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forfeiture, and issuance of a preliminary injunction against a lockout of William J. Palmer, Jr. from his home located at 807 East 103rd Place, Los Angeles, California 90002.

This motion is made pursuant to the provisions of California Code of Civil Procedure 1179, and 526(a), and is based on the attached memorandum and points and authorities in support, the declaration(s) of William J. Palmer, Jr. filed herewith, on the records and file herein, and on such evidence as may be presented at the hearing of the motion.

Respectfully submitted this 2nd day of August 2019.

By: William Palmer

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 DEFENDANT, William Palmer Jr. (hereinafter referred to as DEFENDANT) lives at 807 East
4 103rd Place, Los Angeles, California 90002 (hereinafter referred to as SUBJECT PROPERTY). The
5 SUBJECT PROPERTY is the childhood home of the DEFENDANT, and the ONLY home he has ever
6 known.
7

8 The SUBJECT PROPERTY, was purchased by the DEFENDANTS mother, Vera B. Palmer
9 (deceased in 2013), and his father, William Palmer, Sr., who died interstate on March 8, 2015.

10 In mid-April 2019, DEFENDANT discovered that the PLAINTIFF had changed the locks on
11 the SUBJECT PROPERTY, at which time he sought the assistance of a friend who assisted him in
12 regaining possession of the property, and in filing a police report with Los Angeles Police Department,
13 alerting them that an individual who claimed to represent Blaylock Home Investments, LLC
14 (hereinafter referred to as PLAINTIFF), an entity foreign to him, was claiming to be the owner his
15 home, and had sought to take possession of it by changing the locks.
16

17 Shortly after the encounter with BLAYLOCK, DEFENDANT learned, that on October 24,
18 2017, Ivy Evette Johnson (herein referred to as JOHNSON), DEFENDANT’S half-sister, had, without
19 DEFENDANT’S knowledge, petitioned the Los Angeles Superior Court for an order, appointing her
20 as Personal Representative of the estate of the DEFENDANT’S father, William Palmer, Sr. In her
21 petition, PROBATE PETITIONER, signed under penalty of perjury, that she was the daughter of
22 William Palmer, Sr., which she is NOT, as is clearly indicated by her birth certificate (attached hereto
23 as EXHIBIT A).
24
25

26 In her Petition, signed under penalty of perjury, JOHNSON, FALSLY stated that she was a
27 “nominee of a person entitled to letters”. She also included a bond waiver, which contained the
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1 FORGED signature of the DEFENDANT, and an IRREVOCABLE ASSIGNMENT OF ENTIRE
2 BENEFICIAL INTEREST IN DECEDENTS ESTATE DECLINATION AND NOMINATION
3 WAIVER OF DISCLAIMER RIGHTS, BOND NOTICE AND ACCOUNTING containing a
4 FORGED signature of the DEFENDANT.
5

6 DEFENDNT was never served a copy of the October 24, 2017 Petition to Administer the estate
7 of his father, William J. Palmer, Sr. filed by JOHNSON, and he has never received notice of any of the
8 subsequent notices of hearing on JOHNSONS petition to administer the estate of his father, William J.
9 Palmer, Sr.

10 On November 27, 2017, Ivy Evette Johnson presented to the court a PERJURED
11 SUPPLEMENT TO PETITION FOR LETTERS OF ADMINISTRATION, and in this sworn
12 document, JOHNSON, identified Anthia Renae Allen, Ivy Lucille Allen and Lavette Monique McCray
13 also as “daughters” of William J. Palmer, Sr. None of these individuals are daughters of the decedent.
14 Anthia Renae, and Ivy Lucille are also half-sisters of the DEFENDANT and Lavette Monique is NO
15 RELATION to the DEFENDANT, or the decedent.
16

