

1 Renee Shizue Yamagishi
2 aka Renee Shizue Ramos
3 2703 Mathews Street
4 Berkeley, CA 94702
5 ryamagishi@protonmail.com

6 Sui Juris and in Pro Per

ORIGINAL FILED

MAR 04 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 C20-1607 ESG

11 BRECKENRIDGE PROPERTY FUND)
12 2016, LLC,)
13 Plaintiff,)

14 vs.)

15 RENEE SHIZUE RAMOS (now known as)
16 RENEE SHIZUE YAMAGISHI,)
17 Defendant.)

Case No. _____

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(a)-FEDERAL
QUESTION

18
19 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

20 PLEASE TAKE NOTICE that defendant Renee Shizue Yamagishi (formerly and also known
21 as Renee Shizue Ramos) one of the people of these united states of America and one of the people of
22 California, executor of the estate of RENEE SHIZUE YAMAGISHI (hereinafter "defendant") hereby
23 removes to this Court the state court action described below.
24

25 1. On October 8, 2019 an action was commenced in the Superior Court of the State of
26 California in and for the County of Alameda entitled BRECKENRIDGE PROPERTY FUND
27 2016, LLC, Plaintiff, vs. RENEE SHIZUE RAMOS (now known as RENEE SHIZUE YAMAGISHI,
28

1 Defendant, as case number RG-19038318.

2 2. Notice of removal is timely, becoming removal by federal issues by the Motion for
3 Summary Judgement served upon defendant by postal mail received on February 24, 2019 which
4 plaintiff filed on February 19, 2019. A copy of the Motion for Summary Judgement is attached
5 hereto Exhibit "A" and incorporated herein by reference.
6

7 3. Defendant was served by postal mailed a copy of the original complaint and a
8 summons on October 28, 2019: While federal issues were arguably raised by the complaint this
9 removal is based on federal and constitutional issues raised more plainly upon plaintiff's recent
10 Motion for Summary Judgement. A copy of the summons and complaint is attached hereto Exhibit
11 "B" and incorporated herein by reference.
12

13 3. Defendant filed responsive pleadings to the summons and complaint such as an initial
14 Motion to Quash followed by a Writ, both denied for evidentiary hearing; along with subsequent
15 special answers. The most relevant of defendant's response is her Verified Special Answer on
16 January 31, 2020, Exhibit "C."
17

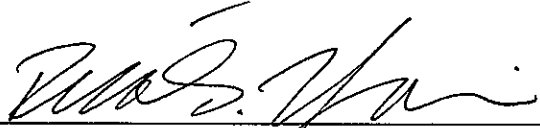
18 4. This action is a civil action for which this Court has original jurisdiction under 28
19 U.S.C. §1331 due to federal issues raised in the original complaint but for which the artful pleading
20 doctrine rule is arguably applied: plaintiff's complaint disguised a central constitutional issue
21 recharacterized with certain ambiguous state procedures for an unlawful detainer proceeding original
22 designed for landlord-tenant dispute evictions. This action became definitively removable on
23 February 19, 2020 pursuant to the provisions of 28 U.S.C. §1441(b) in that plaintiff's Motion for
24 Summary Judgement prompts removal which arises under constitutional provisions of due process
25 before dispossession of property and the "equitable right of redemption doctrine" which is law in all
26 fifty states. Removal is timely.
27
28

1 4a. Subject matter jurisdiction for the case before the court; as well as standing
2 and no valid cause of action was challenged for the plaintiff – but neither issue
3 addressed as the plaintiff moved the court forward and the court confirms it is thereby
4 surely moved with calendared hearing on the above-mentioned Motion for Summary
5 Judgement scheduled for 9:00 AM in state court unlawful detainer division on March
6 5, 2020. Defendant removes the case to federal jurisdiction hereby on March 4, 2020.
7

8
9 5. The undersigned defendant is the only named defendant in the state court action
10 referenced above in paragraph 1 of this notice.
11

12
13 WHEREFORE, defendant Renee Shizue Yamagishi prays that this action be removed to the United
14 States District Court for
15

16
17 Dated March 4, 2020



Renee Shizue Yamagishi
Sui Juris and in Pro Per

Signed hereabove under
penalty of perjury under the
laws of the United States of America.
RSY

1 Renee Shizue Yamagishi
2 aka Renee Shizue Ramos
3 2703 Mathews Street
Berkeley, CA 94702
3 ryamagishi@protonmail.com

4 Sui Juris and in Pro Per
5 *Persona standi in judicio*, defending
6
7
8

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 BRECKENRIDGE PROPERTY FUND)
13 2016, LLC,)
Plaintiff,)

14 vs.)

15 RENEE SHIZUE RAMOS (now known as)
16 RENEE SHIZUE YAMAGISHI,)
17 Defendant.)

Case No. _____

) NOTICE TO ADVERSE PARTY OF
) REMOVAL OF ACTION TO FEDERAL
) COURT UNDER 28 U.S.C. §1441(a)-
) FEDERAL QUESTION

18
19
20 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF

21 BRECKENRIDGE PROPERTY FUND 2016, LLC AND THEIR ATTORNEYS OF RECORD:

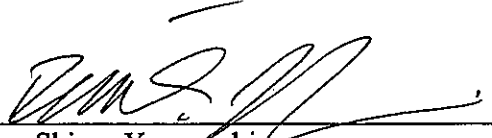
22 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the United
23 States District Court for Northern District of California on March 4, 2020 under Federal Case
24 Number _____
25

26 PLEASE TAKE FURTHER NOTICE THAT pursuant to Title 28 U.S.C. 1446(d) neither the
27 named plaintiff(s) nor the above-entitled Court shall proceed any further unless and until the case is
28 remanded.

1 Title 28 U.S.C. 1446(d) provides, "Promptly after the filing of such notice of removal of a
2 civil action the defendant or defendants shall give written notice thereof to all adverse parties and
3 shall file a copy of the notice with the clerk of such State court, which shall effect the removal and
4 the State court shall proceed no further unless and until the case is remanded."
5

6 A copy of the said Notice of Removal is attached to this Notice, and is served and filed
7 herewith.

8 Dated March 4, 2020

9 
10 Renee Shizue Yamagishi
11 Sui Juris and in Pro Per

12 signed hereinabove under penalty
13 of perjury under the laws of the
14 United States of America. RSY
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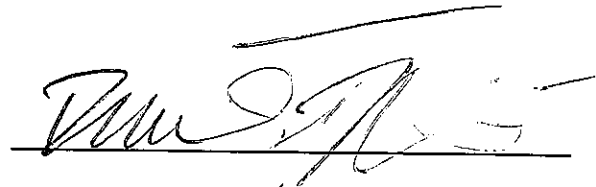
DECLARATION OF RENEE SHIZUE YAMAGISHI (aka RAMOS)

In support of removal of state case in Alameda County Superior Court Case #RG-19038318 Breckenridge vs. Ramos to the United States District Court for Northern California.

