Collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 1800-1812)**

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial post-judgment judicial supervision

3. Type of remedies sought (check all that apply):

- a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Two

5. This case ☐ is ☒ is not a class action suit.

Date: April 20, 2004.

KEVIN D. FREDERICK

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

(k) Imposition of any right of first refusal or similar restriction on the right of an Owner to sell, transfer or otherwise convey his Condominium;

(1) The provisions of Section 6.8, Article IX and this Section 10.1.2.

Any amendment or addition to the Declaration or Bylaws regarding any of the foregoing subjects shall not be considered material and need not be approved by Eligible Holders if the amendment or addition is solely for the purposes of correcting technical errors or for clarification. Any Eligible Holder who receives a written request to approve an addition or amendment and who does not deliver or have its response postmarked within thirty (30) days of the date contained within the written request shall be deemed to approve the addition or amendment. All notices or other communications made pursuant hereto shall be in writing and shall be deemed properly delivered, given or served when (i) personally delivered against receipted copy; or (ii) mailed by certified or registered mail, postage prepaid, in either case (i) or (ii) to the parties at their last known address.

10.1.3 Other Provisions of Declaration: Any other provision of this Declaration may be amended by the vote or written consent of record Owners constituting seventy-five percent (75%) of each class of Members.

10.1.4 Recordation of Amendment: Any amendment shall be effective upon the recordation in the Official Records of the County of an instrument setting forth the terms of the amendment, duly certified and executed by the President and Secretary of the Association.

10.2 ENFORCEMENT:

10.2.1 Rights to Enforce: The Association and/or any Owner shall have the power to enforce the provisions of the Project Documents in any manner provided by law or in equity and in any manner provided in this Declaration. The Association may institute appropriate legal action, suspend an Owner's use of the recreation facilities or his voting rights for a period not to exceed thirty (30) days and/or levy a fine against an Owner in a standard amount to be determined by the Board from time to time; provided, however, that Reimbursement Assessments are not enforceable by any lien provisions of this Declaration. No determination of whether a violation has occurred shall be made until Notice and Hearing has been provided to the Owner pursuant to the Bylaws. In the event legal action is

1 LAW OFFICES OF KEVIN D. FREDERICK

Kevin D. Frederick (CSB #83431)

2 Paul K. Lee (CSB #192812)

702 Marshall Street, Suite 620

3 Redwood City, California 94063-1890

Telephone: (650) 365-9800

4 Facsimile: (650) 365-9808

5 Attorneys for Plaintiff

FILED
SAN MATEO COUNTY
APR 20 2004

By [Signature]
Clerk of the Superior Court
DEPUTY CLERK

6
7
8 SUPERIOR COURT OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN MATEO

10 (LIMITED JURISDICTION)

11
12 EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION,

13 Plaintiff,

14 vs.

15 NORMA RONCO, and DOES 1 through 50,
16 inclusive,

17 Defendants.

Case No.: CLJ 43 88 10

COMPLAINT FOR
1. FORECLOSURE OF
ASSESSMENT LIEN
2. MONEY DUE ON
ACCOUNT

Demand Does Not Exceed \$10,000

18
19 Plaintiff alleges:

Summons Issued ✓

20 I.
21 FIRST CAUSE OF ACTION
22 FORECLOSURE OF ASSESSMENT LIEN

23 1. Plaintiff, EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION is a nonprofit
24 corporation organized and existing under the laws of the State of California with its principal place of
25 business in the County of San Mateo, State of California.

26 2. Defendant, NORMA RONCO, is and at all relevant times was the owner of a parcel of
27 real property commonly known as 2111 Vista del Mar, San Mateo, California. The legal description of
28 the property is attached hereto, marked as Exhibit "A", and incorporated herein by reference. This

1 property is a member unit of Plaintiff, and is subject to Plaintiff's Articles of Incorporation, By-Laws
2 and Covenants, Conditions and Restrictions.

3 3. Plaintiff does not know the true names of Defendants sued herein as DOES 1 through
4 50. Each of the Defendants sued as DOES 1 through 50 has, or claims to have some interest in or to the
5 property subject to the Assessment Lien hereinafter described, which interest or claim is subsequent to
6 and subject to the Plaintiff's Assessment Lien.