17 On January 4, 2018, Ivy Evette Johnson executed a GRANT DEED transferring the SUBJECT
18 PROPERTY to Golden Rule Lending, LLC. At the time of the transfer, JOHNSON had no authority,
19 or right to transfer the SUBJECT PROPERTY from William Palmer Sr. to Golden Rule Lending, LLC.
20

21 It was not until January 22, 2019, Ivy Evette Johnson had the assets of the estate of William
22 Palmer, which consisted of the SUBJECT PROPERTY, distributed to herself, based on the FORGED
23 documents and PERJURED declarations she presented to the probate court.
24

25 The Petition to administer the estate of the DEFENDANTS father, filed by JOHNSON, contains
26 SIGNIFICAT evidence of fraud. It also contains evidence that PLAINTIFF, Blaylock Home
27 Investments, LLC, Golden Rule Lending, LLC, the party from which PLAINTIFF claims to have
28

1 obtained title, and Cesar Montano, a principal for Golden Rule Lending, LLC, who is ALSO the affiant
2 who verified the Unlawful Detainer complaint in THIS action, AND who signed one or more proof of
3 service in the probate petition on behalf of JOHNSON, in fact conspired with JOHNSON, to steal the
4 subject property from the DEFENDANT, and to do so by depriving him of his rights to due process by
5 noticing him of these proceedings.
6

7 On June 5, 2019, DEFENDANT filed an objection in the Probate matter of his decease father,
8 in case 17STPB009575 alerting the court to the fraud of JOHNSON, and requested that the court
9 remove her as Personal Representative. The matter was set for hearing, and subsequently continued to
10 August 20, 2019, but not without placing *significant* restrictions on the transfer of the SUBJECT
11 PROPERTY, in recognition that *serious* questions of title existed in this matter.
12

13 In advance of the pending hearing, the DEFENDANT brought a Motion to Vacate in this Court
14 on July 1, 2019, which was denied. The DEFENDANT brought the motion AGAIN on July 15, 2019,
15 which was also denied. At that hearing on the second motion, the Court mistakenly believed that the
16 motion was identical to the first, which was the basis provided for the denial, *however*, the second
17 motion contained CRITICAL additional information, which has been recognized by the California
18 Court of Appeals, NAMELY, that the a defendant seeking to vacate a default judgment must alert the
19 court that they did not evade service. IN addition, BOTH motions sought relief based on the direct
20 evidence that JOHNSON, and PLAINTIFFS, obtained title to the SUBJECT PROPERTY,
21 DEFENDANTS residence, based on VOID court orders.
22

23 Cesar Montano, the agent who signed the verification for the Unlawful Detainer action is THIS
24 MATTER, also signed the October 26, 2017 Notice of Petition to Administer the Estate proof of service
25 (see attached EXHIBIT 1), and also signed the April 2, 2019 GRANT DEED on behalf of GOLDEN
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1 RULE LENDING, LLC transferring the SUBJECT PROPERTY to BLAYLOCK HOME
2 INVESTMENTS, LLC (see attached EXHIBIT C).

3 At the July 16, 2019 hearing in the Probate Court, on the Motion to remove JOHNSON as
4 Personal Representative, the Court recognized the importance of placing EXTRAORDINARY
5 restrictions on any further transactions related to this property (see attached EXHIBIT D), stating:
6

7 *No further*

8 DEFENDANT, William Palmer, Jr. is the ONLY known heir of the decedent, under California
9 Probate Code §6402, as demonstrated by HIS birth certificate, and he now asked this court, to exercise
10 its statutory and discretionary authority to grant equitable relief in this matter, consistent with the letter
11 and spirit of the July 16, 2019 ORDER of the Probate Court.
12

13
14 **LEGAL STANDARD**

15 California statute provides MULTIPLE authorities for this Court to grant relief to the
16 DEFENDANT, which will prevent him from being evicted in this matter.
17

