

Attachment 3(A) - AFFIRMATIVE DEFENSES

XX Plaintiff has breached the warranty to provide habitable and suitable premises

The property has the following defective conditions:

XX leaks and flooding: FROM THE TIME THE PREMISES WERE LEASED, THERE WAS A LEAKAGE PROBLEM, WHICH WAS POINTED OUT TO PLAINTIFF ON SEVERAL OCCASIONS. AT ONE POINT, IT CAUSED FLOODING OF DEFENDANT'S ANTIQUES CAUSING DAMAGES IN THE HUNDREDS OF THOUSAND OF DOLLARS. DEFENDANT REFUSES TO FIX THE PROBLEMS AND CONTINUES TO LEASE THE PREMISES WITH LEAKING AND FLOODING ISSUE.

UP TO DATE, DEFENDANT HAS NOT BEEN ABLE TO OPEN THE STORE FOR THE PUBLIC USE.

[See Code of Civil Procedure (CCP) section 1174.2 and Civil Code (CC) sections 1941-1942.5; *Green v. Superior Court* (1974) 10 Cal.3d 616, 631-632, 111 Cal.Rptr. 704]

XX Landlord Waives or Cancels the Notice to Quit

XX The landlord told me that he will not be filing an action and that he will accept partial rent and not to worry about the 3-day notice to pay or quit. He also stated that I can ignore the 3-day notice to pay or quit, and that it was O.K. if I paid the rent.

XX Retaliatory Eviction

The landlord is evicting me because I reported the landlord to the insurance company for flooding problems and because I told him that he will be responsible for the damage to the antiques that I had to destroy and throw away due to the flooding caused by the defective condition of the premises. Plaintiff forced Defendant to settle for a fraction of the amount lost due to the flooding and the landlord is retaliating against me for making my complaint. [See *Barela v. Superior Court*, (1981) 30 Cal.3d 244, 249, 178 Cal.Rptr. 618]

XX Failure to State a Cause of Action

The plaintiff has failed to include all the requirements for properly alleging a complaint for unlawful detainer.

XX Material Breach of Rental Agreement by Landlord

The landlord materially violated the rental agreement by failing to provide habitable rental space and caused the flooding to destroy the antiques that Defendant owns and is making his living from. Defendant, up to date, has not benefited from the space and has not been able to open the business for the public even though almost 3 years have passed since he occupied the premises. [See *Green v. Superior Court*, (1974) 10 Cal.3d 616, 634-635, 111 Cal.Rptr. 704]

XX Defective Notice

The notice that the landlord gave me was defective because it

xx was not given to me in the way the law requires

xx the 3 day notice to pay rent or quit did not state the exact amount of rent due, or included other charges besides rent.

[See Code of Civil Procedure section 1161]

XX Act of God

I was prevented from performing the terms of the rental agreement due to a natural occurrence flood which and made it impossible for me to open the business for the public, therefore, I have been unable to earn a living to pay the rent. This flooding was caused by the negligence of the landlord (Plaintiff) and has caused me hundreds of thousands of dollars in damage.

XX Failure of Condition Precedent

The landlord failed to do deliver suitable premises to Defendant by allowing the flood and rain to ruin Defendant's antiques and prevented Defendant from opening his business to the public until the present time. Plaintiff knew of the problems and knew of the flooding and has forced Defendant to settle with the insurance company for a fraction of his losses.

XX Breach by Plaintiff

The landlord broke the contract first by *failing to deliver the premises in good condition preventing Defendant from opening his business to the public even after almost 3 years of the lease has passed. Plaintiff failed to fix the damage caused by the flooding and failed to safeguard that the flooding would not cause damage to Defendant's valuable antiques causing hundreds of thousands of dollars in damages and forcing Defendant to settle for a fraction of the losses with the insurance company in order to pay the landlord (Plaintiff). Plaintiff recovered from the insurance company all his losses and costs to repair the property, however, he failed to repair as needed and prevented Defendant from opening to the public (even though almost 3 years has passed since Defendant occupied the property). Therefore, Defendant is excused from performing my part of the bargain.*

SUPERIOR COURT OF CALIFORNIA
VENTURA
800 South Victoria Avenue
Ventura, CA 93009
(805) 289-8525

NOTICE TO FILING PARTY

The Becker Group Inc vs. Yassa
Case Number: 56-2019-00527567-CU-UD-VTA

We are unable to process the attached papers for the reasons indicated below:
Request for entry of default, Judgment, Application & Writ rejected. Defendant filed an answer on 04/29/19.

Please return this form if papers are resubmitted.

Please enclose a self-addressed stamped envelope to expedite receipt of returned papers.