I, Renee Shizue Yamagishi formerly known as Renee Shizue Ramos, defendant in pro per and sui juris, one of the people of California and of these united states of America, executor of the estate of RENEE SHIZUE YAMAGISHI, am of sound mind and body and declare the following:

I as the named defendant in the referenced state action am within my rights and for lawful and good cause remove the action to our federal district court for adjudication as pled and herein referenced. I am a real party in interest with first hand personal knowledge and a fact witness, presenting herself to submit to sworn testimony under oath and under the law, named defendant and occupant of the real party and subject property which is a residential property commonly known as 2703 Mathews Street, Berkeley, California. The dispute is over the same subject property whose market value is well above the threshold value of \$75,000 for removal. The federal issues raised have been duly pled herein, and if summoned into any tribunal or proceeding of law can and am able to testify and swear to the truth and validity of the statements and application made herein in the notice of removal of the aforementioned case to our federal court.

Dated: 3/4/2020



Renee Shizue Yamagishi, Declarant

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1 PAMELA C. JACKSON, ESQ. SBN87502
PAMELA C. JACKSON, INC.
2 409 Boyd Street
Vacaville, CA 95688
3 Telephone 707-446-2333
Facsimile 707-446-2393
4 E-Mail jackson@pcjlawinc.com

5 Attorneys for Plaintiff
BRECKENRIDGE PROPERTY
6 FUND 2016, LLC

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

BRECKENRIDGE PROPERTY FUND
2016, LLC,

Case No. RG 19-038318

Plaintiff,

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR SUMMARY
JUDGMENT**

v.

RENEE SHIZUE RAMOS et al,

Defendants.

Date: March 5, 2020
Time: 9:00 AM
Dept: 511
Reservation No. R-2162706

TO: RENEE SHIZUE RAMOS also known as RENEE SHIZUE TAMAGISHI,
Defendant *in propria persona*.

PLEASE TAKE NOTICE that on **MARCH 5, 2020 at 9:00 AM**, in Department
511 of this Court, located at, 24405 Amador Street, Hayward California, 94544,
Plaintiff BRECKENRIDGE PROPERTY FUND 2016, LLC will move this Court as
follows:

1 For summary judgment in favor of plaintiff BRECKENRIDGE PROPERTY
2 FUND 2016, LLC and against defendant RENEE SHIZUE RAMOS also known as
3 RENEE SHIZUE YAMAGISHI ordering restitution and possession of the premises
4 commonly known as 2703 Mathews Street, Berkeley, Alameda County, California
5 94702, bearing the Assessor Parcel Number 054-1740-029 (the "Premises"), for
6 damages as alleged in the Complaint, and for costs of suit.

7 The motion will be made upon the ground that there is no triable issue of
8 material fact as a matter of law. The motion will be based upon this notice, the
9 declarations of Olivia Reyes and Darnella Hendrix, the memorandum of points and
10 authorities, exhibits, and statement of undisputed facts filed and served herewith, all
11 pleadings and papers on file herein, and such oral and documentary evidence as
12 may be presented at the hearing on the motion.

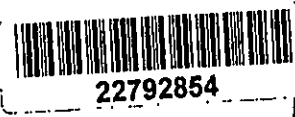
13 **NOTICE IS FURTHER GIVEN** that the court adopts the tentative ruling
14 procedure set out in California Rules of Court, rule 3.1308(a)(1). The tentative ruling
15 or notice to appear will generally be available by 4:00 p.m. two court days prior to the
16 scheduled hearing and no later than 3:00 p.m. the court day before the hearing.
17 Unless the court directs otherwise, the court's tentative ruling will be available on the
18 court's website at www.alameda.courts.ca.gov/tentativerulings or by calling 510-272-
19 1200. Whenever a tentative ruling has not been issued, the parties are to appear at
20 the hearing unless otherwise ordered.

21 Dated: February 19, 2020

22 PAMELA C. JACKSON, INC.

23
24 By: /s/ Pamela C. Jackson
25 PAMELA C. JACKSON, ESQ.
26 Attorneys for Plaintiff
27 BRECKENRIDGE PROPERTY FUND
28 2016, LLC

Handwritten text at the bottom of the page, possibly a signature or date.



1 PAMELA C. JACKSON, ESQ. SBN87502
 2 PAMELA C. JACKSON, INC.
 3 409 Boyd Street
 4 Vacaville, CA 95688
 5 Telephone 707-446-2333
 6 Facsimile 707-446-2393
 7 E-Mail jackson@pcilawinc.com
 8
 9 Attorneys for Plaintiff
 10 BRECKENRIDGE PROPERTY FUND
 11 2016, LLC

FILED
 ALAMEDA COUNTY
 OCT 08 2019
 CLERK OF THE SUPERIOR COURT
 By *[Signature]*
 Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 13 **COUNTY OF ALAMEDA**

14 BRECKENRIDGE PROPERTY FUND Case No. RG19038318
 15 2016, LLC,
 16 Plaintiff,
 17 v. **COMPLAINT FOR UNLAWFUL**
 18 **RENEE SHIZUE RAMOS, AVELINO** **DETAINER**
 19 **RAMOS and DOES 1 to 20, inclusive,** [Limited Jurisdiction Case. Demand
 20 **Defendants.** **\$10,000] Less Than \$25,000 but More than**
ACTION BASED ON CCP § 1161a

21 Plaintiff alleges:

- 22 1. Plaintiff is a limited liability company qualified to do business in the State
 23 of California.
 24 2. The true names and capacities of Defendants DOES 1 to 20, inclusive,
 25 are unknown to Plaintiff, who therefore sue these defendants by such fictitious
 26 names and will amend this complaint to allege their true names and capacities
 27 when ascertained. Plaintiff is informed and believes and thereon alleges that
 28 each of the fictitiously named defendants claims a right under the named

1 defendant to possession of the premises against Plaintiff.

2 3. By virtue of a deed executed by Aztec Foreclosure Corporation, as
3 trustee, successor trustee, or substituted trustee, named in a deed of trust
4 (hereafter the "Trustee"), and delivered to Plaintiff as hereinafter alleged, Plaintiff
5 is the owner of, and entitled to possession of, the residential real property
6 commonly known as 2703 Mathews Street, Berkeley, Alameda County, California
7 94702, bearing the Assessor Parcel Number 054-1740-029 and (the "Premises").

8 4. The deed of trust was executed by RENEE SHIZUE RAMOS and
9 AVELINO RAMOS, Defendants, as Trustors (hereafter the "Trustors" or
10 "Defendants") and recorded on July 3, 2006, instrument number 2006-253815 in
11 the official records of the County Recorder of Alameda, California. By this deed
12 of trust, the Trustors conveyed the Premises to the Trustee to secure payment of
13 a promissory note executed by Trustors.

14 5. Trustors defaulted in the payment of the promissory note and in
15 accordance with California Civil Code § 2924 *et seq* and the deed of trust, notice
16 of default was given.

