

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

JUL 15 2019

Sherri R. Carter, Executive Officer/Clerk  
By: Dezarey Rojas, Deputy

1 William Palmer, Jr.  
2 807 East 103<sup>rd</sup> Place  
3 Los Angeles, California 90002  
4 Phone: 562-215-9484

7 SUPERIOR COURT OF CALIFORNIA  
8 COUNTY OF LOS ANGELES SOUTH CENTRAL DIVISION

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BLAYLOCK HOME INVESTMENTS, LLC	)	CASE #19CMUD00820
	)	
Plaintiff,	)	<b>EXPARTE NOTICE OF MOTION AND</b>
	)	<b>MOTION TO VACATE UNLAWFUL</b>
	)	<b>DETAINER JUDGMENT PURSUANT TO</b>
	)	<b>CALIFORNIA CODE OF CIVIL</b>
vs.	)	<b>PROCEDURE §473(b) AND STAY OF</b>
	)	<b>EXECUTION OF WRIT OF POSSESSION</b>
	)	
	)	
WILLIAM J. PALMER, JR.	)	Date: July 22, 2019
	)	Dept.: A
	)	Judge: Hon. Gary Y. Tanaka
Defendants	)	

YOU ARE HEREBY NOTIFIED THAT at 8:30am on July 18, 2019 or as soon thereafter as the matter may be heard in Department A of the above-entitled court, located at 200 West Compton Blvd., Compton, California 90220. Defendant, William J. Palmer, Jr. will and hereby does move this Court for an order vacating the judgment entered May 30, 2019 judgment in the above entitled matter. This motion is made pursuant to California Code of Civil Procedure §473, and 473.5, and a STAY of

1 execution of the May 30, 2019 Writ of Possession of the property located at 807 EAST 103<sup>rd</sup> place,  
2 Los Angeles, California 90002 pursuant to California Code of Civil Procedure §1176.

3 This motion is based on this notice, memorandum of points and authorities, declaration of  
4 William J. Palmer, Jr., the minutes of this court; all relevant pleadings, papers and records in this  
5 action; and any evidence and argument presented at the hearing on this motion

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7 Respectfully submitted this 17th day of July 2019.

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10 By: William Palmer  
11 William J. Palmer, Jr.

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William Palmer, Jr.  
807 East 103<sup>rd</sup> Place  
Los Angeles, California 90002  
Phone: 562-215-9484

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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF LOS ANGELES SOUTH CENTRAL DIVISION**

BLAYLOCK HOME INVESTMENTS, LLC ) CASE #19CMUD00820  
)  
) **DECLARATION OF WILLIAM J. PALMER,**  
Plaintiff, ) **JR. IN SUPPORT OF MOTION TO**  
) **VACATE JUDGMENT PURSUANT TO CCP**  
) **§473 and 473.5 AND STAY OF EXECUTION**  
vs. ) **OF WRIT OF POSSESSION PRUSIANT TO**  
) **CCP §1176.**  
)  
)  
WILLIAM J. PALMER, JR. )  
) Date: July 22, 2019  
) Dept.: A  
) Judge: Hon. Gary Y. Tanaka  
Defendants )  
)

**DECLARATION OF WILLIAM PALMER, JR.**


I, William Palmer, Jr. declare,  
1. I, William J. Palmer, Jr. am over the age of 18 and the DEFENDANT in this matter.  
2. The foregoing matters are known to me personally and if called upon to testify as to such matters under oath in a court of law, I could and would do so competently.

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3. I reside at 807 E. 103rd Place, Los Angeles, California 90002, which is the SUBJECT PROPERTY in this matter, and in a probate matter, in case number 17SMPB09575.
4. I never received actual or constructive notice of PLAINTIFFS April 18, 2019 3-day notice to quit, of the May 8, 2019 Summons and Unlawful Detainer complaint by Blaylock Home Investments, LLC, of the Request for Entry of Default in this or a Notice of Entry of Judgment in this Unlawful Detainer Action.
5. At all times relevant to these proceedings, I went about my normal course of activities, and at NO TIME have I attempted to avoid service of documents by the Plaintiff.
6. The Los Angeles County Sherriff's June 25, 2019, five day notice to vacate, and accompanying Writ of Possession was the FIRST and ONLY notice I ever received about this action.
7. I do not know any person fitting the description of the person Plaintiff alleged they served, and in fact, I have been WITHOUT electric power since mid-April 2019, and have not entertained, or welcomed any guest to my residence for that reason.
8. Since the commencement of the Petition of Ivy Evette Johnson to administer the estate of my deceased father, William Palmer, I have been the victim of identity theft, through documents bearing my forged signature being submitted to the Probate court, and theft of mail, for which I have contacted the postal Inspector.

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

Executed this 15th day of July, 2019

  
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William Palmer, Jr.