Papers returned to: The Becker Group Inc

Clerk of the Court,

By: _____

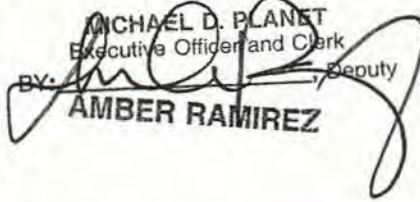
Amber Ramirez *AR*

Deputy

Date: 04/30/2019

Returned via:

Return By Courier

Attorney or Party without Attorney: SLAUGHTER REAGAN & COLE, LLP JAMES B. COLE (SBN 156131) 625 E. SANTA CLARA STREET SUITE 101 VENTURA, CA 93001 Telephone No: 805-658-7800 Attorney For: Plaintiff				For Court Use Only VENTURA SUPERIOR COURT FILED APR 30 2019 BY:  MICHAEL D. PLANET Executive Officer and Clerk Deputy	
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: SUPERIOR COURT OF CALIFORNIA COUNTY OF VENTURA					
Plaintiff: THE BECKER GROUP, INC. Defendant: MAGDY YASSA, individually, and dba TREASURES					
PROOF OF SERVICE SUMMONS		Hearing Date:	Time:	Dept/Div:	Case Number: 56-2019-00527567-CU-UD-VTA

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS-UNLAWFUL DETAINER-EVICTION; COMPLAINT-UNLAWFUL DETAINER; ; CIVIL CASE COVER SHEET; NOTICE OF CASE ASSIGNMENT
3.
 - a. Party served: Magdy Yassa, individually, and dba Treasures
 - b. Person served: Magdy Yassa, individually, and dba Treasures
4. Address where the party was served: 820 EAST MAIN STREET, SANTA PAULA, CA 93060
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue, Apr 23 2019 at: 03:51 PM
 - (1) ☒ (business)
 - (2) ☐ (home)
 - (3) ☐ (other) :
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - a. ☒ as an individual defendant.
 - b. ☒ as the person sued under the fictitious name of (specify): dba Treasures
 - c. ☐ as occupant.
 - d. ☐ On behalf of (specify):
 under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	



Judicial Council Form POS-010
Rule 2.150.(a)&(b) Rev January 1, 2007

**PROOF OF
SERVICE
SUMMONS**

3299679
(8116227)
Page 1 of 2

Attorney or Party without Attorney: SLAUGHTER REAGAN & COLE, LLP JAMES B. COLE (SBN 156131) 625 E. SANTA CLARA STREET SUITE 101 VENTURA, CA 93001 Telephone No: 805-658-7800 Attorney For: Plaintiff				For Court Use Only
Ref. No. or File No.:				
Insert name of Court, and Judicial District and Branch Court: SUPERIOR COURT OF CALIFORNIA COUNTY OF VENTURA				
Plaintiff: THE BECKER GROUP, INC. Defendant: MAGDY YASSA, individually, and dba TREASURES				
PROOF OF SERVICE SUMMONS	Hearing Date:	Time:	Dept/Div:	Case Number: 56-2019-00527567-CU-UD-VTA

Recoverable cost Per CCP 1033.5(a)(4)(B)

7. Person who served papers

- a. Name: Troy Norriss
- b. Address: **FIRST LEGAL**
5450 Ralston Street, Ste. 111
VENTURA, CA 93003
- c. Telephone number: (805) 654-1535
- d. The fee for service was:
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor
- (ii) Registration No: 681, Ventura County
- (iii) County: Ventura County

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

04/24/2019

(Date)



Troy Norriss



Judicial Council Form POS-010
Rule 2.150.(a)&(b) Rev January 1, 2007

PROOF OF
SERVICE
SUMMONS

3299679
(8116227)
Page 2 of 2

5/10/19

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name and Address) MAGDY YASSA dba Treasures Esa Magdy Yassa, individually, 10031 SunnyBree Ave.. Chastworth, CA 91311 Telephone # 818 577 7819 E-Mail address yassa_magdy@yahoo.com ATTORNEY FOR (Name) <u>in pro per</u>		Telephone Number	FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED MAY 06 2019 MICHAEL D. PLANET Executive Officer and Clerk BY: <u>[Signature]</u> , Deputy NINA LEMOS
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input checked="" type="checkbox"/> 800 SOUTH VICTORIA AVE., VENTURA, CA 93009 <input type="checkbox"/> 4353 VINEYARD AVE., OXNARD, CA 93036		Limited Civil Case	
PLAINTIFF/PETITIONER: <u>The Becker Group, INC.</u> DEFENDANT/RESPONDENT: <u>MAGDY YASSA, individually, and dba Treasures</u>			
DECLARATION RE EX PARTE NOTICE <input type="checkbox"/> Dom. Violence Restraining Order <input type="checkbox"/> Civil Harassment Restraining order <input type="checkbox"/> Other Family Law / Custody <input checked="" type="checkbox"/> Other Civil / Probate		CASE NUMBER 56-2019-00527567-CU -UD-VTA	

Instructions: The person giving the notice must state how notice was given, where the hearing is to be held, and what orders are requested. If notice is not being given, please advance to page two of this form.