7 4. Pursuant to powers granted to Plaintiff and to the Board of Directors of Plaintiff under
8 Civil Code Section 1367, Article VI of the Covenants, Conditions and Restrictions, which were recorded
9 on November 27, 1985, at Document No. 85127921 in the Office of the San Mateo County Recorder,
10 Plaintiff assessed the unit owned by Defendant reasonable assessments in the amount of \$218 per month
11 for calendar year 2002, \$259 per month for calendar year 1\2003, and \$309 per month for calendar year
12 2004. These sums were levied against the above unit and billed to Defendant monthly. Pursuant to the
13 above authorities, assessments due and unpaid accrue interest and late charges and the Defendant is
14 liable for all costs of collection, and reasonable attorney's fees.

15 5. Defendant makes monthly payments. However, she is still paying the amount
16 assessed in 2002, and refuses to pay the current monthly dues amount, or address the arrearage.

17 6. On October 9, 2003, Defendant was notified by mail that she was in default for
18 nonpayment of assessments, and demand for payment was made. Defendant was informed that if the
19 assessments were not paid within ten days, an Assessment Lien would be recorded against her real
20 property. A copy of that letter is attached hereto, marked Exhibit "B", and incorporated herein by
21 reference.

22 7. On November 12, 2003, Plaintiff recorded a Notice of Assessment Lien against
23 Defendant's real property described above. A copy of the Notice of Assessment Lien is attached hereto,
24 marked Exhibit "C", and incorporated herein by reference. The lien provides for the total amount
25 thereof to increase reflecting subsequent assessments, late charges, interest and costs. Plaintiff is now
26 and at all times since has been the beneficiary and holder of the Assessment Lien. The amount due on
27 the recordation date under the terms of the lien was \$3,375.51, including assessments, late charges,
28 interest, collection and lien fees. From the recording of the lien to the present, additional assessments,

costs and payments thereon, have accrued and the amount now due is \$4,123.96, plus attorney's fees and costs. Assessments will continue to accrue at the rate of \$309 per month.

8. On November 13, 2003, a true and correct copy of the Notice of Lien was mailed to Defendant. A copy of said letter is attached hereto, marked Exhibit "D", and incorporated herein by reference.

9. Civil Code section 1367 and the above described sections of Plaintiff's CC&R's, By-Laws and Articles of Incorporation empower Plaintiff to bring an action to foreclose the lien recorded against Defendant's property. Pursuant to those powers, Plaintiff elects to declare the Assessment Lien in default, and to foreclose on the property.

10. Because of the default by Defendant, it has become necessary for Plaintiff to employ an attorney licensed to practice law in California, and to commence and prosecute this foreclosure action. The court should determine the reasonable value of services of counsel in this action at the time of trial.

11. Defendant has failed and still refuses to make full payment on the above-described lien.

II.
SECOND CAUSE OF ACTION
MONEY DUE ON ACCOUNT

12. Plaintiff hereby incorporates by reference each and every allegation of paragraphs 1 through 11 above.

13. Pursuant to Civil Code Section 1367 and Plaintiff's Covenants, Conditions, and Restrictions, the assessments are also the personal debt of the owners of the unit at the time the assessment is made.

14. Plaintiff has in all respects performed all Conditions and Covenants on Plaintiff's part for performance required by the above-mentioned agreement between Plaintiff and Defendant.

15. As of this date, Defendant is in default of the obligation as the owner of the above-described real property to pay assessments, interest, late charges and costs in the amount of \$4,123.96, plus accruing assessment, interest, late charges, costs and attorney's fees.

1 WHEREFORE, Plaintiff prays:

2 **ON THE FIRST CAUSE OF ACTION**

3 1. For a judgment against Defendant, NORMA RONCO, and DOES 1 through 50, for:

4 a) The sum of \$4,123.96, plus assessments, late charges, and interest accruing and
5 unpaid from the date of this complaint;

6 b) Costs of this suit and attorney's fees in an amount the court may adjudge reasonable;

7 c) Such additional sums, if any, as Plaintiff may hereafter expend to protect its security
8 in the property described in the Notice of Assessment Lien, together with interest thereon, according to
9 proof.

