

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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6  
7 SUPERIOR COURT OF CALIFORNIA  
8 COUNTY OF LOS ANGELES  
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11 Estate of: ) CASE # 17STPB09575  
12 )  
13 WILLIAM J. PALMER aka WILLIAM ) EX-PARTE NOTICE OF MOTION AND  
PALMER ) MOTION TO VACATE ORDERS DATED  
14 ) NOVEMVEMBER 27, 2017, AND  
IVY EVETTE JOHNSON ) JANUARY 22, 2019 PURSUANT TO  
15 ) CALIFORNIA CODE OF CIVIL  
Petitioner, ) PROCEDURE §473(d)  
16 )  
17 vs. ) Date: \_\_\_\_\_ Time: 8:30am  
18 WILLIAM PALMER, JR. ) Room: 4  
Judge: Hon. Brenda J. Penny  
19 Respondent )  
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22 YOU ARE HEREBY NOTIFIED THAT at 8:30am on \_\_\_\_\_, or as  
23 soon thereafter as the matter may be heard in Department 4, of the above-entitled court, located at  
24 111 North Hill Street, Los Angeles, California 90012, William Palmer, Jr., will and hereby does  
25 move this Court for an order vacating the November 27, 2017 and January 22, 2019 orders pursuant  
26 to California Code of Civil Procedure §473(d).  
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This motion is based on this notice, memorandum of points and authorities, declaration of William Palmer, Jr., the minutes of this court; all relevant pleadings, papers and records in this action; and any evidence and argument presented at the hearing on this motion.

Respectfully submitted this \_\_\_\_\_ day of May, 2019

By: \_\_\_\_\_

William Palmer, Jr.

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## MEMORANDUM OF POINTS AND AUTHORITIES

### FACTS OF THIS CASE

William J. Palmer married Vera B. Palmer in 1968 and they purchased the real property located at 807 East 103<sup>rd</sup> Place, Los Angeles, California 90012. Vera B and William J. Palmer Sr. purchased the property as “Joint tenants in common”. Eventually, William and Vera divorced in, but the divorce did not provide for division of, or sell of the property located at 807 East 103<sup>rd</sup> Place, Los Angeles, California 90002 (hereinafter referred to as **SUBJECT PROPERTY**), and as such, the **SUBJECT PROPERTY** continued to be held in joint tenancy by William J. Palmer, and Vera B. Palmer, until Vera B. Palmer died in 2013.

In accordance with California Probate Code §5042(a)..... *a joint tenancy between the decedent and the decedent’s former spouse, created before or during the marriage ....., is severed as to the decedent’s interest* the interest of Vera B. Palmer in the **SUBJECT PROPERTY** was severed, and William J. Palmer because the sole owner of the Property. Through right of succession, the property naturally transferred to William Palmer Sr. upon Vera B. Palmer's death in 2013. Thereafter transferring to William Palmer Jr. (only son) upon William Palmer Sr.’s death.

William J. Palmer died intestate on March 8, 2015 intestate, he was unmarried at the time of his death. Pursuant to California Probate Code, William J. Palmer, Jr. the ONLY child of William J. Palmer is entitled to inheritance, upon the death of William Palmer Sr. Vera Palmer had one son, William Palmer, Jr., and four daughters, (one deceased). The four daughters were NOT the natural or adopted children of William J. Palmer, Sr., these are estranged half-sisters William Palmer Jr.

On October 24, 2017, Ivy Evette Johnson (herein referred to as Probate Petitioner) petitioned the court, Inc. for an order, granting her rights as Administrator of the estate of William Palmer, Sr. who died intestate on March 8, 2015, in Centerville, Mississippi.

On October 24, 2017, Ivy Evette Johnson petitioned the court for an order naming her the administrator of the estate of William J Palmer, Sr. In her Petition, signed under penalty of perjury, Petitioner states she is a “nominee of a person entitled to letters”.

