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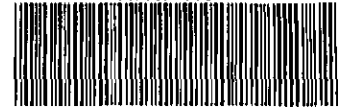
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**RECORDING REQUESTED BY**

David J. Pasternak, Receiver  
1875 Century Park East, #2200  
Los Angeles, CA 90067

08/03/2009



\*20091183873\*

**WHEN RECORDED MAIL TO**

NAME David J. Pasternak,  
Receiver  
MAILING 1875 Century Park East  
ADDRESS Suite #2200  
CITY, STATE Los Angeles, CA  
ZIP CODE 90067

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**TITLE(S)**

INTERLOCUTORY JUDGMENT OF PARTITION FOR SALE OF REAL PROPERTY AND ORDER  
APPOINTING REFEREE

1715 Armacost Avenue, Los Angeles, CA

*Original*

3

1 Gary A. Starre, Esq: SBN: 72793  
2 LAW OFFICES OF STARRE & COHN  
3 15760 Ventura Boulevard, Suite 801  
4 Encino, California 91436  
5 Telephone: (818) 501-7827  
6 Facsimile: (818) 501-0249

**FILED**<sup>1/2</sup>  
LOS ANGELES SUPERIOR COURT  
JUL 20 2009  
JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK  
BY N. LEE, DEPUTY

RECEIVED  
JUN 19 2009  
DEPT X

Attorneys for Lisa Badal, Howard Hori & Tsutomu Hori, Defendants

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

9 UNLIMITED CIVIL, WEST DISTRICT—BEVERLY HILLS

10 FLORENCE HAVERLAND,

11 Plaintiff,

12 vs.

13 LISA BADAL, an individual; LISA  
14 BADAL, as Conservator for Tsutomu Hori;  
15 HOWARD HORI, an individual; and DOES  
16 1-10, to the extent that they have an  
17 interest in the subject property,

18 Defendants.

) Case No.: SC099929

) Assigned to Judge Lisa Hart Cole  
) Dept. WE-X (Beverly Hills)

) INTERLOCUTORY JUDGMENT OF  
) PARTITION FOR SALE OF REAL  
) PROPERTY AND ORDER  
) APPOINTING REFEREE (2<sup>nd</sup>  
) ~~PROPOSED~~)

) Date: 06/03/09  
) Time: 9:00 a.m.  
) Dept.: West-X (Beverly Hills)  
) Assigned to Judge Cole

19  
20  
21 On June 3, 2009, at 9:00 a.m. in Department West-X of the Los Angeles Superior  
22 Court, the Honorable LISA HART COLE presiding, the motion of defendants for judgment  
23 on the pleadings and entry of an Interlocutory Judgment of Partition and an Order  
24 Appointing Referee came on regularly for hearing. Appearing as attorney for Plaintiff was  
25 LAWRENCE SILVER of the law firm of SILVER & FIELD. Appearing on behalf of  
26 Defendants was GARY A. STARRE of the law firm of STARRE & COHN.

27 Upon submission of the moving papers, all evidence and argument of counsel, and  
28 review of the pleadings on file, the court hereby orders, adjudges and decrees as follows:

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& COHN  
15760 VENTURA BLVD.  
SUITE 801  
ENCINO, CA  
91436  
(818) 501-7827

1 1. Plaintiff and defendants are the owners of 1715 Armacost Avenue, Los  
2 Angeles, CA, legal described as follows:

3 Lot 5 of Tract No. 8375 in the City of Los Angeles, County of Los  
4 Angeles, State of California, as recorded in Book 103, Page(s) 97 of Maps,  
5 in the office of the County Recorder of Said County.  
6

7 2. The respective ownership interests are held as follows:

- 8 a. FLORENCE HAVERLAND an undivided one-third interest;
- 9 b. ESTATE OF TSUTOMU HORI an undivided one-third interest;
- 10 c. LISA BADAL an undivided one-sixth interest;
- 11 d. HOWARD HORI an undivided one-sixth interest.