10 2. For judgment that the rights claim, ownership, liens, and demand of Defendants
11 DOES 1 through 50, are subsequent, and subordinate to Plaintiff's Assessment Lien.

12 3. That the court adjudge that the Assessment Lien referred to as Exhibit "C", be
13 foreclosed, and that the usual judgment be made for the sale of the premises, according to law, by the
14 Sheriff of the County of San Mateo, or a Commissioner to be appointed by the Court; that the proceeds
15 of the sale be applied in payment of the amounts dues Plaintiff; that Defendant and all persons claiming
16 under Defendant subsequent to the recordation of the Notice of Assessment Lien, excepting only the lien
17 of any first mortgages, may be barred and foreclosed from all rights, claims, interest, or equity or
18 redemption in the premises, and every part of the premises, when time for redemption has elapsed.

19 4. That Plaintiff may have the judgment and execution against Defendant for any
20 deficiency that may remain after applying all the proceeds of the sale of the premises properly applicable
21 to the satisfaction of said judgment.

22 5. That the court permit Plaintiff or any other parties to this suit to become a purchaser at
23 the foreclosure sale, that when the time for redemption has elapsed, the Commissioner or Sheriff execute
24 a deed to the purchaser of the property at the sale; and that the purchaser be let into possession of the
25 property on production of the Commissioner's or Sheriff's deed.

26 6. For such other relief as the Court may deem just and proper.

27 //

28 /

ON THE SECOND CAUSE OF ACTION

1. For a judgment against Defendant, NORMA RONCO, and DOES 1 through 50, for:

- a) The sum of \$4,123.96, plus assessments, late charges, and interest accruing and unpaid from the date of this complaint;
- b) Costs of this suit and attorney's fees in an amount the court may adjudge reasonable;

2. For such other relief as the Court may deem just and proper.

Dated: April 20, 2004.



KEVIN D. FREDERICK,

Attorney for Plaintiff

condople/edgeislesouth.cpt

Superior Court of California
County of San Mateo
Minute Order

Case No.: 438810 Date: 12/07/04 Dept.:PJLM
Case Name: EDGEWATER ISLE SO OWNERS ASSOC VS NORMA RONCO
Case Category: MUNICIPAL/MONEY
Hearing: HEARING: APPEARANCE OF JUDGMENT DEBTOR NORMA RONCO

Honorable Mark R. Forcum, Judge presiding. Clerk: NICOLE FALLEN.
Court Reporter: CHRIS PEREZ.

Attorney PAUL LEE specially appearing with/for Plaintiff(s).

Judgment Debtor failed to appear.

Bench Warrant Ordered for NORMA RONCO with bail in the amount of
\$5,464.46 to be issued.

Formal order to be prepared, signed and filed.

Bench warrant may forfeit to judgment creditor.

Entered by B NEDELCU on 12/07/04.

=====

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state and number, and address):

FOR COURT USE ONLY

KEVIN D. FREDERICK; PAUL K. LEE #83431/192812
 LAW OFFICES OF KEVIN D. FREDERICK
 702 Marshall Street, Suite 620
 Redwood City, CA 94063

TELEPHONE NO.: 650 365-9800

FAX NO.: 650 365-9808

ATTORNEY FOR (Name): Plaintiff

NAME OF COURT: SUPERIOR COURT, SAN MATEO COUNTY

STREET ADDRESS: 400 County Center

MAILING ADDRESS:

CITY AND ZIP CODE: Redwood City, CA 94063

BRANCH NAME:

PLAINTIFF: EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION,

DEFENDANT: NORMA RONCO, et al.,

ENDORSED FILED
SAN MATEO COUNTY

NOV - 3 2004

Clerk of the Superior Court
 By E. PEDRINI
 DEPUTY CLERK

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION

☒ ENFORCEMENT OF JUDGMENT☐ ATTACHMENT (Third Person)☒ Judgment Debtor ☐ Third Person

CASE NUMBER:

CLJ 438810

ORDER TO APPEAR FOR EXAMINATION

- TO (name): NORMA RONCO
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: 12/07/04

Time: 9 a.m.