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES SOUTH CENTRAL DIVISION**

BLAYLOCK HOME INVESTMENTS, LLC	)	CASE #19CMUD00820
	)	
Plaintiff,	)	<b>MEMORANDUM OF POINTS AND</b>
	)	<b>AUTHORITIES IN SUPPORT OF MOTION</b>
vs.	)	<b>TO VACATE JUDGMENT PURSUANT TO</b>
	)	<b>CCP §473 and 473.5 AND STAY OF</b>
	)	<b>EXECUTION OF WRIT OF POSSESSION</b>
	)	<b>PRUSIANT TO CCP §1176.</b>
	)	
	)	
WILLIAM J. PALMER, JR.	)	Date: July 22, 2019
	)	Dept.: A
	)	Judge: Hon. Gary Y. Tanaka
Defendants	)	

**MEMORANDUM OF POINTS AND AUTHORITIES**

**INTRODUCTION**

On June 26, 2019, Defendant, William J. Palmer, Jr. discovered a Five Day Notice to Vacate, dated June 25, 2019, which had been posted on the gate of his residence. After learning the meaning of this notice, he immediately obtained assistance in bringing a Motion to Vacate. Defendant FIRST attempted to bring this motion ex parte on June 28, 2019, however he had been given the wrong

1 procedure and missed the 9am cutoff for filing the motion in the 9<sup>th</sup> floor clerk's office, while he was  
2 following bailiff's (who was not the bailiff regularly assigned to that courtroom) instructions in  
3 Department 7 to take a seat and wait. After learning that his matter could NOT be heard on June 28,  
4 2019, he decided to file the motion as a NOTICED motion, and that motion was set for hearing on  
5 July 22, 2019.

6 On July 1, 2019, Mr. Palmer, AGAIN brought the ex parte motion to vacate, and this time, was  
7 able to get his matter heard. The court denied the motion without prejudice, and denied a stay of  
8 execution of the writ of possession, but advised that he was unable to provide any legal advice  
9 regarding the deficiency of his motion. The DEFENDANT then sought the assistance of an legal aid,  
10 and once he believed the deficiencies in his motion had been cured, he again brought the motion to  
11 vacate on July 15, 2019, he ALSO submitted a 170.6, NOT because he was judge shopping, but  
12 because he wished to have his case heard by a judge, and not a commissioner, as someone had  
13 suggested he consider because of the complexities of his matter.

14 At the hearing on July 15, 2019, the court denied Defendants second Motion to Vacate, and  
15 request for Stay of Execution of Writ of Possession, however after reading the MINUTE ORDER, it  
16 became apparent that the court had based their ruling on the NOTICED MOTION TO VACATE that  
17 was filed on June 28, 2019, and NOT on the Ex-Parte Motion which had been earlier that morning,  
18 July 15, 2019, that was filed in Department 7, and which was also provided to opposing counsel. This  
19 Motion to Vacate DID NOT contain the additional information which was added to cure the  
20 deficiencies of the Motion to Vacate that was heard on July 1, 2019. July 15, 2019 was not the THIRD  
21 time the Defendant had brought the motion to vacate, it was the SECOND time, and the second motion  
22 describes in detail (SEE PAGE 7, LINE 4-15) why the Motion was brought a second time, AND  
23 provided authorities (SEE PAGE 9, LINE 11-15) to support bringing multiple Motion to Vacate when  
24 circumstances warrant (SEE ATTACHED REQUERST FOR JUDICIAL NOTICE EXHIBIT D).

## 25 26 **BACKGROUND**

27 Defendant William Palmer, Jr. (hereinafter referred to as "DEFENDANT") lives at 807 East  
28 103<sup>rd</sup> Place, Los Angeles, California 90002 (hereinafter referred to as SUBJECT PROPERTY). The

1 SUBJECT PROPERTY is the DEFENDANTS childhood home, which was purchased by his mother,  
2 Vera B. Palmer (deceased in 2013), and his father, William Palmer, Sr., who died intestate on March  
3 9, 2015.

4 On June 26, 2019, DEFENDANT discovered a sheriffs Notice to Vacate posted at his residence  
5 advising him he had five days to vacate his lifelong residence. This Sherriff’s notice to vacate, the  
6 FIRST and ONLY notice the DEFENDANT has received about this Unlawful Detainer action.

7 On July 1, 2019, this Court DENIED a Motion to Vacate and request for Stay of Enforcements  
8 of the Writ of Possession without prejudice, however, the Court advised Defendant that they could not  
9 offer him any legal advice. Following the shocking denial, Defendant sought legal advice and was  
10 advised that the only reason his motion could have been properly denied, was if the court found his  
11 declaration in support of the motion lacked a statement advising the court that he had NOT at any time  
12 attempted to evade service by the Plaintiff. Defendant has corrected this deficiency, and ask the Court  
13 to ALSO consider other newly discovered information regarding potential fraud by the Plaintiff in  
14 pursuit of a quick default judgment, intentionally depriving the Defendant of notice of these  
15 proceedings.

16  
17 **I. LEGAL STANDARD**

18 California Code of Civil Procedure 473.5(b) states “The court may, upon any terms as may be  
19 just, relieve a party or his or her legal representative from a judgment, ... taken against him or her  
20 through his or her mistake, inadvertence, surprise, or excusable neglect. Upon a finding by the court  
21 that the lack of actual notice was not cause by his or her avoidance of service or inexcusable neglect,  
22 it may set aside the judgment on whatever terms s may be just and allow the party to defend the action.