17 6. Trustors failed to cure the default and on September 25, 2019, the
18 Trustee duly sold the Premises to Plaintiff, who was the highest bidder, and,
19 thereafter executed and delivered to Plaintiff a deed for the Premises, which was
20 recorded on October 3, 2019 as instrument number 2019-200086 in the official
21 records of the County Recorder of Alameda County, California, thereby duly
22 perfecting Plaintiff's title. The deed contains the recitals of compliance with law
23 as set forth in Section 2924 *et seq* of the California Civil Code which provides:
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1 "A recital in the deed executed pursuant to the power of sale of
2 compliance with all requirements of law regarding the mailing of
3 copies of notices or the publication of a copy of the notice of
4 default or the posting of copies of the notice of sale or the
5 publication of a copy therefore shall constitute prima facie
6 evidence of compliance with these requirements and conclusive
7 evidence thereof in favor of bona fide purchasers and
8 encumbrances for value and without notice." CC § 2924(c).

9 *Moeller v. Chun-Yen Lien* (1994) 25CA 4th 822, 831.

10 A true and correct copy of the trustee's deed is attached hereto labeled Exhibit 1
11 and incorporated herein.

12 7. The Premises was sold at a non-judicial foreclosure sale conducted in
13 accordance with California Civil Code § 2924 *et seq.*

14 8. Plaintiff was not the foreclosing beneficiary and has no relationship to
15 the foreclosing beneficiary other than being the high bidder at the foreclosure
16 sale.

17 9. Plaintiff is informed and believes and thereon alleges that at the time of
18 the sale, defendants and each of them were in possession of the Premises and
19 they have remained in possession thereof after the sale.

20 10. On October 4, 2019, Plaintiff served a written notice demanding that
21 Defendants and any persons claiming possession quit the Premises within three
22 (3) days after service of the notice. The notice was served by posting a copy on
23 the Premises because no person of suitable age and discretion could be found
24 there and thereafter mailing a copy by first-class mail, postage pre-paid,
25 addressed to the Defendant at the Premises. The notice included the coversheet
26 entitled *Notice to Renters* required by California Code of Civil Procedure § 1161c
27 and a copy of the Notice was also mailed, with the coversheet, to any renters
28 living at the Premises. A copy of the notice with proof of service is attached
hereto labeled Exhibit 2 and incorporated herein.

1 11. The three (3) day period expired on October 7, 2019, and since that
2 date Plaintiff has been and is entitled to immediate possession of the Premises.

3 12. Defendants and each of them failed and refused to deliver up
4 possession within the three (3) day period or since and continue in possession of
5 the Premises without Plaintiff's permission or consent.

6 13. Plaintiff is informed and believes and thereon alleges that the
7 reasonable rental value of the premises is \$145.33 per day and the damages to
8 Plaintiff proximately caused by defendants' unlawful detention of the Premises
9 have accrued at that rate beginning October 8, 2019.

10 **WHEREFORE** Plaintiff prays judgment against defendants as follows:

- 11 1. For possession of the Premises.
12 2. For damages for the unlawful detention of the Premises at the rate of
13 \$145.33 per day from October 8, 2019, through entry of judgment.
14 3. For costs of suit incurred herein.
15 4. For such other and further relief as the court may deem proper.

16
17 Dated: October 8, 2019

PAMELA C. JACKSON, INC.

18
19 By: /s/ Pamela C. Jackson
20 PAMELA C. JACKSON, ESQ.
21 Attorneys for Plaintiff
22
23
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1 VERIFICATION
2 [CCP Section 446-Out of County]

3 I, PAMELA C. JACKSON, declare:

4 I am duly admitted and licensed to practice before all courts of this state
5 and I have my professional office at 409 Boyd Street, Vacaville, Solano County,
6 California.

7 I am the attorney of record for the Plaintiff in the within matter.

8 Said Plaintiff is absent from the county in which I have my office and for
9 that reason I am making this verification on its behalf.

10 I have read the foregoing Complaint for Unlawful Detainer and know the
11 contents thereof.

12 I am informed and believe that the matters stated therein are true and, on
13 that ground, I allege that the matters stated therein are true.

14 I declare, under penalty of perjury, that the foregoing is true and correct.
15 Executed this 8th day of October 2019 at Vacaville, California.

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18 PAMELA C. JACKSON, ESQ.
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COPY of Document Recorded at
Alameda, CA County Recorder
2019200086 BK: PG:
10/3/2019 has not been compared with
original. Original will be returned when
process has been completed.

Fee: 17.00 DTT: 11,914.00SB2: 0.00
Total: 11,931.00

WHEN RECORDED MAIL TO:

BRECKENRIDGE PROPERTY FUND 2016, LLC
2015 MANHATTAN BEACH BLVD. # 100
REDONDO BEACH, CA 90278

MAIL TAX STATEMENTS TO:

BRECKENRIDGE PROPERTY FUND 2016, LLC
2015 MANHATTAN BEACH BLVD. # 100
REDONDO BEACH, CA 90278
Recording Requested by: Synrgo, Inc.
APN # 054 -1740-029

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Trustee Sale No. 14-001158 CXE Title Order No. 730-1710790-70

TRUSTEE'S DEED UPON SALE

The undersigned grantor(s) declare(s):

- 1) The grantee herein was not the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with cost was \$688,034.30
- 3) The amount paid by the grantee at the trustee sale was \$740,000.00
- 4) The document transfer tax is \$11,110.00 CITY / \$814.00 COUNTY
- 5) Said property is in the city of Berkeley.

Aztec Foreclosure Corporation (whereas so designated in the Deed of Trust herein under more particularly described or as duly appointed Trustee), does hereby GRANT and CONVEY, but without covenant or warranty, express or implied, to BRECKENRIDGE PROPERTY FUND 2016, LLC, (herein called Grantee), all right, title and interest in and to that certain property situated in the County of Alameda, State of CA, and described as follows:

Beginning at a point on the Easterly line of Mathews Street, distant thereon Southerly 33 feet, 9 inches from the intersection thereof with the Southerly line of Darby Street, formerly Felton Street, as said streets are shown on the Map herein referred to; running thence Southerly along said line of Mathews Street, 33 feet, 9 inches; thence Easterly parallel with said line of Darby Street 80 feet; thence Northerly parallel with said line of Mathews Street, 33 feet, 9 inches; thence Westerly parallel with said line of Darby Street 80 feet to the point of beginning.

Being a portion of Lots 1 and 2, Block 11, as said Lots and Block on the "Map of the Mathews Tract, Berkeley Oakland Township, subdivided 1888", filed August 7, 1888, Map Book 10, Page 29, Alameda County Records.

Which has a Purported Address of: 2703 Mathews Street, Berkeley, CA 94702

RECITALS:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated June 28, 2008 and executed by Renee Shizue Ramos, a single woman as to an undivided 99% interest, and Avellino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants in common, as Trustor, and Recorded on July 3, 2008 as Instrument No. 2008253815 of official records of ALAMEDA County, CA, and after fulfillment of the conditions

EXHIBIT 1

1 OF 2

Trustee's Deed Upon Sale
File No. 14-001158CXE

specified in said Deed of Trust authorizing this conveyance. Trustee having complied with all applicable statutory requirements of the State of CA and performed all duties required by the Deed of Trust.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County, and such default still existed at the time of sale.

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of Sale have been complied with.

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its powers under said Deed of Trust, sold the herein described property at public auction on September 26, 2019. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid being \$740,000.00 in lawful money of the United States, or by credit bid if the Grantee was the beneficiary of said Deed of Trust at the time of sale Trustee's Sale.