12 3. The liens and encumbrances on the property appearing on record is a first  
13 deed of trust held in favor of Citibank Federal Savings Bank aka Citicorp Mortgage, in the  
14 original principal of \$80,000.00 recorded February 3, 1994, as instrument no. 94-237442 in  
15 the office of the Los Angeles County Recorder's Office.  
16

17 4. Under the circumstances of the sale of the property and division of the  
18 proceeds would be more equitable than division of the property. The Court orders  
19 partition by sale.  
20

21 5. DAVID J. PASTERNAK, officing at 1875 Century Park East, Suite 2200,  
22 Los Angeles, CA 90067, is hereby appointed referee with authority to sell the property  
23 at public auction to the highest bidder for cash, on notice duly given in the manner  
24 required for sale of real property on execution, or private sale in the event that the referee  
25 determines at this discretion that a private sale will be the most beneficial with all parties  
26 having interest therein. In which event the private sale shall be conducted in the manner  
27 as required for private sales of real property estates on deceased persons as required by  
28

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ENCINO, CA  
91438  
(818) 501-7827

1 law. The referee shall coordinate his/her efforts with the administrator of the Estate of  
2 TSUTOMU HORI, so as to satisfy the requirements of the administrator's limited  
3 powers under the Administration of Estates Act as granted in probate case no.  
4 BP115187.

5 6. No bond shall be required of the referee.

7 7. The property shall be sold as is, and the terms shall be all-cash from the  
8 Buyer.

9 8. The referee is empowered to take all steps necessary to sell the property  
10 including removing the present occupants of the premises, if necessary, for the sale.

11 9. The referee shall maintain all insurance to protect the property from casualty  
12 and to protect the property, and its owners, from liability, and the referee shall take no  
13 action which would impair the maintenance of liability and casualty insurance or preclude  
14 securing such insurance in the future.

15 10. After making the sale of the property, the referee is hereby directed to report  
16 to this court his proceeding thereon, and on confirmation of the sale of real property, as  
17 well as the payment of the purchase price, the referee is authorized and directed to execute  
18 and deliver a deed to the real property sold to the purchaser.

19 11. The referee is authorized to employ real estate brokers and other  
20 professional personnel as is necessary to effectuate the sale. Commissions shall not exceed  
21 5%.

22 12. Unless modified by an order confirming the sale hereafter entered, the  
23 proceeds from the sale shall be applied upon confirmation as follows:

- 24 a. To pay the expenses connected with the sale of the property;
- 25 b. To pay the liens and encumbrances on the property;
- 26 c. To deposit the remaining the proceeds of the sale with the clerk of the court,
- 27
- 28

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& COHN  
15700 VENTURA BLVD.  
SUITE 001  
ENCINO, CA  
91436  
(818) 501-7827

1 or such other blocked account as the Court shall order; and

2 d. After deposit with the court, or such other account, the court shall make an  
3 order paying costs of reference including fees and disbursements of the referee and to make  
4 such other orders as are appropriate, after consideration of accounting and reimbursement  
5 claims, to distribute the remaining proceeds of sale in such manner as to be determined by  
6 this court.

7  
8 Dated: 7-20-09

9   
10 \_\_\_\_\_  
11 JUDGE OF THE SUPERIOR COURT  
12 LISA HART COLE  
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26 STARRE  
27 & COHN  
28 15760 VENTURA BLVD.  
SUITE 801  
ENCINO, CA  
91438  
(818) 501-7827

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the county aforesaid. I am over the age of 18 years and not a party to the within entitled action. My business address is: 15760 Ventura Blvd. Suite 801, Encino, California 91436.

On **June 17, 2009**, I served the attached document(s) on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Lawrence Silver  
Silver & Field  
10975 Santa Monica Blvd.  
Los Angeles, California 90025

DAVID J. PASTERNAK  
1875 Century Park East, Suite 2200  
Los Angeles, CA 90067

Also by fax  
Fax Number(s): Mr. Silver: 310 477-7640; Mr. Pasternak (310) 553-1540

**(By Mail)** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage fully prepaid. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of 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.

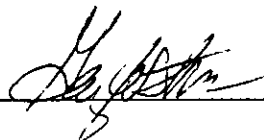
**(By Facsimile)** By placing said document(s) in my office facsimile machine and transmitting them to the named person(s) at Los Angeles, California.

**(By Personal Service)** By causing said document(s) to be hand delivered via messenger to the office(s) of the addressee(s).

**(Federal)** I am employed in the office of the attorney at whose direction this declaration was executed.

I declare under penalty of perjury that this declaration was executed on **June 17, 2009**, at Encino, California.

GARY A. STARRE



STARRE  
& COHN  
15760 VENTURA BLVD.,  
SUITE 801  
ENCINO, CA  
91436  
(818) 501-7827

4

I CERTIFY THAT THE ABOVE NAMED PARTY  
AND CORRECT COPY OF THE ORIGINAL  
ON FILE IN THE CLERK'S OFFICE  
JOHN A. CLARKE, CLERK  
SUPERIOR COURT  
G. Davis



JUL 24 2009