Dept. or Div.: 8

Rm.:

Address of court

☒ shown above☐ is:

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: NOV - 3 2004

MARK R. FORCUM

JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): NORMA RONCO to appear and furnish information
 to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

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

Date: November 3, 2004

KEVIN D. FREDERICK

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, number, and address):

KEVIN D. FREDERICK; PAUL K. LEE #83431/192812

LAW OFFICES OF KEVIN D. FREDERICK

702 Marshall Street, Suite 620

Redwood City, CA 94063

TELEPHONE NO.: 650 365-9800

FAX NO.: 650 365-9808

ATTORNEY FOR (Name): Plaintiff

NAME OF COURT: SUPERIOR COURT, SAN MATEO COUNTY

STREET ADDRESS: 400 County Center

MAILING ADDRESS:

CITY AND ZIP CODE: Redwood City, CA 94063

BRANCH NAME:

PLAINTIFF: EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION,

DEFENDANT: NORMA RONCO, et al.,

FOR COURT USE ONLY

FILED
SAN MATEO COUNTY

NOV - 3 2004

Clerk of the Superior Court

By [Signature]
DEPUTY CLERK

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION

☒ ENFORCEMENT OF JUDGMENT ☐ ATTACHMENT (Third Person)☒ Judgment Debtor ☐ Third Person

CASE NUMBER:

CLJ 438810

ORDER TO APPEAR FOR EXAMINATION

- TO (name): NORMA RONCO
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: 12/07/04

Time: 9 a.m.

Dept. or Div.: 8

Rm.:

Address of court

☒ shown above☐ is:

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date:

11-3-04

Mark R. Foxworth
JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order applies for an order requiring (name): NORMA RONCO to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

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

Date: November 3, 2004

VIN D. FREDERICK

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

APPLICATION AND ORDER
FOR APPEARANCE AND EXAMINATION
(Attachment-Enforcement of Judgment)

LAW OFFICES OF KEVIN D. FREDERICK
Kevin D. Frederick (CSB #83431)
Paul K. Lee (CSB #192812)
702 Marshall Street, Suite 620
Redwood City, California 94063-1890
Telephone: (650) 365-9800
Facsimile: (650) 365-9808

Attorneys for Plaintiff

FILED
SAN MATEO COUNTY

SEP 2 2004

Clerk of the Superior Court
By *Chantaris*
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
(LIMITED JURISDICTION)

EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION,

Plaintiff,

vs.

NORMA RONCO, et al.,

Defendants.

Case No.: CLJ 438810

DEFAULT JUDGMENT AND JUDGMENT
FOR SALE

LIMITED JURISDICTION

Defendant, NORMA RONCO, having been regularly served with a summons and a copy of the Plaintiff's complaint in the above-entitled action, and having failed to appear and answer the Plaintiff's complaint within the time allowed by law, the default of the Defendant was duly entered on August 12, 2004. Plaintiff, EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION, has applied to this Court for the relief demanded in the complaint, including the determination of attorney's fees. The Court having considered the evidence,

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DEFAULT JUDGMENT AND JUDGMENT FOR SALE

1 IT IS HEREBY ORDERED THAT:

2 Plaintiff, EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION, have and recover
3 judgment against the Defendant, NORMA RONCO, the sum of \$5,464.46 consisting of \$3,722.86 in
4 past due assessments and late charges, \$550.00 in legal costs incurred by Plaintiff, \$366.80 in costs of
5 suit, \$824.80 in attorneys' fees, plus interest thereon at the rate of ten percent (10%) from the date
6 thereof until paid.

7 Further, that the rights, claims, ownership, liens, titles, and demand of Defendant are
8 subject, subsequent and subordinate to Plaintiff's claim of lien.

9 Finally, Plaintiff's Assessment Lien is foreclosed and sale of the subject real property by
10 the Sheriff of San Mateo County is hereby ordered. A legal description of the real property commonly
11 known as 2111 Vista del Mar, San Mateo, California, is attached hereto as Exhibit "A". The proceeds of
12 the sale shall be applied to the amounts due to Plaintiff, including attorney's fees and costs.

13 Defendant and all persons claiming under Defendant subsequent to the recordation of
14 Plaintiff's Assessment Lien are barred and foreclosed from all rights, claims, interest or equity or
15 redemption in the premises when time for redemption has passed.