Date: 10-1-19

Aztec Foreclosure Corporation

Elaine Malone
Elaine Malone
Assistant Secretary / Assistant Vice President

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On 10/1/19 before me, Amy Connolly, a Notary Public in and for said State, personally appeared Elaine Malone, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Amy Connolly (Seal)



**NOTICE TO ANY RENTERS LIVING AT
2703 Mathews Street
Berkeley, CA 94702
[Pursuant to CCP § 1161c]**

The attached notice means that your home was recently sold in foreclosure and the new owner plans to evict you.

You should talk to a lawyer NOW to see what your rights are. You may receive court papers in a few days. If your name is on the papers it may hurt your credit if you do not respond and simply move out.

Also, if you do not respond within five days of receiving the papers, even if you are not named in the papers, you will likely lose any rights you may have. In some cases, you can respond without hurting your credit. You should ask a lawyer about it.

You may have the right to stay in your home for 90 days or longer, regardless of any deadlines stated on any attached papers. In some cases and in some cities with a "just cause for eviction law," you may not have to move at all. But you must take the proper legal steps in order to protect your rights.

How to Get Legal Help

If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Internet Web site (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

3 DAY NOTICE TO QUIT

TO: Renee Shizue Ramos and Avelino Ramos,

who is in possession of the real property commonly known as: 2703 Mathews Street, Berkeley, California 94702 (the "Premises").

- 1. NOTICE IS HEREBY GIVEN that Breckenridge Property Fund 2016, LLC, purchased the Premises at a foreclosure sale held pursuant to the power of sale contained in a deed of trust in accordance with California Civil Code § 2924 and that title to the Premises has been duly perfected.**
- 2. WITHIN 3 DAYS AFTER SERVICE OF THIS NOTICE, YOU ARE REQUIRED) to quit and surrender possession of the Premises to Breckenridge Property Fund 2016, LLC or to the undersigned who is authorized to receive the same. Unless you vacate and deliver possession of the Premises within 3 days after service of this notice, an unlawful detainer (eviction) lawsuit will be filed against you to recover possession of the Premises, all damages (including monies pursuant to Code of Civil Procedure § 1174(b) and any other damages allowed by law), costs and attorneys' fees. This notice was served concurrently with the coversheet as described by Cal. Code Civ. Proc. § 1161c.**

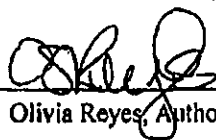
Note, state law permits former occupants to reclaim abandoned personal property left at the former address of the occupant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact the owner as listed above, after being notified that property belonging to you was left behind after you moved out.

Active Military: If you are active in the United States Military or otherwise entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 *et seq.*), please contact the undersigned immediately. Note, proof of status may be required and reviewed under Federal Law.

If you are in possession of the Premises and your name does not appear on this notice, please contact the undersigned immediately at (310) 640-3070 x 2110.

10/4/19

Date



Olivia Reyes, Authorized Agent of Owner

EXHIBIT 2
2 OF 5

COPY of Document Recorded at
Alameda, CA County Recorder
2019200086 BK: PG:
10/3/2019 has not been compared with
original. Original will be returned when
process has been completed.

WHEN RECORDED MAIL TO:

Fee: 17.00 DTT: 11,914.00SB2: 0.00
Total: 11,931.00

BRECKENRIDGE PROPERTY FUND 2018, LLC
2015 MANHATTAN BEACH BLVD. # 100
REDONDO BEACH, CA 90278

MAIL TAX STATEMENTS TO:

BRECKENRIDGE PROPERTY FUND 2018, LLC
2015 MANHATTAN BEACH BLVD. # 100
REDONDO BEACH, CA 90278
Recording Requested by: synrgo, inc.
APN # 054 -1740-029

Space above this line for recorder's use

Trustee Sale No. 14-001158 CXE Title Order No. 730-1710790-70

TRUSTEE'S DEED UPON SALE

The undersigned grantor(s) declare(s):

- 1) The grantee herein was not the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with cost was \$888,034.30
- 3) The amount paid by the grantee at the trustee sale was \$740,000.00
- 4) The document transfer tax is \$11,130.00 CITY / \$614.00 COUNTY
- 5) Said property is in the city of Berkeley.

Aztec Foreclosure Corporation (whereas so designated in the Deed of Trust herein under more particularly described or as duly appointed Trustee), does hereby GRANT and CONVEY, but without covenant or warranty, express or implied, to BRECKENRIDGE PROPERTY FUND 2018, LLC, (herein called Grantee), all right, title and interest in and to that certain property situated in the County of Alameda, State of CA, and described as follows:

Beginning at a point on the Easterly line of Mathews Street, distant thereon Southerly 33 feet, 9 inches from the intersection thereof with the Southerly line of Darby Street, formerly Felton Street, as said streets are shown on the Map herein referred to; running thence Southerly along said line of Mathews Street, 33 feet, 9 inches; thence Easterly parallel with said line of Darby Street 80 feet; thence Northerly parallel with said line of Mathews Street, 33 feet, 9 inches; thence Westerly parallel with said line of Darby Street 80 feet to the point of beginning.

Being a portion of Lots 1 and 2, Block 11, as said Lots and Block on the "Map of the Mathews Tract, Berkeley Oakland Township, subdivided 1888", filed August 7, 1888, Map Book 10, Page 28, Alameda County Records.

Which has a Purported Address of: 2703 Mathews Street, Berkeley, CA 94702

RECITALS:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated June 28, 2008 and executed by Renee Shizue Ramos, a single woman as to an undivided 99% interest, and Avelino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants in common, as Trustor, and Recorded on July 3, 2008 as Instrument No. 2008253816 of official records of ALAMEDA County, CA, and after fulfillment of the conditions

EXHIBIT 2
3 OF 5

Trustee's Deed Upon Sale
File No. 14-001158CXE

specified in said Deed of Trust authorizing this conveyance. Trustee having complied with all applicable statutory requirements of the State of CA and performed all duties required by the Deed of Trust.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County, and such default still existed at the time of sale.

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of Sale have been complied with.

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its powers under said Deed of Trust, sold the herein described property at public auction on September 25, 2019. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid being \$740,000.00 in lawful money of the United States, or by credit bid if the Grantee was the beneficiary of said Deed of Trust at the time of sale. Trustee's Sale.

Date: 10-1-19

Aztec Foreclosure Corporation

Elaine Malone
Elaine Malone
Assistant Secretary / Assistant Vice President

STATE OF ARIZONA
COUNTY OF MARICOPA

}
}ss

On 10/1/19 before me, Amy Connolly, a Notary Public in and for said State, personally appeared Elaine Malone, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Amy Connolly (Seal)

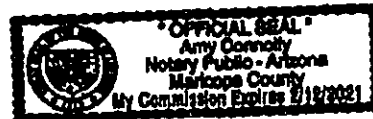


EXHIBIT 2
4 OF 5

3 DAY NOTICE TO QUIT
Continued

YOU ARE FURTHER NOTIFIED that advice regarding this notice is available from the Berkeley Rent Stabilization Board, 2125 Milvia Street, Berkeley, CA 94704; Web Site: www.ci.berkeley.ca.us/rent, Telephone Number: (510) 981-7368.