18 California Code of Civil Procedure § 1179 states: “The court may relieve a tenant against a
19 forfeiture and restore him or her to his or her former estate or tenancy....” It further reads, that
20 “[t]he court has the discretion to relieve any person against forfeiture on its own motion. This
21 application, ask the Court to ORDER that the DEFENDANT be relieved from forfeiture in THIS
22 matter. The statutes provides that relief from forfeiture may be granted “at any time prior to restoration
23 of the premises to the landlord”.
24

25 California Courts have held that a party is “not precluded from pursuing relief under Code Civ.
26 Proc., § 1179 (relief from lease forfeiture), even though a bankruptcy court had rejected the lease”,
27 synonymous to this case, where this Court has stated its belief that no stay in in place. Further, under
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1 § 1179, as long as there has been a judgment of forfeiture, a party can seek such *relief* (*Geary St., L.P.*
2 *v. Superior Court, 219 Cal. App. 3d 1186, 268 Cal. Rptr. 678, 1990 Cal. App. LEXIS 407, 219 Cal.*
3 *App. 3d 1186, 268 Cal. Rptr. 678, 1990 Cal. App. LEXIS 407*).

4 California Code of Civ. Proc. §526(a) grants this court the authority to issue an injunction.
5 Specifically, it provides that “An injunction may be granted “[w]hen it appears by the affidavits
6 that the commission or continuance of some act during the litigation would producegreat or
7 irreparable injury, to a party to the action”, or when it appears, during the litigation, that a party to the
8 action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in
9 violation of the rights of another party to the action” and [w]hen pecuniary compensation would not
10 afford adequate relief, and[w]here it would be extremely difficult to ascertain the amount of
11 compensation which would afford adequate relief. Also, because a decision on relating and
12 consolidating this case with the Probate matter is pending, Cal. Cod. Proc. 526(a) (6) an injunction
13 may be granted “[w]hen it appearsthe restraint is necessary to prevent a multiplicity of judicial
14

15 California Code Civ. Proc.918.5 give the court discretion to “stay the enforcement of a
16 judgment or order, if the judgment debtor has another action pending on a disputed claim against the
17 judgment creditor. The statute directs the court to consider, among other things, the likelihood that
18 the DEFENDANT can prevail on his claims in the probate Court. This is CLEARLY demonstrated
19 by the restrictions already put in place by the probate court.
20

21 “the trial court has broad discretion in determining whether to grant the stay or enjoin collection
22 of the judgment. (California Cotton Credit Corp. v. Superior Court, supra, 127 Cal.App. 472, 475.) If
23 the rule were otherwise, the judgment debtor could delay and harass his creditor by the filing of merely
24 frivolous claims.
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1 **A. THE COURT HAS THE DISCRETION TO RELIEVE A PARTY FROM**
2 **FORFIETURE ON ANY GROUNDS IT DEEMS APPROPRIATE**

3 The court has the discretion to relieve any person against forfeiture on its own motion. (CCP
4 1179). An application for relief against forfeiture may be made at any time prior to restoration of the
5 premises to the landlord. The application may be made by any person setting forth the facts
6 upon which the relief is sought, and be verified by the applicant. A person appearing without an
7 attorney may make the application orally, if the plaintiff either is present and has an opportunity to
8 contest the application, or has been given ex parte notice of the hearing and the purpose of the oral
9 application. In no case shall the application or motion be granted except on full performance of
10 conditions or covenants stipulated, so far as the same is practicable, be made.
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14 **B. THE COURT HAS THE AUTHORITY TO GRANT A TEMPORARY**
15 **RESTAINING ORDER TO PRESERVE THE STATUS QUO**

16 The underlying purpose of a TRO is to preserve the status quo and prevent irreparable harm
17 before a preliminary injunction hearing may be held. *Granny-Goose Foods, 415 U.S. at 439, 94 S. Ct.*
18 *1113 (1974); see also J?eio A i r Racing Ass'n v. McCord, 452 F.3d 1126, 1130-31 (9th Cir.2006).*