I, MAGDY YASSA, declare:

1. I informed the person listed above that an order would be sought in the Superior Court of Ventura County at

☒ 800 South Victoria Ave., Ventura

☐ 4353 Vineyard Ave., Oxnard

Resv# 2419890

on: Date: 5-10-19

Time: 8:15 AM

Courtroom: 27

Person informed: (Name) James B. Cole

Date and time informed: 10:52 AM - 5-6-19

How Informed:

☐ By telephone to the ☐ party ☐ attorney at (Telephone Number) _____

☐ By leaving a message with (Name) _____ relationship to party: _____

☐ at (Telephone Number) _____

☐ In person

☒ By leaving a message on voicemail of the party at (Telephone Number) 805 658 7800

☐ By personally informing: ☐ party ☐ attorney

☐ In writing (copy must be attached).

2. I told him/her that the orders requested included, but were not limited to:

☐ Domestic Violence Restraining Orders with

☐ move-out orders

☐ custody orders

☐ Civil Harassment Restraining Orders

☐ Custody / visitation orders, specifically: _____

☒ Other: ex-Parte Motion to Continue Trial

and that he/she should appear at the above time and place if he/she wished to be heard by the court.

3. I ☒ do ☐ do not expect the other party to oppose my request.

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

Dated: 5-6-2019

[Signature]
Signature of Declarant

PERIOR COURT OF CALIFORNI
COUNTY OF VENTURA
VENTURA

MINUTE ORDER

DATE: 05/10/2019

TIME: 08:15:00 AM

DEPT: 27

COMMISSIONER: Paul Baelly
CLERK: Leticia Cisneros
REPORTER/ERM: None

CASE NO: **56-2019-00527567-CU-UD-VTA**

CASE TITLE: **The Becker Group Inc vs. Yassa**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Unlawful Detainer - Commercial

EVENT TYPE: Ex Parte

MOVING PARTY: Magdy Yassa

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other for Order Continuing Trial, 05/06/2019

APPEARANCES

JAMES B. COLE, counsel, present for Plaintiff(s).

Magdy Yassa, self represented Defendant, present.

Parties stipulate to the Commissioner to hear the matter. Stipulation signed and filed.

At 8:43 a.m., Court convenes with parties as noted above.

Magdy Yassa is sworn and testifies on his own behalf.

Matter submitted to the Court with argument.

The Court finds/orders:

Ex-parte application and motion for order continuing trial requested by Magdy Yassa is denied.

The court date of 5/20/2019 remains as previously scheduled.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

Name and Office Address of Temporary Judge
PAUL W. BAELLY
800 S. Victoria Avenue
Ventura, CA 93009

VENTURA
SUPERIOR COURT
FILED

MAY 10 2019

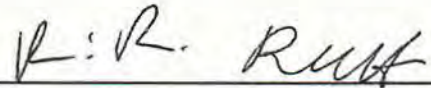
MICHAEL D. PLANET
Executive Officer and Clerk

BY:  Deputy

STIPULATIONS TO TEMPORARY JUDGE

I am a party or attorney of a party to the case identified below by case number. I understand I have a right to have my case heard before a Judge of the Court. I give up these rights and stipulate and agree that the case and any contempt actions arising from it may be heard before Paul W. Baelly, a Commissioner. That Oath of office and order designating Paul W. Baelly, a Commissioner is hereby incorporated by reference.

1. 56-2019-00526845 Al Saleh vs. Rodriguez



2. 56-2019-00527567 The Becker Group Inc. Yassa



SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

Name and Office Address of Temporary Judge
PAUL W. BAELLY
800 S. Victoria Avenue
Ventura, CA 93009

VENTURA
SUPERIOR COURT
CLERK

MAY 20 2019

PLANET
Deputy

STIPULATIONS TO TEMPORARY JUDGE

I am a party or attorney of a party to the case identified below by case number. I understand I have a right to have my case heard before a Judge of the Court. I give up these rights and stipulate and agree that the case and any contempt actions arising from it may be heard before Paul W. Baelly, a Commissioner. That Oath of office and order designating Paul W. Baelly, a Commissioner is hereby incorporated by reference.