16 Plaintiff is awarded judgment and execution against Defendant for any deficiency that
17 may remain after applying all proceeds of sale satisfaction of said judgment.

18 Plaintiff is permitted to become a purchaser at the foreclosure sale and that when time for
19 redemption has lapsed, the Sheriff shall execute a deed to the purchaser of the property at the sale.

20
21 Dated: SEP 1 - 2004


JUDGE OF THE SUPERIOR COURT

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27 default\edgeisleso.jmt
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LAW OFFICES OF KEVIN D. FREDERICK
Kevin D. Frederick (CSB #83431)
Paul K. Lee (CSB #192812)
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Attorneys for Plaintiff

FILED
SAN MATEO COUNTY

SEP 2 2004

Clerk of the Superior Court
By *C. Kantis*
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
(LIMITED JURISDICTION)

EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION,

Plaintiff,

vs.

NORMA RONCO, et al.,

Defendants.

Case No.: CLJ 438810

DECLARATION OF KEVIN D. FREDERICK IN
SUPPORT OF REQUEST FOR ENTRY OF
DEFAULT JUDGMENT AND JUDGMENT
FOR SALE

LIMITED JURISDICTION

State of California, County of San Mateo.

I, KEVIN D. FREDERICK, declare as follows:

1. I am the attorney of record for the Plaintiff in the above-entitled action.
2. This declaration is in support of the Plaintiff's request for entry of a default judgment and includes a justification of costs claimed by Plaintiff in this action.
3. The Plaintiff is a non-profit corporation organizing and existing under the laws of the State of California with its principal place of business in San Mateo County.

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1 4. At all times herein mentioned, Defendant, NORMA RONCO, was the owner of real
2 property commonly known as 2111 Vista del Mar, San Mateo, California. This property is subject to the
3 Articles of Incorporation, Bylaws and Covenants, Conditions and Restrictions of the Plaintiff.

4 5. Pursuant to its powers under Civil Code Section 1356 and its Covenants, Conditions
5 and Restrictions, Bylaws and Articles of Incorporation, the Plaintiff has assessed each unit, including the
6 Defendant's, reasonable assessments each month for the calendar years 2002 to the present. Pursuant to
7 the above authorities, assessments due and unpaid accrue interest at the rate of 10 percent (10%) per
8 annum, and any delinquent homeowner is liable for all costs of collection and suit and reasonable
9 attorney's fees.

10 6. On November 12, 2003, I recorded a Notice of Assessment Lien against the
11 Defendant's real property. The Plaintiff is now and at all times since has been the beneficiary and
12 holder of the assessment lien.

13 7. This action could not have been brought in small claims court because Plaintiff sought
14 foreclosure of its assessment lien. Pursuant to Code of Civil Procedure Section 1033, prior to the
15 commencement of this action, by letters dated October 9, 2003, November 12, 2003 and January 7,
16 2004, Plaintiff informed the Defendant in writing of the intended legal action and that the action would
17 result in a judgment that would include the costs and necessary disbursements requested herewith.

18 8. On April 20, 2004, a complaint to foreclose said lien was filed against Defendant.

19 9. Defendant was served with summons and complaint on April 23, 2004. She has not
20 answered the complaint. Since the date the complaint was filed, Defendant has made payments totaling
21 \$1,010.00 toward her assessment dues.

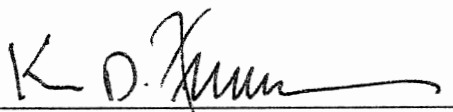
22 10. The accompanying declaration of the managing property agent sets forth accurately
23 all sums now due and owing.

24 11. The filing and service fees contained in the declaration of the managing property
25 agent are ordinary and reasonable and prescribed by Code of Civil Procedure Section 1033.5(a).

26 12. Plaintiff therefore requests a judgment against Defendant, NORMA RONCO, for the
27 sum of \$5,464.46, which sum consists of past-due assessments and late charges in the amount of
28

1 \$3,722.86, legal costs incurred by the Association in the amount of \$550.00, attorney's fees in the sum
2 of \$824.80 and costs of suit of \$366.80.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on Aug 10, 2004, at Redwood City, California.