23  
24 **A. RELIEF UNDER 473.5 REQUIRES A TIMELY MOTION SHOWING THAT**  
25 **DEFENDANT RECEIVED NO NOTICE OF THIS ACTION**

26 Code of Civil Procedure section 473.5, subdivision (a) provides: “When service of a summons  
27 has not resulted in actual notice to a party in time to defend the action and a default or default judgment  
28 has been entered against him or her in the action, he or she may serve and file a notice of motion to set

1 aside the default or default judgment and for leave to defend the action. The notice of motion shall be  
2 served and filed within a reasonable time, but in no event exceeding the earlier of: (i) two years after  
3 entry of a default judgment against him or her; or (ii) 180 days after service on him or her of a written  
4 notice that the default or default judgment has been entered.” (Undesignated statutory section  
5 references that follow are to the Code of Civil Procedure.

6 The United States Supreme Court has ruled that in a case where there has not been a real contest  
7 in the trial or hearing of the case the Court should vacate any judgment entered. In this case, William  
8 J. Palmer, Jr. was never made aware of these proceedings. “[T]he purpose of the service statutes is to  
9 assure that due process is satisfied”. *American Express Centurion Bank v. Zara, 199 Cal. App. 4th*  
10 *383 (Cal. App. 6th Dist. Sept. 20, 2011)*. William J. Palmer, Jr. was never served any notice in this  
11 matter and has not been given a chance to defend the claim of right to possession by BLAYLOCK  
12 HOME INVESTMENTS, LLC.

13 “A trial court has an inherent equity power under which, apart from statutory authority, it may  
14 grant relief from a judgment obtained through extrinsic fraud or mistake. These terms are given a very  
15 broad meaning which tends to encompass all circumstances that deprive an adversary of fair notice of  
16 hearing whether or not those circumstances would qualify as fraudulent or mistaken in the strict sense.  
17 (*Bennett v. Hibernia Bank, (1956) 47 Cal.2d 540, 558, See also Carroll v. Abbott Laboratories*  
18 *(1982) 32 Cal. 3d 892, 901-902.*) For this reason, the court should exercise its authority to set aside  
19 the aforementioned judgments.

20  
21 **B. RELIEF UNDER 473.5 REQUIRES DEFENDANT SHOW THAT HE DID NOT**  
22 **AVOID SERVICE OF PROCESS**

23 [A] party can make a motion showing a lack of actual notice not caused by avoidance of service  
24 or inexcusable neglect, but such motion must be made no later than two years after entry of judgment,  
25 and the party must act with diligence upon learning of the judgment. (§ 473.5; see *Younger & Bradley,*  
26 *Cal. Motions (2009–2010 ed.) § 26:30, p. 766*. In this case, the Defendant received the Sheriff's notice  
27 on June 26, 2019, he showed diligence in FIRST attempting to make his Motion to Vacate on June 28,  
28



1 2019, and successfully made his motion on July 1, 2019. The Defendant operated with lightning speed  
2 to respond to this matter as SOON as it was brought to his attention.

3 On a hearing on a motion to set aside default and default judgments under Code Civ. Proc., §  
4 473.5, on the ground of lack of actual notice, defendants met their burden of proof where .... their  
5 supporting declarations [show] that if service of summons and complaint was made on defendants, it  
6 did not result in actual notice of the action to them in time to defend, and where their motion was made  
7 within the period of time specified by Code Civ. Proc., § 473.5, subd. (a), and defendants' lack of  
8 notice was not caused by avoidance of service or inexcusable neglect. (*Goya v. P.E.R.U. Enterprises,*  
9 *87 Cal. App. 3d 886, 151 Cal. Rptr. 258, 1978 Cal. App. LEXIS 2240, 87 Cal. App. 3d 886, 151 Cal.*  
10 *Rptr. 258, 1978 Cal. App. LEXIS 2240)*

11 In response to the Courts denial of the Motion to Vacate and Stay of Enforcement without  
12 prejudice, Defendant again bring this Motion to Vacate and Stay Execution of the Writ of Possession,  
13 as was allowed by Deutsche vs Pyle (*Deutsche Bank National Trust Co. v. Pyle, 13 Cal. App. 5th*  
14 *513, 220 Cal. Rptr. 3d 691, 2017 Cal. App. LEXIS 618, 13 Cal. App. 5th 513, 220 Cal. Rptr. 3d 691,*  
15 *2017 Cal. App. LEXIS 618).*

16 A motion under CCP § 473, “does not require a showing that plaintiff did anything improper.  
17 ... [T]he defaulting defendant simply asserts that he or she did not have actual notice ... .”]; (*Dill v.*  
18 *Berquist Construction Co. (1994) 24 Cal.App.4th 1426, 1444 [29 Cal. Rptr. 2d 746] (Dill).)*  
19 (*Trackman v. Kenney, 187 Cal. App. 4th 175, 114 Cal. Rptr. 3d 619, 2010 Cal. App. LEXIS 1366,*  
20 *187 Cal. App. 4th 175, 114 Cal. Rptr. 3d 619, 2010 Cal. App. LEXIS 1366).*