1. 56-2019-00526264 US Bank National Assoc. vs. Reder
3. 56-2019-00526256 Essex Camarillo LP vs. Gillis
4. 56-2019-00526561 Rood vs. Shaffer
5. 56-2019-00527140 Won Yun vs. Caldwell
6. 56-2019-00527153 Leisure Village vs. Levy
7. 56-2019-00527350 Zarate vs. Ponce
8. 56-2019-00527405 Cule vs. Inglimo
9. 56-2019-00527567 The Becker Group Inc vs. Yassa
10. 56-2019-00527595 Konstantinavicius vs. Carter
11. 56-2019-00527619 Servin vs. Longares
12. 56-2019-00527646 Joyce Frenette Trustee vs. Lemalu
13. 56-2019-00527820 The Knolls Apartments LLC vs. Barnes
14. 56-2019-00528029 Homeowners First LLC vs. Fontenot
15. 56-2019-00527985 Maria Powell Trustee vs. Carbuccion

SLAUGHTER, REAGAN & COLE, LLP
ATTORNEYS AT LAW
625 E. SANTA CLARA STREET, SUITE 101
VENTURA, CALIFORNIA 93001
TELEPHONE: (805) 658-7800
FACSIMILE: (805) 644-2131

VENTURA
SUPERIOR COURT
FILED

MAY 13 2019

MICHAEL D. PLANET
Executive Officer and Clerk
BY: *[Signature]* Deputy
NINA LEMOS

James B. Cole – State Bar No. 156131
Attorneys for Plaintiff,
THE BECKER GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

THE BECKER GROUP, INC.,

Plaintiff,

vs.

MAGDY YASSA, INDIVIDUALLY, AN
DBA TREASURES; DOES 1 TO 10,
INCLUSIVE,

Defendant.

Case No. 56-2019-00527567-CU-UD-VTA

Assigned to Judge Paul Baelly
Department 27

Complaint Filed: April 23, 2019

NOTICE OF RULING

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 10, 2019, defendant Yassa's ex parte motion to continue trial came on regularly for hearing before Hon. Paul Baelly.

James B. Cole appeared for plaintiff THE BECKER GROUP. Magdy Yassa appeared in pro per.

After considering the moving papers and argument of counsel and Mr. Yassa, the Court denied the motion and confirmed the trial date for May 20 in Dept. 27 at 8:30 a.m.

SLAUGHTER, REAGAN & COLE, LLP

ATTORNEYS AT LAW
625 E. SANTA CLARA STREET, SUITE 101
VENTURA, CALIFORNIA 93001
TELEPHONE (805) 638-7800
FACSIMILE: (805) 644-2131

1 DATED: May 10, 2019

SLAUGHTER, REAGAN & COLE, LLP

By: 

James B. Cole
Attorneys for Plaintiff,
THE BECKER GROUP, INC.

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 625 E. Santa Clara Street, Suite 101, Ventura, California 93001.

On May 10, 2019, I served the foregoing document(s) described as: **NOTICE OF RULING** on the interested parties in this action, by placing _____ the original _____ a true copy thereof enclosed in a sealed envelope addressed as follows: SEE ATTACHED SERVICE LIST

X (BY FIRST CLASS MAIL) _____ (BY EXPRESS MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Ventura, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

____ (BY FACSIMILE TRANSMISSION) On this date, I transmitted from a facsimile transmission machine in Ventura, California, whose telephone number is (805) 644-2131 the above-named document was transmitted to the interested parties herein whose facsimile transmission telephone numbers are included in the attached Service List. The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission. A true and correct copy of the said transmission report is attached hereto and incorporated herein by this reference.

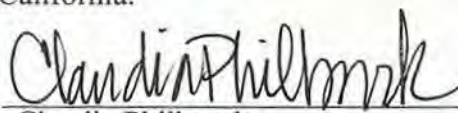
____ (BY OVERNIGHT CARRIER) I placed the above-named document in an envelope or package designated by [GoldenState Overnight Carrier/UPS/Federal Express/other carrier] ("express service carrier") addressed to the parties listed on the service list herein, and caused such envelope with delivery fees paid or provided for to be deposited in a box maintained by the express service carrier. I am "readily familiar" with the firm's practice of collection and processing of correspondence and other documents for delivery by the express service carrier. It is deposited in a box maintained by the express service carrier on that same day in the ordinary course of business.