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7 KEVIN D. FREDERICK,
8 Attorney for Plaintiff
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LAW OFFICES OF KEVIN D. FREDERICK
Kevin D. Frederick (CSB #83431)
Paul K. Lee (CSB #192812)
702 Marshall Street, Suite 620
Redwood City, California 94063-1890
Telephone: (650) 365-9800
Facsimile: (650) 365-9808

Attorneys for Plaintiff

FILED
SAN MATEO COUNTY

SEP 2 2004

Clerk of the Superior Court
By *Chantaris*
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
(LIMITED JURISDICTION)

EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION,

Plaintiff,

vs.

NORMA RONCO, et al.,

Defendants.

) Case No.: CLJ 438810

) DECLARATION OF ASSOCIATION
) PRESIDENT

) LIMITED JURISDICTION

State of California, County of San Mateo.

I, BARBARA FINNEGAN, declare as follows:

1. I am the President of the Plaintiff, EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION.

2. I am familiar with all of the books and records of the Association, including records of
payments of all homeowners' assessment dues collected by Plaintiff's management company.

3. Defendant, NORMA RONCO is the owner of 2111 Vista del Mar, San Mateo,
California. She has made insufficient payments of her homeowners' assessment dues from 2002 to the
present, leaving a balance due of \$5,464.46, which sum includes attorney's fees and costs.

1 4. On November 12, 2003, a Notice of Assessment Lien was recorded against the
2 Defendant's real property. The amount due on the recordation date was \$3,375.51 as shown in Exhibit
3 "C" to the complaint.


4 5. On April 20, 2004, a complaint to foreclose said lien was filed against Defendant. At
5 the time of filing the complaint, the total amount due totaled \$4,123.96.

6 6. Defendant was served with summons and complaint on April 23, 2004. Between the
7 date that the complaint was filed and now, Defendant has made payments toward her assessment dues
8 totaling \$1,228.00. However, there remains a balance due, as follows:

9 Assessments and interest charges.	\$ 3,722.86
10 Legal Costs Incurred by Association.....	\$ 550.00
11 Costs.....	\$ 366.80
12 Attorney's fees.....	\$ 824.80
13	
14 TOTAL DUE	\$ 5,464.46

15 7. The Covenants, Conditions and Restrictions of EDGEWATER ISLE SOUTH
16 OWNERS' ASSOCIATION provide for the payment of attorney's fees in any action instituted to collect
17 past due assessments.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed on 8/6, 2004, in San Mateo, California.

20 
21 BARBARA FINNEGAN, President
22 EDGEWATER ISLE SOUTH
23 OWNERS' ASSOCIATION
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default\edgeisleso.pres

KEVIN D. FREDERICK
PAUL K. LEE

LAW OFFICES OF
KEVIN D. FREDERICK
702 MARSHALL STREET, S
REDWOOD CITY, CALIFORNIA

October

Norma Ronco
2111 Vista del Mar
San Mateo, CA 94404

Re: Edgewater Isle South Owners'
Total Amount Due: \$2,857.22

Dear Homeowner(s):

I have been retained by your Homeowners' Association to collect past due assessments, late charges, interest and collection costs currently owed by you. Enclosed is an accounting of all sums owed by you, the Association's Assessment Collection Policy, and a copy of Civil Code Section 1366.3 that sets forth your right to dispute the assessments. Any information obtained from you will be used for the purpose of collecting this debt.

If you do not dispute this debt or any part of it within 30 days after receiving this notice, I will assume the debt to be valid. You should be aware that the 30-day period within which you may dispute the debt or request information does not automatically suspend all proceedings on this claim.

If you do not pay the total amount due within thirty days of the above date, I have been instructed to file a lien against your home. Once the lien is filed, the Association will add an additional \$425 for attorney's fees and collection costs to the sum that you owe.

Please be advised that the laws of this state and your Declaration of Covenants, Conditions and Restrictions authorize the Association to foreclose on the lien on your home in order to enforce this obligation. All attorneys' fees and costs will be included in the judgment against you.

Please do not delay. Make all payments directly to your Homeowners' Association.