19
20 **DEFENDANT WOULD SUFFER IRREPARABLE HARM IF REMOVED FROM HIS HOME**

21 As courts have recognized, a party has already suffered irreparable harm the moment she is
22 forced to vacate her home. *See, e.g., Johnson, 2015 WL 7351538* (noting that the court could not return
23 plaintiff to her home if she were evicted and a third party rented the property); *see also Jackmon v.*
24 *Am.'s Servicing Co., No. C 11-03884 CRB, 2011 WL 3667478, *3 (N.D. Cal. Aug. 22, 2011).* Thus,
25 the threat of eviction against DEFENDANT establishes irreparable harm. *See Garrett, 465 F. Supp.*
26 *2d at 1052; Johnson, 2015 WL 7351538 at *8; Jones v. Upland Hous. Auth., No. EDCV 12-02074-*
27 *VAP, 2013 WL 708540, *15 (C.D. Cal. Feb. 21, 2013); Sinisgallo v. Islip Hous. Auth., 865 F. Supp.*
28

1 *2d 307, 328 (E.D.N.Y. 2012)* (“courts have held that the ‘threat of eviction and the realistic prospect of
2 homelessness constitute a threat of irreparable harm and satisfy the first prong of the test for preliminary
3 injunctive relief”).

4 Even if PLAINTIFFS could identify some hardship they will suffer as a result of an injunction,
5 given the restrictions already set by the Probate court, the threat that DEFENDANT will imminently
6 be displaced and rendered homeless “tips the balance of equities in defendants favor[.]” *Jones, 2013*
7 *WL 708540 at *16; see also Price v. Stockton, 390 F.3d 1105, 1116-17 (9th Cir. 2004)*, “finding, . . . it
8 is a far more severe hardship for someone to be displaced from his or her home”; *Lancor v. Lebanon*
9 *Hous. Auth., 760 F.2d 361, 363-64 (1st Cir. 1985)*. Thus, the balance of hardships tips sharply in favor
10 of DEFENDANT.
11

12
13 **a. THE PROBATE COURTS ORDER RECOGNIZES THE LIKELIHOOD OF**
14 **DEFENDANTS SUCCESS ON THE MERIT**

15 The power to stay execution of a judgment on the ground that there is an action pending on a
16 disputed claim by the judgment debtor against the judgment creditor was thus recognized in California
17 (*Cotton Credit Corp. v. Superior Court, 127 Cal.App. 472, 475 [15 P.2d 1108].*)
18

19 In determining whether to enjoin collection of the judgment pending decision of the validity of
20 the disputed claim, the court should consider the likelihood that the judgment debtor will recover upon
21 his claim... The fact that the judgment creditor may have an immediate need for the funds due to him
22 upon his judgment is not a basis for denial of relief where the foregoing considerations otherwise
23 compel relief. (*Erlich v. Superior Court of Los Angeles County (1965) 63 Cal.2d 551 [47 Cal.Rptr.*
24 *473, 407 P.2d 649].*)
25

26 Under California law, title to the property of a decedent vests, subject to administration, in his
27 heirs or devisees and legatees immediately upon his death. (**Prob. Code, § 300; Noble v. Beach (1942)**)
28

1 21 Cal.2d 91, 94 [130 P.2d 426].) That person, would be the DEFENDANT. The executor or
2 administrator is not the owner of the property; he is given possession of it solely for the purpose of
3 enabling him to settle the affairs of the estate. (*Estate of Bixby (1956) 140 Cal.App.2d 326, 334 [295*
4 *P.2d 68]*; (*Fountain v. Bank of America (1952) 109 Cal.App.2d 90, 94-95 [240 P.2d 414]*). (*1983*) 139
5 *Cal.App.3d 887, 890 [189 Cal.Rptr. 101]*.) (*Raczynski v. Judge (1986) 186 Cal.App.3d 504 [230*
6 *Cal.Rptr. 741]*).