21 It was held in *Benjamin v. Dalmo Mfg. Co., supra, 31 Cal. 2d 523, 531*, that, on a motion  
22 made under section 473, the movant must show that relief was sought within a "reasonable time," In  
23 the previous hearing on July 1, 2019, Plaintiffs filed no counter affidavit disputing the Defendants lack  
24 of receipt of service, nor alleging he avoided service, they also made no oral arguments to this affect.  
25 "where 'the plaintiff files no counter affidavit and makes no showing that he has suffered any prejudice  
26 or that injustice will result from the trial of the case upon its merits, very slight evidence will be  
27 required to justify a court in setting aside the default'. (*See Wattson v. Dillon, 6 Cal. 2d 33, 42 [56*  
28 *P.2d 220].)*

1 The Defendant in this matter is seeking to vacate the default judgment. While the Defendant  
2 PROPERLY questions the validity of Plaintiffs Proof of Service, because Defendant lives alone, and  
3 was not visited by any person fitting the description of the person Plaintiffs allegedly served, or by  
4 ANY PERSON during that time period, because the Defendant is currently living without any electric  
5 power, this showing is NOT require under the statute which Defendant seeks relief. A trial on the  
6 MERITS is the proper venue to address these questions of fact, and this due process can ONLY be  
7 afforded to Defendant if the Court exercises its authority to vacate the judgment.

8  
9 **C. RELIEF UNDER 473.5 REQUIRES DEFENDANT TO SUBMIT A RESPONSIVE**  
10 **PLEADING DEMONSTRING OF A MERITOUS DEFENSE**

11 Defendant has submitted a Demurrer, as responsive pleading as required by statute, in order to  
12 meet the requirement that a responsive pleading be submitted with a motion to vacate.

13 Courts may grant injunctive relief if the exigencies of the situation would seem to so require.  
14 *Bank of Italy v. Cadenasso, 206 Cal. 436 (Cal. 1929)*. In this case, the PLAINTIFFS own documents  
15 appear to show that they failed to make an effort to follow the procedure which is MANDATORY in  
16 order for them to be entitled to possession, in a faulty proof of service of a three day notice to quit  
17 which does not bear the name of the person who served it. Further, DEFENDANT has presented  
18 evidence, which indicates that the Plaintiff is not only party to a conspiracy to steal plaintiffs residence,  
19 but that the judgment upon which they relied to seek possession is in fact void on it's face.

20 [A] void judgment in the chain of title has the effect of nullifying a subsequent transfer, including  
21 a transfer to a purported bona fide purchaser.” (*OC Interior Services, LLC v. Nationstar Mortgage,*  
22 *LLC (2017) 7 Cal.App.5th 1318 [213 Cal. Rptr. 3d 395]*). In this case, PETITIONER seeks to set  
23 aside a void judgment, and stay the execution of the Writ of Possession of the alleged bona fide  
24 purchaser, because the alleged bona fide purchaser obtained their claim to right of possession of the  
25 property through a void judgment, which is now a nullity.

26 **Blaylock Home Investments, LLC claim to title is based on a void judgment of the**  
27 **Probate court because Ivy Evette Johnson MISREPRESENTED her identity (SEE ATTACHED**  
28 **REQUEST FOR JUDICIAL NOTICE EXHIBIT A, B AND C) to the Probate Court in order to**

1 obtain distribution of assets, the Defendants RESIDENT in which she had NO ENTITLEMENT,  
2 AND presented FORGED documents to the court claiming that the Defendant in this matter  
3 had given up his interest in the estate of his father, William Palmer, AND providing false proof  
4 of services to the Probate court SIGNED BY THE SAME DECLARANT, CESAR MONTANO,  
5 who verified the complaint for Blaylock Home Investments, LLC in THIS Unlawful Detainer  
6 action (See attached Exhibit 1).

7 The Courts are clear, “a void judgment in the chain of title has the effect of nullifying a  
8 subsequent transfer, including a transfer to a purported bona fide purchaser.” (OC Interior, at p. 1335).  
9 If this court doubts the facts presented which point to the void nature of the Probate orders in which  
10 the Plaintiff relies, at the very LEAST, the court should vacate the default judgment, and allow the  
11 Defendant to present further evidence that supports fraud.

12 It is the policy of the law to favor, wherever possible, a hearing on the merits, ... the policy of  
13 the law is to have every litigated case tried upon its merits, and it looks with disfavor upon a party,  
14 who, regardless of the merits of the case, attempts to take advantage of the mistake, surprise,  
15 inadvertence, or neglect of his adversary. (*Freeman v. Goldberg*, 55 Cal. 2d 622, 625 [12 Cal. Rptr.  
16 668, 361 P.2d 244]; *Waybright v. Anderson*, 200 Cal. 374, 377 [253 P. 148]; *Berri v. Rogero*, 168  
17 Cal. 736, 740 [145 P. 95]; *Crane v. Kampe*, 225 Cal. App. 2d 200, 204-205 [37 Cal. Rptr. 220]; *Stout*  
18 *v. Bakker*, 212 Cal. App. 2d 78, 82-83 [27 Cal. Rptr. 661]; see *Benjamin v. Dalmo Mfg. Co.*, 31 Cal.  
19 2d 523, 525 [190 P.2d 593].).