____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office of the addressee.

____ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2019, at Ventura, California.



Claudia Philbrook

SERVICE LIST

Becker v. Yassa

Ventura Superior Court Case No. 56-2019-00527567-CU-UD-VTA

Magdy Yassa, individually, and dba Treasures
10031 Sunnybrae Avenue
Chatsworth, CA 91311

Magdy Yassa, individually, and dba Treasures
820 East Main Street
Santa Paula, California 93060

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: James B. Cole, Esq. 156131 FIRM NAME: Slaughter, Reagan & Cole, LLP STREET ADDRESS: 625 E. Santa Clara Street, Suite 101 CITY: Ventura TELEPHONE NO.: (805) 658-7800 E-MAIL ADDRESS: cole@srllplaw.com ATTORNEY FOR (name): The Becker Group, Inc. <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	STATE BAR NO.: STATE: CA ZIP CODE: 93001 FAX NO.: (805) 644-2131 FOR COURT USE ONLY <div style="text-align: center;"> VENTURA SUPERIOR COURT FILED JUL 30 2019 MICHAEL D. PLANET Executive Officer and Clerk ELIZABETH MULLER Deputy </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, CA 93009 BRANCH NAME: Main Courthouse	CASE NUMBER: 56-2019-00527567-CU-UD-VTA
Plaintiff: The Becker Group, Inc. Defendant: Magdy Yassa, individually, and dba Treasures <input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input checked="" type="checkbox"/> Unlimited Civil Case (including Family and Probate)

1. To the Sheriff or Marshal of the County of: **Ventura**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name): **The Becker Group, Inc.**

is the ☒ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

Magdy Yassa, individually, and dba Treasures
820 E. Main Street
Santa Paula, CA 93060

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

July 24, 2019

6. ☐ Judgment renewed on (dates):

9. ☒ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

For Items 11–17, see form MC-012 and form MC-013-INFO

11. Total judgment (as entered or renewed) \$

12. Costs after judgment (CCP 685.090) \$

13. Subtotal (add 11 and 12) \$

14. Credits to principal (after credit to interest) \$

15. Principal remaining due (subtract 14 from 13) \$

16. Accrued Interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$

17. Fee for issuance of writ \$ **25.00**

18. Total (add 15, 16, and 17) **ET** \$ **25.00**

7. Notice of sale under this writ

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

MICHAEL D. PLANET **ELIZABETH MULLER**
 Clerk, by _____, Deputy

Issued on (date): **JUL 30 2019**

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Page 1 of 3

Plaintiff: The Becker Group, Inc.	CASE NUMBER:
Defendant: Magdy Yassa, individually, and dba Treasures	56-2019-00527567-CU-UD-VTA

21. ☐ Additional judgment debtor (name, type of legal entity if not a natural person, and last known address):

--	--	--

--	--	--

22. ☐ Notice of sale has been requested by (name and address):

--	--	--

--	--	--

23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- a. on (date): a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor: b. name, type of legal entity if not a natural person, and last known address of joint debtor:

--	--	--

--	--	--

- c. ☐ Additional costs against certain joint debtors are itemized: ☐ Below ☐ On Attachment 23c

24. ☒ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a. ☒ Possession of real property: The complaint was filed on (date): April 23, 2019
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)

- (1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
(2) ☒ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
(3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)

- (4) If the unlawful detainer resulted from a foreclosure (item 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(2)), answer the following:

- (a) The daily rental value on the date the complaint was filed was \$ 106.10
(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

VENTURA DEPT., Mon. Thru Fri. @ 8:30 a.m. Ctrm. # IBD

- b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.

- c. ☐ Sale of personal property.

- d. ☐ Sale of real property.

- e. The property is described: ☒ Below ☐ On Attachment 24e

820 E. Main Street, Santa Paula, CA 93060, County of Ventura

I declare under penalty of perjury under the laws of the State of California that the daily rental value on the date the Complaint was filed is as shown on this Writ. Date: July 29, 2019

[Signature]

Plaintiff: The Becker Group, Inc.
 Defendant: Magdy Yassa, individually, and dba Treasures

CASE NUMBER:
 56-2019-00527567-CU-UD-VTA

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state number, and address): James B. Cole, Esq. Slaughter, Reagan & Cole, LLP 625 E. Santa Clara Street, Suite 101 Ventura, CA 93001 TELEPHONE NO.: (805) 658-7800 FAX NO.: (805) 644-2131 ATTORNEY FOR (Name): The Becker Group, Inc.		156131		FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED JUL 30 2019 MICHAEL D. PLANET Executive Officer and Clerk BY: ELIZABETH MUELLER Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input checked="" type="checkbox"/> 800 SOUTH VICTORIA AVE., VENTURA, CA 93009 <input type="checkbox"/> 3855 - F ALAMO ST., SIMI VALLEY, CA 93063-2110					
PLAINTIFF: The Becker Group, Inc. DEFENDANT: Magdy Yassa, individually, and dba Treasures					
APPLICATION AND DECLARATION FOR ISSUANCE OF WRIT OF POSSESSION				CASE NUMBER: 56-2019-00527567-CU-UD-VTA	