1 The Petitioner included in her petition bond waivers allegedly signed by heirs of the  
2 decedent, as well as IRREVOCABLE ASSIGNMENT OF ENTIRE BENEFICIAL INTEREST IN  
3 DECEDENTS ESTATE DECLINATION AND NOMINATION WAIVER OF DISCLAIMER  
4 RIGHTS, BOND NOTICE AND ACCOUNTING.

5 On November 27, 2017, the Court held a hearing, and after trial, granted Petitioner, Ivy  
6 Evette Johnson's petition to administer the estate of William J. Palmer, Sr, and Letters of  
7 Administration were issued shortly thereafter.

8 On or about September 4, 2018, Petitioner, Ivy Evette Johnson filed Waivers of final  
9 Account in this matter, and on January 22, 2019, the court ordered that 100% of the interest in the  
10 **SUBJECT PROPERTY**, as well as all other assets of the Decedent, be distributed to Petitioner, Ivy  
11 Evette Johnson.

12 On or about May 1, 2019, William J. Palmer, Jr. discovered that the locks had been changed  
13 on the **SUBJECT PROPERTY**, at which time he sought the assistance of a trusted friend who  
14 assisted him in regaining possession of the property, and in filing a report with the Los Angeles  
15 Police Department alerting them, that Blalock Home Investments, LLC, an entity foreign to him,  
16 claimed to be new owners of the **SUBJECT PROPERTY**.

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18 **LEGAL STANDARD**

19 California Code of Civil Procedure 473.5(b) states "The court may, upon any terms as may  
20 be just, relieve a party or his or her legal representative from a judgment, dismissal, order or other  
21 proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable  
22 neglect. It further allows a motion to vacate a judgment to be filed to obtain relief from a judgment  
23 "When service of a summons has not resulted in actual notice to a party in time to defend the action.

24 Upon a finding by the court that the lack of actual notice was not cause by his or her  
25 avoidance of service or inexcusable neglect, it may set aside the judgment on whatever terms s may  
26 be just and allow the party to defend the action.

1           **A. THIS MOTION SHOULD BE GRANTED BECAUSE THE AFOREMENTIONED**  
2           **ORDERES WERE OBTAINED THROUGH FRAUD**

3           The United States Supreme Court has ruled that in a case where there has not been a real  
4 contest in the trial or hearing of the case the Court should vacate any judgment entered. In this case,  
5 William J. Palmer, Jr. was never made aware of these proceedings.

6           , “[T]he purpose of the service statutes is to assure that due process is satisfied” *American*  
7 *Express Centurion Bank v. Zara, 199 Cal. App. 4th 383 (Cal. App. 6th Dist. Sept. 20, 2011).*  
8 William J. Palmer, Jr. was never served any notice in this matter and has not been given a chance to  
9 challenge the claims and representations made by Ivy Evette Johnson in her petition to administer  
10 the estate of the decedent, William J. Palmer, Sr.

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

18           “Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or  
19 deception practiced on him by his opponent, as by keeping him away from court, a false promise of a  
20 compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by  
21 the acts of the plaintiff; or where an attorney fraudulently or without authority assumes to represent a  
22 party and connives at his defeat; or where the attorney regularly employed corruptly sells out his  
23 client’s interest to the other side,— these, and similar cases which show that there has never been a  
24 real contest in the trial or hearing of the case, are reasons for which a new suit may be sustained to  
25 set aside and annul the former judgment or decree, and open the case for a new and a fair hearing.”  
26 *United States v. Throckmorton (1878) 98 U.S. 61, 65-66.*

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1           **B. THE PETITION TO ADMINISTER THE ESTATE OF DECEDENT, WILLIAM J.**  
2           **PALMER, SR. CONTAIN MATERIAL MISTATEMENTS WHICH RENDER THE**  
3           **SUBSEQUENT ORDERS VOID**

4           A court has inherent power at any time to correct clerical error in its records so as to make  
5 the records reflect the true facts, and that power exists independently of statute. *In re Candelario*  
6 *(1970) 3 Cal.3d 702, 705 [91 Cal.Rptr. 497, 477 P.2d 729]*.