20  
21 **PRAYER FOR RELIEF**

22 Based on the foregoing, William Palmer, Jr. ask the Court to GRANT this Motion to Vacate  
23 the May 30, 2019 judgment pursuant to California Code of Civil Procedure §473.5, and to quash the  
24 Writ of Possession, also dated May 30, 2019, and accept the attached Demurrer Unlawful Detainer  
25 complaint, allowing him to defend against this action, AND/OR

26 That the court will order a STAY of execution of the Writ of Possession dated May 30, 2019,  
27 pursuant to Code of Civil Procedure section 918 directed to the Sheriff of Los Angeles County, and to  
28

1 any persons acting on their behalf until the Probate Court has ruled on the validity of the Administrator  
2 powers of the original seller of the Property, Ivy Evette Johnson. (SEE ATTACHED EXHIBIT 2).

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4 Date: July 15, 2019

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William Palmer, Jr. Defendant in Pro Per

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# **EXHIBIT 1**

**19CMUD00820**

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title, firm name and address) IVY EVETTE JOHNSON 907 EAST 103RD PLACE LOS ANGELES, CA 90002 TELEPHONE NO. 323-802-3277 FAX NO. (optional) (MAIL ADDRESS IF DIFFERENT) ATTORNEY/ PARTY (Type) SELF-REPRESENTED		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles DEC 05 2018 Sherif R. Larios, <i>Sherif R. Larios</i> (Signature) By <i>Tanya Chien</i> , Deputy Tanya Chien
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS 111 NORTH HILL STREET MAILING ADDRESS SAME AS ABOVE CITY AND ZIP CODE LOS ANGELES, CA 90012 BRANCH/COURT CENTRAL		
<input type="checkbox"/> IN THE STATE OF (Name) <input type="checkbox"/> IN THE MATTER OF (Name) WILLIAM PALMER		CASE NUMBER 17STPB09575
<input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER NOTICE OF HEARING - DECEDENT'S ESTATE OR TRUST		

This notice is required by law.  
 This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name): IVY EVETTE JOHNSON  
 (representative capacity, if any): PETITIONER AND ADMINISTRATOR OF THE ESTATE OF  
 WILLIAM PALMER  
 has filed (specify) a:  
 PETITION FOR FINAL DISTRIBUTION AND WAIVER OF ACCOUNT

- 2. You may refer to the filed documents for more information. (Some documents filed with the court are confidential.)
- 3. A HEARING on the matter will be held as follows:

a. Date: 12/11/2018	Time: 8:30 A.M.	Dept: 4	Room:
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b. Address of court:  (shown above)  is (specify):

Accommodations by Persons With Disabilities and Order (form MC-410) (Civil Code section 54 B 1)  
 Accessible viewing systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Order (form MC-410) (Civil Code section 54 B 1)

\*Do not use this form to give notice of a petition to administer estate (see Prob. Code, § 8100 and form DE-123) or notice of a hearing in a guardianship or conservatorship (see Prob. Code §§ 1511 and 1822 and forms GC-050)

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<input checked="" type="checkbox"/> ESTATE OF (Name) <input type="checkbox"/> IN THE MATTER OF (Name) WILLIAM PALMER	CASE NUMBER 17STPB09575
<input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	

CLERK'S CERTIFICATE OF POSTING

- I certify that I am not a party to this cause.
- A copy of the foregoing Notice of Hearing-Decedent's Estate or Trust
  - was posted at (address):
  - was posted on (date):

Date: \_\_\_\_\_ Clerk by \_\_\_\_\_ Deputy

PROOF OF SERVICE BY MAIL\*

- I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
- My residence or business address is (specify):
- I served the foregoing Notice of Hearing-Decedent's Estate or Trust on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - depositing the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
  - placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date mailed: 11/19/18 b. Place mailed (city, state): LOS ANGELES, CALIFORNIA

- I served with the Notice of Hearing-Decedent's Estate or Trust a copy of the petition or other document referred to in the Notice.

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

Date: 11/19/18  
Cesar Montano  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	Name of person served	Address (number, street, city, state, and zip code)
1.	IVY LUCILLE ALLEN	5620 CLEMSON STREET, LOS ANGELES, CA 90016
2.	WILLIAM PALMER JR.	807 EAST 103RD PLACE, LOS ANGELES, CA 90002
3.	ANTHIA RENEA ALLEN	2084 W CENTURY BLVD, LOS ANGELES, CA 90047
4.	LAVETTE MONIQUE MCCRARY	803 1/2 W 92ND STREET, LOS ANGELES, CA 90044

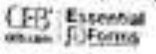
Continued on an attachment. (You may use Attachment to Notice of Hearing Proof of Service by Mail, form DE-120(MM),JRC-02(MM), for this purpose.)

\*Do not use this form for proof of personal service. You may use form DE-120(P) to prove personal service of this Notice.