DECLARATION OF SERVICE

On October 4, 2019, I served a copy of the within 3 Day Notice to Quit and Notice to Any Renters Living at 2703 Mathews Street, Berkeley, CA 94702 (collectively the "Notice") as follows:

<input type="checkbox"/>	Delivering a copy of the Notice personally.
<input type="checkbox"/>	Leaving a copy of the Notice with a person of suitable age and discretion at the Premises and mailing, through the U.S. mail, first-class, postage prepaid, in a sealed envelope, a copy of the Notice addressed to the Person(s) at the Premises and a copy of the Notice addressed to Any Renters Living at the Premises.
<input checked="" type="checkbox"/>	No person of suitable age and discretion having been found at the Premises, by posting a copy of the Notice in a conspicuous place on the Premises and mailing, through the U.S. mail, first-class, postage prepaid, a copy of the Notice addressed to the Person(s) at the Premises and a copy of the Notice addressed to Any Renters Living at the Premises.

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

Executed this 4th day of October 2019 at Vacaville, California.



Darnella Hendrix, Solano RPS 404

EXHIBIT 2
5 OF 5
File No. 19E383

SUMMONS
(CITACIÓN JUDICIAL)
UNLAWFUL DETAINER-EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
ALAMEDA COUNTY
OCT 08 2019
CLERK OF THE SUPERIOR COURT
By **JERRIE MOYER**

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
RENEE SHIZUE RAMOS, AVELINO RAMOS and
DOES 1 to 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
BRECKENRIDGE PROPERTY FUND 2016, LLC

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):
Alameda County Superior Court
1225 Fallon Street
Oakland, CA 94612

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Pamela C. Jackson, Esq.
409 Boyd Street
Vacaville, CA 95688
Pamela C. Jackson, Inc.
(707) 446-2333

CASE NUMBER (número del caso):
RG19038319

PLAINTIFF (Name): BRECKENRIDGE PROPERTY FUND 2016, LLC	CASE NUMBER:
DEFENDANT (Name): RENEE SHIZUE RAMOS et al	

(Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

ate: _____ Clerk, by JERRIE MOYER, Deputy
 (echa) _____ (Secretario) _____ (Adjunto)

OCT 08 2019

For proof of service of this summons, use Proof of Service of Summons (form POS-010).
 Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (form POS-010).

SEAL]

5. NOTICE TO THE PERSON SERVED: You are served

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as an occupant.
- d. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation).	<input type="checkbox"/> CCP 416.60 (minor).
<input type="checkbox"/> CCP 416.20 (defunct corporation).	<input type="checkbox"/> CCP 416.70 (conservatee).
<input type="checkbox"/> CCP 416.40 (association or partnership).	<input type="checkbox"/> CCP 416.90 (authorized person).
<input type="checkbox"/> CCP 415.46 (occupant).	<input type="checkbox"/> other (specify):
- e. by personal delivery on (date):



FOI 22792855

FILED
ALAMEDA COUNTY

OCT 08 2019

CLERK OF THE SUPERIOR COURT
By *[Signature]*

Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Number, and address):

Pamela C. Jackson, Esq.
Pamela C. Jackson, Inc.
409 Boyd Street
Vacaville, CA 95688

SBN 87502

TELEPHONE NO.: (707) 446-2333

FAX NO.: (707) 446-2393

ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME: Rene C. Davison County Courthouse

CASE NAME: BRECKENRIDGE v. RAMOS et al

CIVIL CASE COVER SHEET Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)**Complex Case Designation** Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

RG19038318

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

-
- Auto (22)
-
-
- Uninsured motorist (46)

Other PI/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort

-
- Asbestos (04)
-
-
- Product liability (24)
-
-
- Medical malpractice (45)
-
-
- Other PI/DP/WD (23)

Non-PI/DP/WD (Other) Tort

-
- Business tort/unfair business practice (07)
-
-
- Civil rights (08)
-
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- Defamation (13)
-
-
- Fraud (16)
-
-
- Intellectual property (19)
-
-
- Professional negligence (25)
-
-
- Other non-PI/DP/WD tort (35)

Employment

-
- Wrongful termination (36)
-
-
- Other employment (15)

Contract

-
- Breach of contract/warranty (06)
-
-
- Rule 3.740 collections (09)
-
-
- Other collections (09)
-
-
- Insurance coverage (18)
-
-
- Other contract (37)

Real Property

-
- Eminent domain/Inverse condemnation (14)
-
-
- Wrongful eviction (33)
-
-
- Other real property (26)

Unlawful Detainer

-
- Commercial (31)
-
-
- Residential (32)
-
-
- Drugs (38)

Judicial Review

-
- Asset forfeiture (05)
-
-
- Petition re: arbitration award (11)
-
-
- Writ of mandate (02)
-
-
- Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

-
- Antitrust/Trade regulation (03)
-
-
- Construction defect (10)
-
-
- Mass tort (40)
-
-
- Securities litigation (28)
-
-
- Environmental/Toxic tort (30)
-
-
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

-
- Enforcement of judgment (20)

Miscellaneous Civil Complaint

-
- RICO (27)
-
-
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

-
- Partnership and corporate governance (21)
-
-
- Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 8, 2019

Pamela C. Jackson, Inc. by Pamela C. Jackson, Esq.
(TYPE OR PRINT NAME)/s/ Pamela C. Jackson
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Vertical line of text on the left side of the page.

Vertical line of text in the lower middle section of the page.

Vertical line of text on the right side of the page.

FILED BY FAX
ALAMEDA COUNTY
January 31, 2020
CLERK OF
THE SUPERIOR COURT
By Xian-xii Bowie, Deputy
CASE NUMBER:
RG19038318

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Renee S. Yamagishi
aka Renee S. Ramos
2703 Mathews Street
Berkeley, CA 94702
ryamagishi@gmail.com

Sui Juris, Persona Standi in Judicio.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA - HAYWARD HALL OF JUSTICE
UNLAWFUL DETAINER DEPARTMENT

BRECKENRIDGE PROPERTY FUND
2016, LLC

Plaintiff

v.