7           California Probate Code 6402 provides that the part of the intestate estate not passing to the  
8 surviving spouse, under Section 6401, or the entire intestate estate if there is no surviving spouse,  
9 passes to the issue of the decedent. William J. Palmer, Jr. is the ONLY issue of the decedent as  
10 defined under this statute. After reviewed the petition of Ivy Evette Johnson to administer the estate  
11 of the decedent, William J. Palmer, Sr., it is apparent that, in addition to the false recital of service,  
12 Ivy Evette Johnson MISREPRESENTED her relationship to the decedent, claiming to be his  
13 “daughter”, when in fact, she was his step daughter. William J. Palmer, Jr. is the only living heir of  
14 the decedent, and William J. Palmer, Jr. should be given opportunity to present evidence to the court  
15 demonstrating that Ivy Evette Johnson is not the heir of the decedent, and is NOT a person entitled to  
16 Letters of Administration, nor was she nominated by a person entitled to letters to administer the  
17 estate. But rather, that the representations she made to the court in order to obtain these rights, were  
18 the result of INTENTIONAL misrepresentations to the court of her relationship to the decedent, and  
19 of the assignment of beneficial interest in the estate to her by William J. Palmer, Jr.

20           Courts of equity offer plain, speedy and adequate relief against the evil effects that may flow  
21 from void judgments. Such courts may grant injunctive relief if the exigencies of the situation would  
22 seem to so require. *Bank of Italy v. Cadenasso, 206 Cal. 436 (Cal. 1929)*.

23           “Extrinsic fraud usually arises when a party has been prevented from exhibiting fully his  
24 case, by fraud or deception practiced on him by his opponent, as by keeping him away from court, a  
25 false promise of a compromise; or where the defendant never had knowledge of the suit, being kept  
26 in ignorance by the acts of the plaintiff.’ ” In those situations, there has not been “a real contest in the  
27 trial or hearing of the case,” and the judgment may be set aside to open the case for a fair hearing.  
28 *Kulchar v. Kulchar (1969) 1 Cal.3d 467, 471.*

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**PRAYER FOR RELIEF**

Based on the foregoing, William Palmer, Jr. PRAYS

That the Court will VACATE the November 27, 2017 order appointing Ivy Evette Johnson Administrator of the estate of William J. Palmer, Sr., AND deny her petition to administer the estate of William Palmer, Sr., nunc pro tunc, AND,

That the Court will VACATE the January 22, 2019 order awarding 100% interest in the **SUBJECT PROPERTY** located at 807 E. 103<sup>rd</sup> Place, Los Angeles, California 90002 to Ivy Evette Johnson, AND

That the court will make a finding that petition made to the court by Ivy Evette Johnson is a FRAUD upon the court, AND,

That the Court will dismiss the Petition to administer the estate of William J. Palmer, Sr., and allow William Palmer, Jr. the opportunity to seek legal advice to determine how to proceed in the handling of his father's estate, AND

Any other equitable and just relief that that the court deems appropriate, and set the matter for hearing forthwith.

Date: May \_\_\_\_\_, 2019

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William Palmer, Jr.,

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

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

|                                      |   |   |
|--------------------------------------|---|---|
| Estate of:                           | ) | CASE # 17STPB09575  |
|                                      | ) |   |
| WILLIAM J. PALMER aka WILLIAM PALMER | ) | <b>DECLARATION OF WILLIAM J. PALMER, JR. IN SUPPORT OF MOTION TO VACATE THE NOVEMBER 27, 2017 AND JANUARY 22, 2019 ORDERS OF THIS COURT, AND MOTION TO DISMISS THE PROBATE PETITION OF IVY EVETTE JOHNSON</b> |
| _____                                | ) |   |
| IVY EVETTE JOHNSON                   | ) |   |
| Petitioner,                          | ) |   |
|                                      | ) |   |
| vs.                                  | ) | Date: _____ Time: 8:30am  |
|                                      | ) | Room: 4   |
| WILLIAM PALMER, JR.                  | ) | Judge: Hon. Brenda J. Penny   |
|                                      | ) |   |
| Respondent                           | ) |   |
| _____                                | ) |   |

**DECLARATION OF WILLIAM PALMER, JR.**

I, William Palmer, Jr. declare,

- I, William J. Palmer, Jr. am over the age of 18 and the respondent in this matter.



