

SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court

Clerk stamps date here when form is filed.
 FEB 18 2010
 John A. Clarke, Executive Officer/Clerk
 Deputy

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.

Fill in court name and street address:

Aviso al Demandando:

- . Usted es el Demandado si su nombre figura en (2) de la pagina 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la pagina 2.
- . Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuacion. Si no se presenta, puede perder el caso.
- . Si pierde el caso la corte podria 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 paginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Superior Court of California, County of Los Angeles: NORTH VALLEY DISTRICT (-19432-)
 CHATSWORTH COURTHOUSE
 9425 PENFIELD AVENUE
 CHATSWORTH, CA. 91311
 (818) 576-8586

Clerk fills in case number and case name:

Case Number:
 CHA 10W00222
 Case Name:
 MINTON, PHILLI VS CENTENO, MELIS

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	LOCATION
	03/30/2010	08:30 AM	F43	SMALL CLAIMS COURT

Date: 02/18/2010
 JOHN A. CLARKE, Executive Officer/Clerk
 By MARIA V RODRIGUEZ, Deputy

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-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- . Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 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 5 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): MINTON, PHILLIP A

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

Name: MINTON, PHILLIP A

Phone: (650) 533-3157

Street address: 20800 VERCELLI WAY
Street

PORTER RANCH CA 91326
City State Zip

Mailing address (if different):
Street

City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name:

Phone:

Street address:
Street

City State Zip

Mailing address (if different):
Street

City State Zip

Check here if more than 2 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: CENTENO, MELISSA

Phone: (818) 885-6308

Street address: 20840 VERCELLI WAY
Street

PORTER RANCH CA 91326
City State Zip

Mailing address (if different):
Street

City State Zip

If more than one Defendant, list next Defendant here:

Name:

Phone:

Street address:
Street

City State Zip

Mailing address (if different):
Street

City State Zip

Check here if more than 2 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 \$ 7500.00. (Explain below):

a. Why does the Defendant owe the Plaintiff money?

UP TO \$500 FOR EACH SEPARATE WRITTEN REQUEST FOR DOCS. CAL CIV CODE 1365.2(F) STIPULATES THE RIGHT OF HOMEOWNERS TO RECEIVE DOCUMENTS/ PROVIDES FINES FOR WITHHOLDING SAME. CORP CODE 8334 STIPULATES THE

b. When did this happen? (Date): 03 / 01 / 2009

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.)

PER CAL CIVIL CODE 1365.2(F) THE COURT HAS THE AUTHORITY TO

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): MINTON, PHILLIP A

(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). *(Civil 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. *(Civil Code, 2984.4.)*
- e. Other *(specify):*

(6) List the zip code of the place checked in (5) above *(if you know):* 91326

(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: 02/18/2010 PHILLIP A MINTON
Plaintiff types or prints name here

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 least 5 days before the trial. Contact the clerk's office for Form MC-410, *Request for Accommodations by Persons With Disabilities and Order.* *(Civil Code, 54.8.)*

Cal Civ Code 1365.2(f) & Corp Code 8334 Continued Violations.
 Enforcement via Court Order and Fines to prevent continued unreasonable access to
 Association documents.

Submitted by Phillip Minton 
 Board of Directors, Sorrento HOA—Porter Ranch Ca

California Civil Code section 1365.2(f) indicates that all homeowners of an Association have the right to inspect and copy association records. It also stipulates that a member of an Association may bring an action to enforce the member's rights to inspect or obtain documents (association records) and that if a court finds that the Association unreasonably withheld access to the association records the court shall award the member reasonable costs and expenses including reasonable attorney's fees and the court may assess a civil penalty of up to five hundred (\$500) for the denial of each separate written request. This action may be brought in small claims court.

For the better part of the last 11 months I requested several key documents related to gross abuses committed by current Board members while led by the President Melissa Centeno. In almost every case the requests for documents continued for at least five or six separate written request and all requests ending in the documents never being sent. In specific cases formal investigations have been requested to understand the degree of illegalities conducted and possible cover actions taken by President Centeno et. al. In one case a State investigator was called to investigate illegal actions committed by Board members; however, in spite of the unreasonable denial to provide the requested documentation the State investigator was able to provide a judgment indicating that the law was violated. The investigator could not however complete the full investigation as needed documentation was unreasonably withheld by Melissa in an effort to protect a vendor that she had been signing checks for.

The requested documents including the number of requests and duration (timeframe since initial request) are outlined below for further clarification:

No	DOCUMENT TYPE / SUBJECT	NUMBER OF WRITTEN REQUESTS	DURATION
1	Illegal Hiring of a Vendor	9	5 Months
2	Illegal Transfer of Reserve Funds	4	11 Months
3	Legal Opinions and Correspondence from Association Attorney	4	6 Months
4	Board Actions / Requests	5	7 Months

Corporation Code 8334 Stipulates that all Directors of the Board of Directors have an ABSOLUTE right to copy / obtain all records... of every kind... As a Board of Directors member I can not serve my role to diligently review all necessary facts when the President continuously prevents documents from being shared based upon a fear of discovery of illegal acts committed by friends, herself or others.

"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 claim up to \$7,500, including a sole proprietor. 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 "Get Ready for Court" at: www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm

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 *Application for Waiver of Court Fees and Costs* (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.courtinfo.ca.gov/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.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

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 this.)
- **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-110 (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.

CALL

M-F 8am - 4:30pm

1-800-593-8222

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