RENEE SHIZUE RAMOS (AKA RENEE
SHIZUE YAMAGISHI) AND DOES 1-
10 INCLUSIVE

Respondent named as
defendant

Case No.: RG-19038318

)
) **RESPONDENT'S NOTICE OF**
) **VERIFIED SPECIAL ANSWER, AND**
) **VERIFIED SPECIAL ANSWER**
) **OBJECTING TO ENTIRE COMPLAINT**
) **FOR LACK OF**
) **SUBJECT MATTER JURISDICTION**
) **AND**
) **NO VALID CAUSE OF ACTION**

) **DECLARATION OF RESPONDENT**
) **AND NAMED DEFENDANT**
) **MAKING SPECIAL APPEARANCE**
)
) CA Civ Pro Code § 430.80
) CA Civ Pro Code § 1916

To all interested parties and their attorneys, agents,
partners and assigns, and to the above-entitled court and
judicial officers, PLEASE TAKE NOTICE THAT:

Respondent is the named defendant and a Real Party in
Interest, Renee Shizue Ramos, now known as Renee Shizue
Yamagishi (hereinafter "Respondent"), one of the people of
California and executor of the estate of RENEE SHIZUE YAMAGISHI,
who hereby files this "Notice of Verified Special Answer

NOTICE OF VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT 1
AND VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION

1 Objecting to Entire Complaint Due to Lack of Subject Matter
2 Jurisdiction and No Valid Cause of Action."

3
4 Respondent is a real party in interest and *Persona Standi*
5 *In Judicio* with firsthand personal knowledge, making special
6 appearance *Sui Juris*, compelled by the action brought against
7 her.
8

9 The Objection is Respondent's "Special Answer" to be taken
10 henceforth as her active Answer to the entire complaint.
11 Respondent's Special Answer gives formal notice of her legal
12 position, legal theory, and points and authorities of not an
13 exhaustive list, together in support of the objection for lack
14 of subject matter jurisdiction and for no valid cause of action.
15
16

17
18 Respondent therefore appears in limited and special
19 instance, only in the capacity deemed "Respondent" and "NAMED-
20 Defendant," (*Persona Standi in Judicio*), therefore she does not
21 make a formal appearance either to demur nor answer except by
22 the instant "Special Answer." Respondent thereby challenges
23 this court's and/or proceeding's subject matter jurisdiction,
24 objecting thereto and also objecting to the entire complaint for
25 lack of a valid cause of action alongside lack of subject matter
26 jurisdiction. She is within her rights to so challenge both
27 threshold issues and each of them without regard to any failure
28 to demur or answer the complaint at this time. She cites to
29 California Civil Code:
30
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36 **Code of Civil Procedure § 430.80 (a)**
37

38 a) If the party against whom a complaint or cross-complaint has been filed fails
39 to *object to the pleading, either by demurrer or answer*, that party is deemed
40 to have waived the objection **unless it is an objection that the court has no**
41 **jurisdiction of the subject** of the cause of action alleged in the pleading or an
42 objection that the pleading does not state facts sufficient to constitute a cause
43 of action." (*italics, bold emphasis added*)
44
45

NOTICE OF VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT 2
AND VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION

1 The Special Answer Objecting to Entire Complaint is
 2 verified by signed sworn Verification, accompanied by
 3 Respondent's signed sworn Declaration.
 4

5
 6 Special Answer clarifies Respondent's stance upon her
 7 assertion and argument based on truth of the controversy, the
 8 facts, the Law(s) and certain governing statutes referenced
 9 earlier in two prior filings (an answer and a verified amended
 10 answer). Prior docketed filings contain nothing perjured nor
 11 incorrect or untrue as to facts and the law; sworn to under
 12 penalty of perjury under the laws of the state of California;
 13 the instant Special Answer, moreover, develops those former
 14 docketed filings into a clearer and more legally cogent and
 15 correct stance now taken by Respondent.
 16
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20
 21 As such, the instant special answer is notice to interested
 22 parties and to the court or proceeding and judicial officer(s)
 23 of Respondent's current legal position. For clarity Respondent
 24 also notices her withdrawal of a prior notice of intent to file
 25 a motion to reclassify this case, which will now not be
 26 forthcoming; and similarly she withdraws prior notice of intent
 27 to file a writ or appeal to the UD Appellate panel or the
 28 appellate division of the superior court which hears writs or
 29 appeals from UD cases, which also will now not be forthcoming.
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I.

RESPONDENT'S PRIMARY OBJECTION TO ENTIRE COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION

Respondent, upon further study is now more fully informed by, for example, the U.S. Supreme Court's opinion in *Rescue Army v. Municipal Court of Los Angeles*, who opined: "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." [171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409].

Respondent, a homeowner with a debt and note contract dispute and not a tenant with a lease or rental agreement dispute, ascertains she necessarily calls for keen scrutiny to the unlawful detainer administrative rules and procedures as a whole, in light of her current legal position herein stated. Respondent could therefore reasonably conclude that the instant proceeding claiming or attempting to claim jurisdiction over her matter would follow its own [mistaken] suit: and that a challenge to its subject matter jurisdiction in a motion to reclassify the entire case to a "regular civil unlimited case" thus eliminating any "UD" designation at all, would itself appear to land outside the administrative reach of this county's superior court policies for its unlawful detainer department, even for its appellate department over limited civil matters.

Furthermore it appears to this Respondent-homeowner that her county's superior court procedures for Appeals or Appellate Panel review of UD-designated cases, either by writ or on appeal or in reclassification motion, would continue to consider her appealing or reclassified case as "still a UD-designated matter" whether deemed "UD-limited" or "UD-unlimited."

1 Apparently then, the unresolved dispute as a whole would
 2 remain adhered administratively in both scope and manner such
 3 that even the UD Appellate Panel could not reach the subject
 4 matter jurisdiction required of her standing, compelled by the
 5 facts and the law she must bring before it; and as such the
 6 administrative procedures remains objectionable to Respondent
 7 due to "the wearing of UD-colored glasses" by officers on the
 8 judicial panel when a homeowner and not a tenant stands before
 9 it, resulting in its incapacity to reach equitable remedy
 10 required by law for certain of her injuries.
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16 For Respondent-homeowner, it is precisely this reach beyond
 17 any "UD designation" which she cannot and does not waive for
 18 want of her lawful redress of grievances and for the principle
 19 of due process; for her right to trial by jury and for want of a
 20 remedy to certain provable injuries sustained as a real party of
 21 interest. Respondent-homeowner does not waive her
 22 constitutional and common law rights to life, liberty and
 23 property.
 24
 25
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29 **United State Supreme Court Justice George Sutherland once told the New**
 30 **York State Bar Association:**

31
 32 *"It is not the right of property which is protected, but the right to property.*
 33 *Property, per se, has no rights; but the individual -- the man -- has three great*
 34 *rights, equally sacred from arbitrary interference: the right to his life, the right to*
 35 *his liberty, the right to his property.... The three rights are so bound together as*
 36 *to be essentially one right. To give a man his life but deny him his liberty, is to*
 37 *take from him all that makes his life worth living. To give him his liberty but take*
 38 *from him the property, which is the fruit and badge of his liberty, is to still leave*
 39 *him a slave."*
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1 In context, Justice George Sutherland defined the role of the United States
2 Attorney in Berger v. United States, 295 U.S. 88 (1935):
3

4
5 *"The United States Attorney is the representative not of an ordinary party*
6 *to a controversy, but of a sovereign whose obligation to govern impartially is as*
7 *compelling as its obligation to govern at all; and whose interests, therefore, in a*
8 *criminal prosecution is not that it shall win a case, but that justice be done. As*
9 *such he is in a peculiar and very definite sense the servant of the law, the two-*
10 *fold aim of which is that guilt shall not escape or innocence suffer. He may*
11 *prosecute with earnestness and vigor – indeed he should do so, but, while he*
12 *may strike hard blows, he is not at liberty to strike foul ones. It is as much his*
13 *duty to refrain from improper methods calculated to produce a wrongful*
14 *conviction as it is to use every legitimate means to bring about a just one."*
15