8 JOHNSON signed a grant deed giving the SUBJECT PROPERTY to Golden Rule Lending,
9 LLC on January 19, 2018. Which she had been given ADMINISTRATOR rights by the Probate Court,
10 she was NOT the OWNER of the property, and her actions exceeded her authority. “The executor or
11 administrator is not the owner of the estate assets”. (*Fountain v. Bank of America, supra.*) “[her]
12 function is similar to that of a receiver or stakeholder whose duty is to preserve the estate and distribute
13 it as the court shall direct”. (*Murphy v. Crouse, 135 Cal. 14, 17 [66 P. 971, 87 Am.St.Rep. 90]*; *Estate*
14 *of Healy, 137 Cal. 474, 477 [70 P. 455]*).

16 The DEFENDANT has put up an EXTRAORDINARY fight, from the moment he learned that
17 someone was attempting to remove him from his home. He has made multiple court appearance,
18 something obviously foreign to him and uncomfortable to him. It is apparent in such a case that the
19 judgment debtor, in this case, the DEFENDANT, should not be required to “pay” the judgment prior
20 to the determination of the validity of his own claim. If, which, DEFENDANT has met his burden of
21 demonstrating, he should subsequently prove his claims to be valid, he would then have been deprived
22 of his right. Such a result is obviously unjust, and this Court should act to avoid such an outcome.
23

24
25 **b. A PRELIMINARY INJUNCTION IS IN THE PUBLIC INTEREST**

26 Allowing such harm to occur as proceeding to execute a court order which will render the
27 DEFENDANT homeless, during the pendency of this litigation would send a message that it is open
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1 season to prey on venerable residents of the city. Public records could be used to identify individual
2 such as the DEFENDANT, and so long as a party is able to coast through the courts uncontested, they
3 can take possession, without the resident ever having the ability to fight back. Indeed, California
4 Statute recognizes that fact, and thus give court the discretion to protect the rights of the defendant up
5 to the time they have been removed from the premises.
6

7 The Ninth Circuit has recognized that “[o]ur society as a whole suffers when we neglect the
8 poor, the hungry, the disabled, or when we deprive them of their rights or privileges”. (*Lopez v.*
9 *Heckler, 713 F.2d 1432, 1437 (9th Cir. 1983).*)

10
11 **C. THE COURT HAS THE AUTHORITY TO STAY ENFORCEMENT OF ITS**
12 **JUDGMENT WHILE THE ISSUE OF TITLE IS RESOLVED**
13

14 The power of a trial court to stay an action has been firmly established. Often, trial courts
15 are reluctant to slow down the legal process more than it already is, but there is a REASON the
16 legislature has provided for SO MANY statutory opportunities to double check and correct errors.
17 Even if the Court believes that proper due process was provided in these proceedings based on the
18 evidence that was presented, there NOW exist more evidence that the PLAINTIFF does NOT have a
19 duly perfected title upon which to base a claim to possession, than there is evidence that they do. It is
20 exactly this type of situation that the statute for stay of enforcement of a writ of possession was
21 designed. To the limited extent provided in § 1161a, subd. (b)(3), title to the property may be litigated
22 in an unlawful detainer proceeding. While an equitable attack on title is not permitted, issues of law
23 affecting the validity of the foreclosure sale or of title are properly litigated (*Stephens v. Hollis (1987)*
24 *196 Cal.App.3d 948 [242 Cal.Rptr. 251]*). The newly discovered identity JOHNSON and the close
25 relationship of principals and agents of the now claimed owners, present such a question. Not to
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1 mention the date of transfer to Golden Rule Lending, LLC occurred at at time when the grantee had no
2 power to make such a transfer. IN this case, the DEFENDANT IS NOT even attempting to litigate this
3 matter, although it would appear that statute allows for such a challenge, instead, the DEFENDANT is
4 merely asking the Court to allow time for the DEFENDANT to litigate this matter in the appropriate
5 forum, the Probate Court.
6