- 1 2. The foregoing matters are known to me personally and if called upon to testify as to such  
2 matters under oath in a court of law, I could and would do so competently.
- 3 3. I reside at 807 E. 103rd Place, Los Angeles, California 90002, which is the SUBJECT  
4 PROPERTY in this probate matter, and I have live at this address my entire life.
- 5 4. I am the only know child of William J. Palmer, Sr.
- 6 5. I was never served a copy of the October 24, 2017 Petition to Administer the estate of my  
7 father, William J. Palmer, Sr. filed by Ivy Evette Johnson.
- 8 6. I never received notice of the November 27, 2017 hearing on the Petition to administer the  
9 estate of my father, William J. Palmer, Sr.
- 10 7. I first learned of probate proceedings regarding the estate of my father, William J. Palmer,  
11 Sr., on or about April 30, 2019, when I discovered the locks on my residence had been  
12 changed, and I subsequently was advised that Blalock Home Investments, LLC was  
13 claiming to be the new owner of my resident, which they claimed to have purchased from  
14 Ivy Evette Johnson.
- 15 8. I sought the assistance of a trusted childhood friend to assist me regaining possession of my  
16 residence, and a report was filed with Los Angeles Police Department (LAPD).
- 17 9. I have since, had the opportunity to review the petition to administer the estate of William J.  
18 Palmer, Sr. which was submitted by Ivy Evette Johnson, and have determined that  
19 numerous documents submitted to the court contained false information.
- 20 10. The document entitled IRREVACABLE ASSIGNMENT OF ENTIRE BENEFICIAL  
21 INTEREST IN DECEDENTS ESTATE; DECLARATION AND NOMINATION  
22 WAIVER AND DECLANATION OF RIGHTS, BOND NOTICE AND ACCOUNTING  
23 dated 9/16/2017, was not signed by me on that date or ANY date. I did not, and WOULD  
24 not have signed such a document.
- 25 11. The document entitled WAIVER OF BOND BY HEIR OR BENEFICIARY dated October  
26 11, 2017 was not signed by me on that date, or ANY date.
- 27 12. On November 27, 2017, Ivy Evette Johnson presented to the court a Supplement to  
28 SUPPLEMENT TO PETITION FOR LETTERS OF ADMINISTRATION, attached

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hereto as EXHIBIT B. In this sworn document, Ivy Evette Johnson identified herself as a “daughter” to the decedent, my father, William J. Palmer, Sr. as well as ANTHIA RENAE ALLEN, IVY LUCILLE ALLEN, LAVETTE MONIQUE MC CRAY, also as “daughters” of William J. Palmer, Sr. None of these individuals are daughters of my father, they are all daughters of our MOTHER, Vera B. Palmer.

13. I submitting this motion to set aside the orders in this matter, along with my OBJECTION to the appointment of Ivy Evette Johnson to administer the estate of my father, William J. Palmer, Sr, and my OBJECTION to the distribution of assets of the estate of my father, William J. Palmer, Sr. to Ivy Evette Johnson.

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

Executed this \_\_\_\_\_ day of May, 2019

\_\_\_\_\_  
William Palmer, Jr.