Sincerely,

KEVIN D. FREDERICK

KDF:dmh
cc:Association
Tom Ronco

7572 6029 6001 7003

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Do Not Remove This Label From Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, June 2002	
See Reverse for Instructions	

EXHIBIT 2

RECORDED AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:

KEVIN D. FREDERICK, ESQ.
702 MARSHALL STREET, SUITE 620
REDWOOD CITY, CALIFORNIA 94063
(650) 365-9800

2003-321912 CONF

02:50pm 11/12/03 NH Fee: 16.00

Count of pages 3

Recorded in Official Records

County of San Mateo

Warren Slocum

Assessor-County Clerk-Recorder



* 2 0 0 3 0 3 2 1 9 1 2 A R *

NOTICE OF ASSESSMENT LIEN

Property Owner: NORMA RONCO

Property Address: 2111 Vista Del Mar, San Mateo, CA 94404

Amount of Lien: \$3,375.51

The undersigned EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION, hereby gives notice of lien arising from default in payment of assessments, late charges, interest, costs, and reasonable attorney's fees as provided in Civil Code Section 1367, and Article VI of the Declaration of Covenants, Conditions and Restrictions recorded in the office of the San Mateo County Recorder on November 27, 1985, as Document No. 85127921. This lien is a charge on the real property as commonly described above and as more particularly described in Schedule "A" attached hereto. The amount of this lien will increase monthly to include subsequent assessments, late charges, interest and costs, as provided in the above authorities.

The name and address of the trustee authorized by the Association to enforce the lien by sale is: KEVIN D. FREDERICK, ESQ., 702 Marshall Street, Suite 620, Redwood City, CA 94063. In witness whereof, the undersigned has executed these presents this 12 day of November, 2003.

A handwritten signature in black ink, appearing to read "K. D. Frederick".

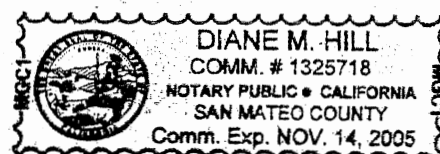
KEVIN D. FREDERICK, Attorney for
EDGEWATER ISLE SOUTH OWNERS'
ASSOCIATION

State of California)
)ss:
County of San Mateo)

On November 12, 2003, before me, DIANE M. HILL, a Notary Public, personally appeared, KEVIN D. FREDERICK, Attorney for EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION, personally known to me/proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

A handwritten signature in black ink, appearing to read "Diane M. Hill".



KEVIN D. FREDERICK
PAUL K. LEE

LAW OFFICES OF
KEVIN D. FREDERICK
702 MARSHALL STREET, S
REDWOOD CITY, CALIFORNIA 94061

November 1

Norma Ronco
2111 Vista Del Mar
San Mateo, CA 94404

Re: ASSESSMENT LIEN - Delinquent H

Dear Homeowner:

By prior correspondence, you were informed that you were in default in payment of assessments due on the above property. Despite warning, you have failed to make full payment on your account. Therefore, in accordance with the Covenants, Conditions and Restrictions of your Homeowners' Association, a Notice of Assessment Lien has been recorded against your property. I have enclosed a copy of the recorded lien.

The amount of the lien will continue to increase each and every month that you do not pay the assessments.

Please take notice that under the laws of the State of California, your Homeowners' Association is authorized to foreclose on this lien and sell your interest in your home to pay it off. I have been instructed by your Association to file an action to foreclose on this lien and have your home sold. That action will be filed within thirty days. Attorney's fees and costs in that action, estimated to be in excess of \$500.00, will be assessed against you.

You can prevent the sale of your home. I urge you to pay off these assessments immediately. Your failure to do so will only increase your cost. Make your payments directly to your Homeowners' Association. If you have any questions, please contact your Homeowners' Association directly.

Sincerely,

KEVIN D. FREDERICK

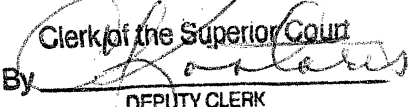
KDF:dmh

Enc.