16
17 Conclusively, Respondent to date duly notices her legal
18 position is further clarified and amended by the instant Special
19 Answer:
20

21 **Firstly,** Respondent notices all parties that a motion to
22 reclassify this case into a regular unlimited civil case is no
23 longer pending for filing into the instant proceeding.
24

25 **Secondly,** Respondent withdraws her notice of intent to file
26 a writ or appeal challenging subject matter jurisdiction of the
27 current proceeding invoked by plaintiff's complaint; and that by
28 Respondent's formal objection as stated in the instant Special
29 Answer she hereby has sufficiently answered the complaint to
30 date.
31
32

33 Respondent does not give notice at this time of a Notice &
34 Demand Letter to plaintiff, which is not imminent as pending;
35 but she reserves the right to judiciously propose some form of
36 dispute resolution with this plaintiff in the near future.
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41 **Respondent's Special Answer which is an objection to the**
42 **entire complaint for lack of subject matter jurisdiction**
43 **constitutes the entire active answer to the complaint.**
44
45

NOTICE OF VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT
AND VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION

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II.
**RESPONDENT'S SECONDARY OBJECTION TO ENTIRE COMPLAINT
FOR PLAINTIFF'S FAILURE TO STATE A VALID CAUSE OF ACTION**

The Plaintiff in its complaint claims it "owns the property" and is entitled to "lawful possession" due to a purchase transaction it participated in at the September 25th 2019 trustee sale event.

Respondent and homeowner objects to the rebuttable presumption that the transaction known as that trustee sale referencing her real property in which Plaintiff Breckenridge Property Fund 2016, LLC apparently caused its agent to bid and become the winning bidder at the same event, was a transaction of any kind that entitled then or now for Plaintiff to state any valid claim of ownership of, title to, nor right to lawful possession of the real property; because that same trustee sale was void ab initio and void by operation of law, conducted in material violation of, at minimum, Respondent-homeowner's rights by law under California state law dictated by California Code of Civil Procedure section 2924.11(b)(2); and therefore subject to both injunction against further injury and a suit for actual damages pursuant to California Code of Civil Procedure section 2924.12(b).

Therefore as asserted by Special Answer in Objection, the September 25th 2019 trustee sale event and transaction are void by operation of law, involving unlawful and unauthorized actions of certain mortgage servicer and partnered entities and their attorneys and agents who were mandated under binding law to in fact cancel the trustee sale against Respondent's home rather than in rogue and unauthorized manner absent lawful authority or

1 standing to do so nonetheless instead instruct the auctioneer to
2 "call the property" and open bidding on her home, resulting in
3 the "winning bidder" being the Plaintiff Breckenridge Property
4 Fund 2016, LLC with its subsidiary agent and/or property
5 management partner one Wedgewood Inc.
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10 PLEASE NOTE: RESPONDENT DOES NOT STATE THE ABOVE VIOLATIONS
11 of Civil Code of Procedures and other laws, claims or arguments for any judicial
12 officer(s) in the current case or proceeding to decide, rule, adjudicate, or in any
13 way decide or order thereon: rather as stated several times herein, Respondent
14 makes Special Answer objecting to the entire complaint AND to the proceeding
15 as a whole for its lack of subject matter jurisdiction to decide anything brought
16 before it by any party. The narrative and statement of claims is to be taken as a
17 Notice in statement form aimed as courtesy disclosure to all parties including to
18 the unlawful detainer department or division of the superior court of this county.
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22 Due to the above-referenced unlawful and unauthorized
23 actions of these entities as herein claimed who together
24 knowingly and intentionally made the executive decision to "call
25 the property" at the foreclosure event rather than comply with
26 California Homeowners' Bill of Rights [California Codes of Civil
27 Procedure including but not limited to CCP §2924.11(b)(2),
28 §2924.17, §2923.5 and §2924.12(b)] alongside other binding law
29 over their wrongful actions including but not limited to
30 contract law and federal and state business practices codes,
31 Respondent states she has ample good cause to object to the
32 complaint in its entirety for lack of subject matter
33 jurisdiction:
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40 Respondent claims that the controversy between real parties
41 in which Plaintiff's complaint is obviously rooted and from
42 which it is derived, include her rights as a homeowner who has
43 been injured by actions of entities acting in concert to cause,
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NOTICE OF VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT 9
AND VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION

1 at minimum, together, the same trustee sale to go forward rather
2 than to cancel and refrain from "calling the property," as
3 mandated by law, as herein stated and briefly described though
4 not completely argued for cause.
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8 Plaintiff's entire claim and basis of the complaint it
9 brings against Respondent is derived from its participation and
10 choice to knowingly engage in that transaction and bid in a
11 trustee sale event conducted only recently on September 25th 2019
12 - an event and transaction she claims is void ab initio
13 constituting a grave material violation of several laws subject
14 to substantial actual damages due to injuries she has sustained,
15 ripe for action at law.
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20 Respondent objects to the Plaintiff's complaint in its
21 entirety as stated for 1) lack of subject matter jurisdiction of
22 this court and proceeding over the facts and law of the matter
23 brought before it; and 2) that the complaint states no valid
24 cause of action. The "validity" question for stating a cause
25 of action is an issue of legal standing found wanting against
26 the Plaintiff: *the law supports the premise that only a party
27 who has standing to bring the complaint has standing to state a
28 valid cause of action.*
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34 In *McKinny v. Board of Trustees (1982) 31 Cal. 3d 79, 90 [181 Cal. Rptr. 549,*
35 *642 P.2d 460]*, our California Supreme Court stated the rule: "It is elementary
36 that a Plaintiff who lacks standing cannot state a valid cause of action;
37 therefore, a contention based on a Plaintiff's lack of standing cannot be waived
38 under Code of Civil Procedure section 430.80 and may be raised at any time in
39 the proceeding." (bold emphasis added)
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1 Respondent notices all parties and her county's superior
 2 court for reasons of her own due diligence and to demonstrate
 3 transparency, clarity, in a gesture of good faith to expediently
 4 resolve the dispute, and stated on her Honor: the unresolved
 5 controversy as a whole is complex litigation over contract
 6 dispute involving real property and privileged property rights
 7 to real property which is her domain, domicile and dwelling,
 8 including title and right to possession that cannot and will not
 9 be duly nor lawfully adjudicated nor decided in a summary
 10 proceeding or by summary judgement.
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12 For further reference and Respondent's sworn narrative of
 13 the trustee sale event itself in which clear warning and
 14 disclosures were announced aloud to all present and reiterated
 15 citing to the law and mortgage-servicer attorneys' blatant
 16 violations by their failure to cancel trustee sale against her
 17 home, see Respondent's January 6th 2020 "answer," docketed in
 18 this proceeding.
 19