DE-120 (Rev. July 1, 2004)

NOTICE OF HEARING - DECEDENT'S ESTATE OR TRUST  
(Probate - Decedent's Estates)

Page 2 of 2



JOHNSON, IVY EVETTE

1 William Palmer, Jr.  
2 807 East 103<sup>rd</sup> Place  
3 Los Angeles, California 90002  
4 Phone: 562-215-9484

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7 **SUPERIOR COURT OF CALIFORNIA**  
8 **COUNTY OF LOS ANGELES SOUTH CENTRAL DIVISION**  
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11 BLAYLOCK HOME INVESTMENTS, LLC )  
12 ) CASE #19CMUD00820  
13 Plaintiff, )  
14 ) **REQUEST FOR JUDICIAL NOTICE**  
15 vs. )  
16 )  
17 WILLIAM J. PALMER, JR. )  
18 ) Date: July 18, 2019  
19 Defendants )  
20 )  
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22 **TO THIS HONORABLE COURT**

23 Petitioner, William J. Palmer, Jr., hereby request, pursuant to California Evidence Code  
24 § 452(c), 452(d)(1) and 453, that the court take judicial notice of the following public records, **IVY**  
25 **EVETTE ALLEN CERTIFICATE OF LIVE BIRTH (aka Ivy Evette Johnson)**, attached hereto  
26 as **EXHIBIT A**. and **WILLIAM J. PALMER, JR. CERTIFICATE OF LIVE BIRTH** attached  
27 hereto as **EXHIBIT B**, and Supplement to the Petition to Administer the estate of William Palmer,  
28

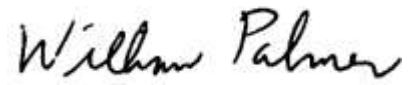


1 wherein she represents herself as the DAUGHTER of William Palmer, attached hereto as **EXHIBIT**  
2 **C**, but the attached birth certificate demonstrates she is NOT, and the ORDER of the Superior Court  
3 of California, County of Los Angeles Probate Division which restricts any transfers, which would  
4 include possession, of the property located at 807 EAST 103<sup>rd</sup> PLACE, LOS ANGELES,  
5 CALIFORNIA 90002, attached hereto as EXHIBIT D.

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8 The parentage indicated on a certified copy of a person’s birth certificate accuracy “cannot  
9 reasonably be questioned.” Fed. R. Evid. 201(b). The documents attached hereto as EXHIBIT A  
10 AND B are the proper subject of judicial notice as “[o]fficial acts of the legislative, executive, and  
11 judicial departments of .... any state of the United States and because it is “*not reasonably subject to*  
12 *dispute and are capable of immediate and accurate determination by resort to sources of reasonably*  
13 *indisputable accuracy*”. The documents attached hereto as EXHIBIT C AND D are the proper subject  
14 of judicial notice as “[r]ecords of any court of this state”.

15 For the foregoing reasons, William J. Palmer, Jr. respectfully requests that this court take  
16 judicial notice of the attached record because judicial notice is appropriate as it will aid in this court’s  
17 disposition of the issues raised in the pending Motion to Vacate Probate orders..

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19 Date: July 15, 2019

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22 William J. Palmer, Jr.

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# **EXHIBIT A**

**19CMUD00820**

STATE OF CALIFORNIA  
CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES  
REGISTRAR-RECORDER/COUNTY CLERK

Filed JUN 11 1965 RAY E. LEE, COUNTY RECORDER

STATE FILE NUMBER  
**CERTIFICATE OF LIVE BIRTH**  
 STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH  
 LOCAL REGISTRATION DISTRICT AND 7097  
 CERTIFICATE NUMBER **040971**