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

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

|                                      |   |   |
|--------------------------------------|---|---|
| Estate of:                           | ) | CASE # 17STPB09575  |
|                                      | ) |   |
| WILLIAM J. PALMER aka WILLIAM PALMER | ) | <b>OBJECTION TO PETITION OF IVY EVETTE JOHNSON TO ADMINISTER THE ESTATE OF WILLIAM J. PALMER, SR. AND MOTION TO DISMISS</b> |
| _____                                | ) |   |
| IVY EVETTE JOHNSON                   | ) |   |
|                                      | ) |   |
| Petitioner,                          | ) |   |
|                                      | ) |   |
| vs.                                  | ) | Date: _____ Time: 8:30am  |
|                                      | ) | Room: 4   |
| WILLIAM PALMER, JR.                  | ) | Judge: Hon. Brenda J. Penny   |
|                                      | ) |   |
| Respondent                           | ) |   |
| _____                                | ) |   |

Any interested person has the right to object to the appointment of an administrator in a Probate case. William J. Palmer, Jr. is the natural son of the decedent, William Palmer, Sr., and Vera B. Palmer, who died in 2013, and the half-brother of petitioner, Ivy Evette Johnson, petitioner in this matter. William Palmer, Jr., hereby submit this response to the petition to administer the estate of

1 my father, William Palmer, Sr., objecting to o the appointment of Ivy Evette Johnson as the  
2 administrator of his estate.

3 **GOOD CAUSE EXIST TO DENY/VACATE THE APPOINTMENT OF IVY EVETTE**  
4 **JOHNSON**

5 The Petition of Ivy Evette Johnson to administer the estate of William Palmer, Sr. has  
6 numerous material misstatement which have mislead the court. In the event of a FULL hearing of  
7 complete facts, and had there been ACTUAL notice to interested parties, the court would have  
8 denied this petition.

9  
10 **A. IVY EVETTE JOHNSON DID NOT LIVE AT THE SUBJECT PROPERTY**

11 In the petition to administer the estate of William Palmer, Sr. Ivy Evette Johnson states her  
12 address as 807 E. 103<sup>rd</sup> Place, Los Angeles, California 90002. This address is also the location of the  
13 sole asset of the decedent. Ivy Evette Palmer did not live at the address at the time of the petition  
14 and has not live at the **SUBJECT PROPERTY** in approximately fifteen years.

15  
16 **B. IVY EVETTE JOHNSON IS NOT A PERSON ENTITLED TO LETTERS OF**  
17 **ADMINISTRATION AND WAS NOT NOMINATED BY WILLIAM PALMER JR,**  
18 **WHO IS THE ONLY KNOW PERSON WHO IS ENTITLED TO LETTERS OF**  
19 **ADMINISTRATION.**

20 Respondent/Objector William Palmer, Jr., is the only “person of interest” identified  
21 throughout the petition to administer the estate of the decedent, who has legitimate rights of inherent  
22 to the estate of said decedent. The document filed with the court purporting to be my waiver of  
23 beneficial interest in the entire estate, and nomination of Ivy Evette Palmer as successor is a forgery.  
24 William Palmer Jr, did not, and would not have signed away his interest in the **SUBJECT**  
25 **PROPERTY** to his estranged half-sister, Ivy Evette Johnson.

26 **C. IRREGULARITIES EXIST IN THE PETITION WHICH CALL INTO**  
27 **QUESTION THE INTEGRITY OF THE PETITIONER**

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In the petition to administer the estate, Petitioner identifies herself as a daughter of the decedent, as well as IVY LUCELLE ALLEN, ANTHINA RENEALLEN, LAVETTE MCCRAY, and in a supplement to her original petition, listed DENISE ANN TRIMBLE.

**CONCLUSION**

California Probate code 8502(a)(d) provides that “A personal representative may be removed from office if they have ....committed a fraud on the estate, or is about to do so”, or if are they are “not qualified for appointment as personal representative”, and or if “removal is otherwise necessary for protection ..... interested persons. These broad definitions give the court wide discretion to grant to Respondent/Objector the relief prayed for in the Motion to Vacate filed concurrently with this objection. For the above reasons, as well as the reasons detained throughout this filing, William Palmer, Jr. OBJECTS to the appointment of Ivy Evette Palmer as administrator of the estate of William Palmer, Sr. and request that the court deny her petition to administer the estate of William Palmer, Sr., nunc pro tunc, and grant additional relief as allowed by statute.

Date: May \_\_\_\_\_, 2019

\_\_\_\_\_  
William Palmer, Jr.,