7 Courts have held that “Title is duly perfected when all steps have been taken to make it
8 perfect... , but is not limited to good record title, as between the parties to the transaction. The term
9 ‘duly’ implies that all of those elements necessary to a valid sale exist, else there would not be a sale
10 at all.” (*Kessler v. Bridge (1958) 161 Cal.App.2d Supp. 837, 841 [327 P.2d 241], citations omitted.*)
11 There is NO doubt that question as to whether or not the title is duly perfected, giving PLAINTIFF
12 standing to bring an unlawful detainer exist, and that is sufficient to grant the relief requested in this
13 case.
14

15 **CONCLUSION**

16 Ivy Evette Johnson went to EXTRAORDINARY measures to DEFRAUD this court, and
17 Petitioner, the only legitimate Heir of the decedent, out of the assets of the estate seeks
18 EXTRAORDINARY RELIEF from this court at this time. It has ALREADY been proven by certified
19 birth records that Ivy Evette Johnson misrepresented her identity to the Probate court, and despite being
20 given MULTIPLE notices of the challenge to her identify as daughter of decedent, William J Palmer,
21 Sr., she has, to DATE, FAILED to explain her FRAUDULENT misrepresentation. It would be
22 EXTRAORDINARYILY UNJUST for the DEFENDANT ALONE to be so harshly victimized as to
23 be HOMELESS, when the Probate Courts EXISTING ORDER, has already recognized that rights of
24 the DEFENDANT are worthy of preserving. DEFENDANT has met his burden, and now asked the
25 court to grant the requested relief.
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PRAYER FOR RELIEF

Based on the foregoing, DEFENDANT, William Palmer, Jr. ask the Court to exercise its discretion to consider this application due to the URGENCY of the matters presented, and to make an order relieving the DEFENDANT from forfeiture, and or issue a Temporary Restraining Order and stay for hearing an Order to Show Cause on a Preliminary Injunction, and or to stay the execution of the Writ of Possession pending decision by the court on the Notice of Related Cases, and/or any other equitable and just relief that that the court deems appropriate.

Date: August 2, 2019



William Palmer, Jr. Defendant in Pro Per

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

5
6 **SUPERIOR COURT OF CALIFORNIA**
7
8 **COUNTY OF LOS ANGELES**

9 Estate of:

10 **WILLIAM J. PALMER aka WILLIAM**
11 **PALMER**

12 **IVY EVETTE JOHNSON**

13 **Petitioner,**

14 **vs.**

15 **WILLIAM PALMER, JR.**

16 **Respondent**

No. 17STPB09575

DECLARATION OF WILLIAM J. PALMER,
JR. IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

Date: Monday, July 29, 2019

Time: 8:30am

Room: 260

Judge: Hon. Brenda J Perry

Date Action Filed: October 24, 201

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19
20 I, William J. Palmer, Jr. declares as follows:

21 1. I am the respondent in this action, and make this declaration on my own personal knowledge.

22 If called I could and would testify competently to everything contained herein.

23 2. I am the son of the decedent in this matter, William J. Palmer, Sr. and I am the only KNOWN
24 heir of decedent William J Palmer, SR

25 3. I currently reside at 807 East 103rd Place, Los Angeles, California 90002, and it is the only
26 home I have ever known.
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4. On June 25, 2019, a five day notice to vacate was posted at my home from the Los Angeles County Sheriffs. This notice was the FIRST notice I had received that someone was attempting to evict me from my family home.

5. I am completely defenseless, and if evicted from my home by the Los Angeles County Sherriff, I will be left homeless, and COMPLETELY defenseless, without having been afforded due process of law to defend my interest in my home.

8. I will experience UNSPEAKBLE HARDSHIP if I am forced to leave the only home I have ever known, as I do NOT have anywhere else to go.

I declare on penalty of perjury under the laws of the State of California that the foregoing is true and correct, so help me God.

Respectfully submitted this 2nd of August 2019.

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