THIS CHILD	1a. NAME OF CHILD—FIRST NAME <b>Ivy</b>		1b. MIDDLE NAME <b>Yvette</b>		1c. LAST NAME <b>Allen</b>		231
	2. SEX <b>Female</b>	3a. THIS BIRTH SINGLE TWIN OR TRIPLET? <b>Single</b>		3b. IF TWIN OR TRIPLET, THIS CHILD BORN 1ST, 2ND, 3RD?		4a. DATE OF BIRTH—MONTH DAY YEAR <b>May 15, 1965</b>	
PLACE OF BIRTH	5a. PLACE OF BIRTH—NAME OF HOSPITAL <b>Los Angeles County Harbor General Hospital</b>			5b. STREET ADDRESS (GIVE STREET OR RURAL ADDRESS OR LOCATION DO NOT USE P. O. BOX NUMBERS) <b>1000 West Carson Street</b>			
	5c. CITY OR TOWN <b>Torrence</b>			5d. COUNTY <b>Los Angeles</b>			
MOTHER OF CHILD	6a. MAIDEN NAME OF MOTHER—FIRST NAME <b>Vera</b>		6b. MIDDLE NAME <b>Bea</b>		6c. LAST NAME <b>Adams</b>		7. COLOR OR RACE OF MOTHER <b>Negro</b>
	8. AGE OF MOTHER (AT TIME OF THIS BIRTH) <b>19</b> YEARS		9. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>California</b>		10. MAILING ADDRESS OF MOTHER—(GIVE FULL ADDRESS IF OTHER THAN HOME RESIDENCE—GIVE DESCRIPTION OF BIRTH PLACE)		
USUAL RESIDENCE OF MOTHER (WHERE BIRTH MOTHER LIVES)	11a. USUAL RESIDENCE OF MOTHER—STREET ADDRESS (GIVE FULL ADDRESS IF OTHER THAN HOME RESIDENCE) <b>1335 Wesley Drive</b>			11b. IF INSIDE CORPORATE LIMITS CHECK ONE: <input checked="" type="checkbox"/> CHECK HERE		IF OUTSIDE CITY CORPORATE LIMITS CHECK ONE: <input type="checkbox"/> ON A FARM <input type="checkbox"/> NOT ON A FARM	
	11c. CITY OR TOWN <b>Long Beach</b>			11d. COUNTY <b>Los Angeles</b>		11e. STATE <b>California</b>	
FATHER OF CHILD	12a. NAME OF FATHER—FIRST NAME <b>Wallace</b>		12b. MIDDLE NAME <b>Ray</b>		12c. LAST NAME <b>Allen</b>		13. COLOR OR RACE OF FATHER <b>Negro</b>
	14. AGE OF FATHER (AT TIME OF THIS BIRTH) <b>19</b> YEARS		15. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>California</b>		16a. PRESENT OR LAST OCCUPATION <b>Maintenance Man</b>		16b. KIND OF INDUSTRY OR BUSINESS <b>Private Hospital</b>
INFORMANT'S CERTIFICATION	17a. I HAVE REVIEWED THE ABOVE STATED INFORMATION AND HEREBY CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			17b. NAME OF OTHER INFORMANT—(SIGNATURE AND ADDRESS) <i>Miss B. Allen</i>		17c. SIGNED BY INFORMANT <b>May 16, 1965</b>	
ATTENDANT'S CERTIFICATION	18a. I HEREBY CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED ABOVE.			18b. PHYSICIAN (— NAME AND ADDRESS) <i>Garard R. Fredrick, M.D.</i>		18c. ADDRESS OF HOSPITAL <b>Harbor General Hospital Torrence, California</b>	
REGISTRAR'S CERTIFICATION	19. DATE ON WHICH NAME ADDED BY SUPPLEMENTAL NAME REPORT			20. LOCAL REGISTRAR—SIGNATURE <i>K.W. Rutherford M.R.</i>		21. DATE RECEIVED BY LOCAL REGISTRAR <b>MAY 19 1965</b>	

This is to certify that this document is a true copy of the official record filed with the Registrar-Recorder/County Clerk.

*Dean C. Logan*  
 DEAN C. LOGAN  
 Registrar-Recorder/County Clerk

JUN 14 2019



This copy is not valid unless prepared on an engraved border displaying the seal and signature of the Registrar-Recorder/County Clerk.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



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# **EXHIBIT B**

**19CMUD00820**

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STATE OF CALIFORNIA  
CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES  
REGISTRAR-RECORDER/COUNTY CLERK

CERTIFICATE OF LIVE BIRTH  
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH

7097-067960

STATE BIRTH CERTIFICATE NUMBER				LOCAL REGISTRATION DISTRICT AND CLERK'S OFFICE NUMBER	
1a. NAME OF CHILD—FIRST NAME	1b. MIDDLE NAME	1c. LAST NAME			
William	J.	Palmer, Jr.			
2. SEX	3a. THIS BIRTH SINGLE, TWIN OR TRIPLET?	3b. IF TWIN OR TRIPLET, THIS CHILD RANK IS: THIS YEAR?	4a. DATE OF BIRTH—MONTH DAY YEAR	4b. HOUR	
Male	Single		July 27, 1969	3:00 P.	
5a. PLACE OF BIRTH—NAME OF HOSPITAL		5b. STREET ADDRESS—STREET AND NUMBER OR LOCATION		5c. HONORARY CITY CERTIFICATE (LIST CITY, STATE, CITY OR DISTRICT)	
Los Angeles County - USC Medical Center		1200 North State Street		Yes	
5d. CITY OR TOWN		5e. COUNTY			
Los Angeles		Los Angeles County			
6a. MAIDEN NAME OF MOTHER—(MARRIAGE NAME)		6b. MIDDLE NAME	6c. LAST NAME (MARRIAGE NAME)	7. BIRTHPLACE—STATE OR FOREIGN COUNTRY	
Yera			Adams	California	
8. AGE OF MOTHER (AT TIME OF THIS BIRTH)—YEARS		9. COLOR OR RACE OF MOTHER	10a. RESIDENCE OF MOTHER—STREET ADDRESS (INCLUDE APARTMENT NUMBER OR PREFIX)	10b. RESIDE CITY CORPORATE LIMITS (CHECK YES OR NO)	
23		Negro	807 East 103rd Place	Yes	
10c. RESIDENCE OF MOTHER—CITY OR TOWN		10d. RESIDENCE OF MOTHER—COUNTY	10e. RESIDENCE OF MOTHER—STATE		
Los Angeles		Los Angeles	California		
11a. NAME OF FATHER—FIRST NAME		11b. MIDDLE NAME	11c. LAST NAME	12. BIRTHPLACE—STATE OR FOREIGN COUNTRY	
William		J.	Palmer	Louisiana	
13. AGE OF FATHER (AT TIME OF THIS BIRTH)—YEARS		14. COLOR OR RACE OF FATHER	15a. PRESENT OR LAST OCCUPATION	15b. KIND OF INDUSTRY OR BUSINESS	
26		Negro	Machine Operator	Roofing Company	
16a. PARENT OR OTHER INFORMANT—SIGNATURE (IF OTHER THAN PARENT, SPECIFY)		16b. DATE RECEIVED AND WITNESSED BY INFORMANT			
<i>Case Palmer</i>		July 28, 1969			
17a. PHYSICIAN (OR OTHER PERSON WHO ATTENDED THIS BIRTH): SIGNATURE—DEGREE OR TITLE		17b. DATE ISSUED BY PHYSICIAN OR OTHER OFFICIAL			
<i>D. Simmons, M.D.</i>		July 27, 1969			
17c. ADDRESS		17d. PHYSICIAN'S CALIFORNIA LICENSE NUMBER			
1200 North State Street, LA					
18. LOCAL REGISTRAR—SIGNATURE		19. DATE			
<i>Richard [illegible]</i>		AUG 7 1969			