I, **James B. Cole, attorney for plaintiff**
 the court for issuance of a Writ of Possession to the County of **Ventura**

plaintiff(s) in the above-entitled case, hereby apply to

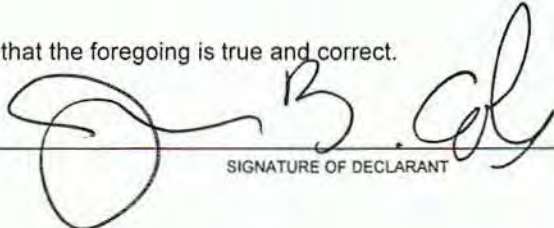
The daily rental value of the property as of the date the Complaint for Unlawful Detainer was filed is:

\$ **106.10**

☒ Judgment under CCP 1169 includes tenants, subtenants, if any, named claimants, if any, and any other occupants of the premises (CCP 415.46).

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

Date: **July 29, 2019**


 SIGNATURE OF DECLARANT

RECEIVED
VENTURA SUPERIOR COURT
JUL 18 2019

SLAUGHTER, REAGAN & COLE, LLP
ATTORNEYS AT LAW
625 E. SANTA CLARA STREET, SUITE 101
VENTURA, CALIFORNIA 93001
TELEPHONE: (805) 658-7800
FACSIMILE: (805) 644-2131

VENTURA
SUPERIOR COURT
FILED

JUL 24 2019
MICHAEL D. PLANET
Executive Officer and Clerk
BY: ELIZABETH MULLER Deputy

James B. Cole – State Bar No. 156131
cole@srllplaw.com
Attorneys for Plaintiff,
THE BECKER GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

THE BECKER GROUP, INC.,

Plaintiff,

vs.

MAGDY YASSA, INDIVIDUALLY, AN
DBA TREASURES; DOES 1 TO 10,
INCLUSIVE,

Defendant.

Case No. 56-2019-00527567-CU-UD-VTA

Assigned to Judge Paul Baelly
Department 27

Complaint Filed: April 23, 2019

**[PROPOSED] JUDGMENT FOR
POSSESSION**

Pursuant to breach of the Stipulation for Entry of Judgment by defendant, MAGDY YASSA,
INDIVIDUALLY, AND DBA TREASURES:

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff, THE BECKER GROUP, INC.,
on shall have and recover immediate possession of the premises located at 820 E. Main Street, Santa
Paula, CA 93060.

DATE: 7-19-18

JUDGE OF THE SUPERIOR COURT

PAUL W. BAELLY

IMAGED

JUDGEMENT FOR POSSESSION

SLAUGHTER, REAGAN & COLE, LLP
ATTORNEYS AT LAW
625 E. SANTA CLARA STREET, SUITE 101
VENTURA, CALIFORNIA 93001
TELEPHONE: (805) 658-7800
FACSIMILE: (805) 644-2131

James B. Cole – State Bar No. 156131
cole@srlplaw.com
Attorneys for Plaintiff,
THE BECKER GROUP, INC.

VENTURA
SUPERIOR COURT
FILED
JUL 18 2019
MICHAEL D. PLANET
Executive Officer and Clerk
BY **ELIZABETH MULLER** Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

THE BECKER GROUP, INC.,
Plaintiff,

vs.

MAGDY YASSA, INDIVIDUALLY, AN
DBA TREASURES; DOES 1 TO 10,
INCLUSIVE,
Defendant.

Case No. 56-2019-00527567-CU-UD-VTA

Assigned to Judge Paul Baelly
Department 27

Complaint Filed: April 23, 2019

**EX PARTE APPLICATION FOR ENTRY
OF JUDGMENT PURSUANT TO
STIPULATION FOR ENTRY OF
JUDGMENT; DECLARATION OF JAMES
B. COLE IN SUPPORT OF REQUEST FOR
ENTRY OF JUDGMENT**

TO DEFENDANT, MAGDY YASSA, INDIVIDUALLY, AND DBA TREASURES:

Plaintiff, THE BECKER GROUP, INC., hereby applies ex parte, without appearance, for
issuance of a judgment, pursuant to the Stipulation for Entry of Judgment, entered into between the
parties and Declaration of James B. Cole, attached hereto.

DECLARATION OF JAMES B. COLE

I, James B. Cole, declare:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am the attorney of record for plaintiff, THE BECKER GROUP, INC., herein. I have personal knowledge of the facts set forth in this declaration, and if called upon to testify, I could and would competently do so with respect to the contents of this declaration.

2. I negotiated on behalf of plaintiff, THE BECKER GROUP, INC., the Stipulation for Entry of Judgment, attached hereto as Exhibit "A".

3. Defendant has failed to make a payment required under the Stipulation for July 2019, total outstanding rent due is \$33,474.51.