cc:Association
Tom Ronco

7002 2030 0006 9325 3129

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Do Not Write on This Receipt)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, June 2002	
See Reverse for Instructions	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, number, and address): LAW OFFICES OF KEVIN D. FREDERICK SB #83431 KEVIN D. FREDERICK; PAUL K. LEE (SB #192812) 702 Marshall Street, Suite 620 Redwood City, CA 94063 TELEPHONE NO.: 650 365-9800 FAX NO.: 650 365-9808 ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY FILED SAN MATEO COUNTY AUG 12 2004 Clerk of the Superior Court By  DEPUTY CLERK	
Insert name of court and name of judicial district and branch court, if any: SUPERIOR COURT OF CALIFORNIA, SAN MATEO COUNTY			
PLAINTIFF: EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION, DEFENDANT: NORMA RONCO, et al.			
REQUEST FOR (Application) <input checked="" type="checkbox"/> ENTRY OF DEFAULT <input type="checkbox"/> CLERK'S JUDGMENT <input checked="" type="checkbox"/> COURT JUDGMENT		CASE NUMBER: CLJ 438810	

1. TO THE CLERK: On the complaint or cross-complaint filed
- a. on (date): April 20, 2004
- b. by (name): Plaintiff, EDGEWATER ISLE SOUTH OWNERS' ASSOCIATION
- c. ☒ Enter default of defendant (names):
 NORMA RONCO
- d. ☒ I request a court judgment under Code of Civil Procedure sections 585(b), (c), 989, etc. against defendant (names):
- (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code of Civil Procedure section 585(d).)
- e. ☐ Enter clerk's judgment
- (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
- ☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.
- (2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
- (3) ☐ for default previously entered on (date):
2. Judgment to be entered
- | | Amount | Credits acknowledged | Balance |
|------------------------------|-------------|----------------------|-------------|
| a. Demand of complaint..... | \$ 4,123.96 | \$ 1,228.00 | \$ 2,895.96 |
| b. Statement of damages * | | | |
| (1) Special | \$ 1,376.90 | \$ | \$ 1,376.90 |
| (2) General | \$ | \$ | \$ |
| c. Interest | \$ | \$ | \$ |
| d. Costs (see reverse) | \$ 366.80 | \$ | \$ 366.80 |
| e. Attorney fees | \$ 824.80 | \$ | \$ 824.80 |
| f. TOTALS | \$ 6,692.46 | \$ 1,228.00 | \$ 5,464.46 |
- g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
- (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11)

3. ☐ (Check if filed in an unlawful detainer case) LEGAL DOCUMENT ASSISTANT OR UNLAWFUL DETAINER ASSISTANT information is on the reverse (complete item 4).

Date: August 10, 2004

KEVIN D. FREDERICK

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT
USE ONLY

- (1) ☒ Default entered as requested on (date): AUG 12 2004
- (2) ☐ Default NOT entered as requested (state reason):

PEGGY THOMPSON

Clerk, by

Deputy

SHORT TITLE:

- Edgewater Isle South v. Ronco

CASE NUMBER:

CLJ 438810

4. **LEGAL DOCUMENT ASSISTANT OR UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, § 6400 et seq.)** A legal document assistant or unlawful detainer assistant ☐ did ☒ did not for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

a. Assistant's name:

b. Telephone No.:

c. Street address, city, and ZIP:

d. County of registration:

e. Registration No.:

f. Expires on (date)

Clerk of the Superior Court

5. ☒ **DECLARATION UNDER CODE OF CIVIL PROCEDURE SECTION 585.5** (Required for entry of default under Code Civ. Proc., § 585(a)) This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **DECLARATION OF MAILING (Code Civ. Proc., § 587)** A copy of this Request for Entry of Default was

a. ☐ not mailed to the following defendants whose addresses are unknown to plaintiff or plaintiff's attorney (names):

- b. ☒ mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date):

8/10/04

(2) To (specify names and addresses shown on the envelopes):

Norma Ronco
 2111 Vista del Mar
 San Mateo, CA 94404

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: August 10, 2004.

ANE M. HILL

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

7. **MEMORANDUM OF COSTS** (Required if judgment requested) Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees	\$	153.80
b. Process server's fees	\$	38.00
c. Other (specify):	\$	
d.	\$	175.00
e. TOTAL	\$	366.80

f. ☐ Costs and disbursements are waived.


- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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

Date: August 10, 2004

KEVIN D. FREDERICK

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. ☒ **DECLARATION OF NONMILITARY STATUS** (Required for a judgment) No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. Appen. § 501 et seq.).

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

Date: August 10, 2004

KEVIN D. FREDERICK

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)