This is to certify that this document is a true copy of the official record filed with the Registrar-Recorder/County Clerk.

*Dean C. Logan*  
DEAN C. LOGAN  
Registrar-Recorder/County Clerk

JUL 03 2019



This copy is not valid unless prepared on an engraved border displaying the seal and signature of the Registrar-Recorder/County Clerk.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



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# **EXHIBIT C**

19CMUD00820



1 IVY EVETTE JOHNSON  
2 807 EAST 103<sup>RD</sup> PLACE,  
3 LOS ANGELES, CA 90002  
4 Self -Represented

**FILED**  
Superior Court of California  
County of Los Angeles  
DEC 04 2017  
Sherri R. Carter, Executive Officer/Clerk of Court  
By Shawn Abraham, Deputy

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
7 **IN AND FOR THE COUNTY OF LOS ANGELES**

9 10 In Re Estate of WILLIAM PALMER, 11 12 Decedent.	CASE NUMBER: 17STPB09575  11 <b>SUPPLEMENT TO PETITION FOR</b> 12 <b>LETTERS OF ADMINISTRATION</b>  14 DATE: 11/27/2017 15 TIME: 8:30 A.M. 16 DEPT.: 57
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17  
18 Per Judge request, Petitioner, IVY EVETTE JOHNSON hereby submits the following  
19 Supplement to the Petition for Letters of Administration. Attached is the updated serve list.

20  
21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct. Executed this 28<sup>th</sup> day of November, 2017 in Los Angeles,  
23 California

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26 IVY EVETTE JOHNSON, Petitioner

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ATTACHMENT 8

NAME & ADDRESS	AGE	RELATIONSHIP
IVY EVETTE JOHNSON 807 EAST 103 <sup>RD</sup> PLACE LOS ANGELES, CA 90002	ADULT	DAUGHTER
WILLIAM PALMER JR 807 EAST 103 <sup>RD</sup> PLACE LOS ANGELES, CA 90002	ADULT	SON
ANTHIA RENEA ALLEN 2064 West Century Blvd LOS ANGELES, CA 90047	ADULT	DAUGHTER
IVY LUCILLE ALLEN 5620 Clemson Street, LOS ANGELES, CA 90016	ADULT	DAUGHTER
LAVETTE MONIQUE MCCRARY 803 ½ West 92 <sup>nd</sup> Street, Los Angeles, CA 90044	ADULT	DAUGHTER



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# **EXHIBIT D**

**19CMUD00820**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Probate Division  
Stanley Mosk Dept. - 4**

17STPB09575

In re: Palmer, William - Decedent

**July 16, 2019  
8:30 AM**

Honorable Brenda J. Penny, Judge

Andrea Avalos, Judicial Assistant  
Joseph Pereyra, Court Services Assistant

Lisa Luna (#10229), Court Reporter

---

**NATURE OF PROCEEDINGS:** Ex Parte - Application filed on June 4, 2019 by William Palmer, Jr.

The following parties are present for the aforementioned proceeding:

William Palmer, Interested Party

The matter is called for hearing.

The Court finds that additional evidence by supplemental declaration or additional documentation is required to grant the matter on calendar this date based upon the reading of the moving papers and consideration of all presented evidence.

The Ex Parte - Application filed by William Palmer, Jr on June 4, 2019 is continued to Tuesday, August 20, 2019 at 8:30 AM in this department.

The Court finds the real property is not to be sold, hypothecated, transferred, or otherwise disposed of without further Court order.

The Court finds the Surety Company is to determine who the proper parties are to receive the assets, if the appropriate party was appointed as the personal representative, and if the real property is still in the possession of the personal representative.

The Court orders counsel from the Surety Company to appear in Court on the continued hearing date.

The Court orders the Clerk to give notice to the Surety Company.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Probate Division  
Stanley Mosk Dept. - 4**

**17STPB09575**

**In re: Palmer, William - Decedent**

**July 16, 2019**

**8:30 AM**

**CLERK'S CERTIFICATE OF MAILING/  
NOTICE OF ENTRY OF ORDER**

I, SHERRI R. CARTER, Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of the above minute order of July 16, 2019 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States Mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: July 16, 2019

By: /s/ Andrea Avalos

Andrea Avalos, Deputy Clerk

SureTec Insurance Company  
3131 Camino del Rio N., Ste. 1450  
San Diego, CA 92108