4. The Stipulation provides in section 7 that: "Defendant shall pay plaintiff \$5,000.00 by 12:00 noon, May 21, 2019. Thereafter, Defendant shall pay \$5,000 on the first day of each calendar month beginning June 1, 2019, \$3,883 is base rent and \$50.00 is CAM expense. The remaining \$1,317.00 shall be credited toward the amount owing in section 2(i). Should any payment not be received on or before the 5th day of any month, Defendant shall be in breach of this Stipulation. Further Defendant shall obtain the insurance required per section 8.2(a) of the Lease on or before June 3, 2019. All payment to be in the form of cashier's check or money order. Failure by Defendant to make any payment, timely, hereunder and/or failure to obtain the required insurance, timely, shall be an incurable breach which shall result in a judgment for possession and for money of the balance then owing. Said judgments, for possession, and money, and writ of possession shall be issued by the Court upon ex parte application, with supporting declaration of plaintiff's counsel, without notice to Defendant."

5. The remaining amount due plaintiff is \$33,474.51 for past due rent, \$2,035.00 in attorneys' fees and \$598.00 representing costs.

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///

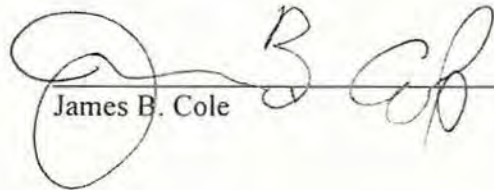
///

///

1 Additionally, I have spent one half hour in preparation of this ex parte application and
2 declaration. The total time spent was .5 hours for fees of \$137.50; I spent an additional .3 hours
3 preparing the proposed judgment for fees of \$82.50, for a total of .8 hours time, for a total judgment
4 requested of \$36,327.51.

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

7 Executed this 16 day of July 2019 at Ventura, California.

8
9
10 
11 James B. Cole

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and state bar number, and address): James B. Cole, Esq. Slaughter, Reagan & Cole, LLP 625 E. Santa Clara Street, Suite 101 Ventura, CA 93001 TELEPHONE NO. (805) 658-7800 FAX NO. (Optional): (805) 644-2131 E-MAIL ADDRESS (Optional): cole@srllplaw.com ATTORNEY FOR (Name): The Becker Group, Inc.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, CA 93009 BRANCH NAME: Main Courthouse		
PLAINTIFF: The Becker Group, Inc.		
DEFENDANT: Magdy Yassa, individually, and dba Treasures		
STIPULATION FOR ENTRY OF JUDGMENT (Unlawful Detainer)		CASE NUMBER 56-2019-00527567-CU-UD-VTA

1. IT IS STIPULATED by plaintiff (name each): **The Becker Group, Inc.** and
defendant (name each): **Magdy Yassa, individually, and dba Treasures**
2. ☒ Plaintiff ☐ Defendant (specify name): **The Becker Group, Inc.** is awarded
a. ☒ possession of the premises located at (street address, apartment number, city, and county):
820 E. Main Street, Santa Paula, CA 93060, County of Ventura
b. ☐ cancellation of the rental agreement. ☐ forfeiture of the lease.
c. ☒ past due rent \$ **36,873.69**
d. ☐ total holdover damages \$
e. ☒ attorney fees \$ **2,035.00**
f. ☒ costs \$ **598.22**
g. ☒ deposit of \$ **7,000.00 (not included in total)** ☐ See item 3.
h. ☐ other (specify):
i. Total \$ **39,506.91** to be paid by ☐ (date): ☐ installment payments (see item 5)
3. ☒ Deposit. If not awarded under item 2g, then plaintiff must
a. ☐ return deposit of \$ to defendant by (date):
b. ☒ give an itemized deposit statement to defendant within three weeks after defendant vacates the premises
(Civ. Code, § 1950.5).
c. ☐ mail the ☐ deposit ☐ itemized statement to the defendant at (mailing address):
4. ☐ A writ of possession will issue immediately, but there will be no lockout before (date):
5. ☐ AGREEMENT FOR INSTALLMENT PAYMENTS
a. Defendant agrees to pay \$ on the (specify day) day of each month beginning
on (specify date) until paid in full.
b. If any payment is more than (specify) days late, the entire amount in item 2i will become immediately due and
payable plus interest at the legal rate.
6. a. ☐ Judgment will be entered now.
b. ☒ Judgment will be entered only upon default of payment of the amount in item 2i or the payment arrangement in item 5a
The case is calendared for dismissal on (date and time) in
department (specify) unless plaintiff or defendant otherwise notifies the court
c. ☐ Judgment will be entered as stated in Judgment - Unlawful Detainer Attachment (form UD-110S), which is attached.
d. ☒ Judgment will be entered as stated in item 7.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA

MINUTE ORDER

DATE: 05/20/2019

TIME: 08:30:00 AM

DEPT: 27

COMMISSIONER: Paul Baelly

CLERK: Tiffany Froedge

REPORTER/ERM: FTR

CASE NO: **56-2019-00527567-CU-UD-VTA**

CASE TITLE: **The Becker Group Inc vs. Yassa**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Unlawful Detainer - Commercial

EVENT TYPE: Court Trial - Unlawful Detainer time estimate 1/2 hour

MOVING PARTY: The Becker Group Inc

CAUSAL DOCUMENT/DATE FILED: Complaint, 04/23/2019

APPEARANCES

JAMES B. COLE, counsel, present for Plaintiff(s).

Magdy Yassa, self represented Defendant, present.

Jenny Petty, counsel for Plaintiff, is present

At 09:27 a.m., court convenes in this matter with all parties present as previously indicated.

All parties stipulate to the Commissioner to hear the matter. Stipulation signed and filed.

All parties and witnesses are sworn.

The Court finds/orders:

Stipulation for Entry of Judgment is granted.

Judgment for Plaintiff The Becker Group Inc. and againsts Magdy Yassa, individually and dba Treasures is as follows:

Plaintiff is awarded possession of the premises located at 820 E. Main Street, Santa Paula, CA 93060, County of Ventura.

Past Due Rent: \$36,873.69

Attorney fees: \$2,035.00

Costs: \$598.22

Deposit of \$7000.00 (not included in total)

Total Judgment is 39,506.91.

Deposit if not awarded under item 2g, then plaintiff must give an itemized deposit statement to defendant within 3 weeks after defendant vacates the premises.

Judgment will entered only upon default of payment of the amount in item 2i or the payment arrangement in item 5a.

Judgment will entered as stated in item 7.

Plaintiff and defendant further stipulate as follows: Defendant shall pay plaintiff \$5,000.00 by 12:00 noon, 5/21/19. Thereafter, defendant shall pay \$5,000.00 on the first day of each calendar month beginning 06/01/19, \$183 is base rent and \$500.00 is cam expense. The remaining \$1317.00 shall be credited towards the amount owing in section 2i. Should any payment not be received on or before the 5th day of any month, defendant shall be in breach of this stipulation. Further, defendant shall obtain the insurance required per section 8.2(a) of the lease on or before 06/03/19.

All payments to be in the form of cashier's check or money order. Failure by the defendant to make any payments timely, hereunder and/or failure to obtain the required insurance, timely, shall be in an incurable breach which shall result in a judgment for possession and for money of the balance then owing. Said judgments, for possession, and money, and writs of possession shall be issued by the court upon ex parte application, with supporting declaration of plaintiff's counsel, without notice to defendant.

Stipulation signed by the court and returned to counsel for filing.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: James B. Cole, Esq. 156131 FIRM NAME: Slaughter, Reagan & Cole, LLP STREET ADDRESS: 625 E. Santa Clara Street, Suite 101 CITY: Ventura STATE: CA ZIP CODE: 93001 TELEPHONE NO.: (805) 658-7800 FAX NO.: (805) 644-2131 E-MAIL ADDRESS: cole@srllplaw.com ATTORNEY FOR (name): The Becker Group, Inc. <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, CA 93009 BRANCH NAME: Main Courthouse	
Plaintiff: The Becker Group, Inc. Defendant: Magdy Yassa, individually, and dba Treasures	
CASE NUMBER: 56-2019-00527567-CU-UD-VTA	
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property	
<input type="checkbox"/> Limited Civil Case (including Small Claims) <input checked="" type="checkbox"/> Unlimited Civil Case (including Family and Probate)	

1. To the Sheriff or Marshal of the County of: **Ventura**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name): **The Becker Group, Inc.**

is the ☒ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

Magdy Yassa, individually, and dba Treasures
820 E. Main Street
Santa Paula, CA 93060

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

July 24, 2019

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

9. ☒ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

For Items 11-17, see form MC-012 and form MC-013-INFO

11. Total judgment (as entered or renewed)	\$
12. Costs after judgment (CCP 685.090)	\$
13. Subtotal (add 11 and 12)	\$
14. Credits to principal (after credit to interest)	\$
15. Principal remaining due (subtract 14 from 13)	\$
16. Accrued Interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees)	\$
17. Fee for issuance of writ	\$ 25.00
18. Total (add 15, 16, and 17)	E.T. \$ 25.00

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]



Issued on (date): **JUL 30 2019**

Clerk, by **MICHAEL D. PLAMPT**, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

WRIT OF EXECUTION