20 The over-arching dispute with its complex history
 21 necessarily begs the question: "Was that September 25th 2019
 22 trustee sale on the subject property indeed void by operation of
 23 law?" Respondent asserts and counterclaims that it was surely
 24 and wholly void ab initio conducted in violation of several
 25 binding laws over mortgage-servicer and substituted trustee
 26 mandates, and therefore of no legal or lawful effect and that
 27 Plaintiff has no standing to make claim derived from a void
 28 transaction, and thereby and therefore this Plaintiff lacks
 29 standing to plead a valid nor sufficiently factual cause of
 30 action. [Code of Civil Procedure §430.80]
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MAXIMS OF LAW

"No rights can arise from a wrong." *"Nemo Dat Quod Non Habet."*

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Code of Civil Procedure § 430.80 (a)

a) If the party against whom a complaint or cross-complaint has been filed fails to object to the pleading, either by demurrer or answer, that party is deemed to have waived the objection **unless it is an objection that the court has no jurisdiction of the subject of the cause of action alleged in the pleading or an objection that the pleading does not state facts sufficient to constitute a cause of action.** (bold emphasis added)

In interpreting Code of Civil Procedure section 430.80, the courts have taken a straightforward approach. For example, in *Buford v. State of California (1980) 104 Cal. App. 3d 811, 826 [164 Cal. Rptr. 264]*, the court observed: "[T]wo defects of substance -- lack of jurisdiction and failure to state a cause of action -- are not waived by a failure to demur and may be raised for the first time on appeal." [bold emphasis added] (Code Civ. Proc., §430.80; 3 Witkin, Cal. Procedure (2d ed. 1971) Pleading, § 808, p. 2418.)

In further support of Respondent's legal theory, in *McKinny v. Board of Trustees (1982) 31 Cal. 3d 79, 90 [181 Cal. Rptr. 549, 642 P.2d 460]*, our California Supreme Court stated the rule: **"It is elementary that a Plaintiff who lacks standing cannot state a valid cause of action;** therefore, a contention based on a Plaintiff's lack of standing cannot be waived under Code of Civil Procedure section 430.80 and may be raised at any time in the proceeding." (bold emphasis added)

Plaintiff lacks standing because all of its claims and the entirety of its legal position posited and pled in its complaint is derived from its informed choice to participate in some manner of transaction, i.e. as "winning bidder" in that September 25th 2019 trustee sale event, which was void by operation of law. As such this plaintiff has no standing to state sufficient FACTS to constitute a valid cause of action. Plaintiff's cause of action fails for lack of standing.

STATEMENT IN CONCLUSION

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Respondent must logically conclude that any ruling or decision from any court or judicial tribunal or panel of judicial officers who may in fact be constrained by administrative procedure to "wear only UD-colored glasses" when deciding on such matters up from UD on a writ, on appeal or in considering a motion to reclassify the case, would result in a ruling or decision which "may be impeached by evidence of a want of jurisdiction ..." (CCP §1916)

"Any judicial record may be impeached by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings.

[California Code of Civil Procedure, Section 1916].

RESPONDENT FURTHER SAYETH NAUGHT.

Dated: January 31, 2020
Executed at Berkeley, California

Respectfully submitted,

Renee Shizue Yamagishi (aka and formerly known as Renee Shizue Ramos), one of the people of California, executor of the estate of RENEE SHIZUE YAMAGISHI; under penalty of perjury under the laws of the state of California.

Persona Sui Juris and Persona Standi in Judicio

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DECLARATION OF RESPONDENT AND NAMED DEFENDANT MAKING SPECIAL APPEARANCE, RENEE S. YAMAGISHI aka RENEE S. RAMOS, IN SUPPORT OF HER VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION

I, Renee S. Yamagishi aka Renee S. Ramos, declare I have authored and read and understand the contents of Respondent's "VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION," and as *Persona Sui Juris* and *Persona Standi in Judicio*, being of sound mind and body, do declare:


I am the Respondent and named defendant making special appearance in this case and making declaration (hereinafter "Respondent and Declarant"), and declare that I have authored and read the aforementioned "VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT ..." in its entirety and that it is true and correct as to facts and the law to the best of my knowledge, due diligence research, and best current understanding of my lawful rights and according to the most correct and prudent legal theory and legal position I have ascertained to date, as a real party in interest to the controversy with right to defend the action.

Respondent and Declarant has also verified this Amended Answer and a Verification is attached hereto, and if summoned to any hearing or court of law could swear under oath and testify from firsthand personal knowledge as a real party of interest to all matters and facts, and to law and any of the laws and principles cited therein, and upon any and all substantive matters referenced in the same document hereinabove named.

Declared under penalty of perjury under the laws of the state of California.

Dated: January 31, 2020
Executed at Berkeley, California

Respectfully submitted,


Renee Shizue Yamagishi (aka and formerly known as Renee Shizue Ramos), one of the people of California, executor of the estate of RENEE SHIZUE YAMAGISHI; under penalty of perjury under the laws of the state of California.

Persona Sui Juris and Persona Standi in Judicio

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VERIFICATION

I, Renee Shizue Yamagishi aka Renee Shizue Ramos, have read the foregoing RESPONDENT'S VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION, and have verified its contents.

I am the Respondent and named defendant making special appearance in this case, am *Persona Sui Juris* and *Persona Standi in Judicio* and am she who authored and now files the above-named document; and both understand and verify its contents. If summoned to any hearing or court of law I could swear under oath and testify from firsthand personal knowledge as a real party of interest to all matters and facts, and to law and any of the laws and principles cited therein, and upon any and all substantive matters referenced in the same document hereinabove named. The aforementioned document is hereby VERIFIED by signatory below.

Dated: January 31, 2020
Executed at Berkeley, California

Respectfully submitted,

Renee Shizue Yamagishi (aka and formerly known as Renee Shizue Ramos), one of the people of California, executor of the estate of RENEE SHIZUE YAMAGISHI; under penalty of perjury under the laws of the state of California.

Persona Sui Juris and Persona Standi in Judicio

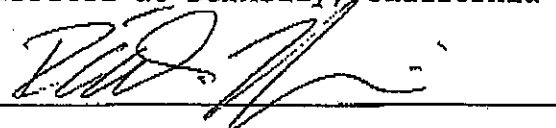
PROOF OF SERVICE BY MAIL

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I, Renee Shizue Yamagishi (aka and formerly known as Renee Shizue Ramos), one of the people of California, executor of the estate of RENEE SHIZUE YAMAGISHI, in Sui Juris and acting in her lawful capacity with right to defend her lawful rights to property and to due process regarding her rights to property, and as Respondent to the complaint as well as the "named defendant making special appearance" who claims the court has not taken personam jurisdiction such that she is not thereby a party to the case, declare from such capacity thereon, that on January 31, 2020:

I mailed a true copy of the NOTICE OF VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT AND VERIFIED SPECIAL ANSWER OBJECTING TO ENTIRE COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION AND NO VALID CAUSE OF ACTION, by way of the Plaintiff's attorney of record Pamela C. Jackson, Esq. to 409 Boyd Street, Vacaville, CA 95688, by USPS first class mail postage prepaid from Berkeley, California. I declare under penalty of perjury under the laws of the state of California the foregoing is true and correct.

Dated: January 31, 2020
Executed at Berkeley, California



Renee S. Yamagishi