

FILED BY FAX
ALAMEDA COUNTY
January 17, 2020
CLERK OF
THE SUPERIOR COURT
By Xian-xii Bowie, Deputy
CASE NUMBER:
RG19038318

1 Renee S. Yamagishi
2 aka Renee S. Ramos
2703 Mathews Street
3 Berkeley, CA 94702
ryamagishi@gmail.com
4 Pro Per and Sui Juris
5

6 SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF ALAMEDA - HAYWARD HALL OF JUSTICE
8 UNLAWFUL DETAINER DEPARTMENT
9

10 BRECKENRIDGE PROPERTY FUND) Case No.: RG-19038318
2016, LLC)
11) NOTICE OF VERIFIED AMENDED
Plaintiff) ANSWER AND VERIFIED AMENDED
12) ANSWER TO COMPLAINT
v.)
13) Calif. Code of Civil Procedure
RENEE SHIZUE RAMOS (AKA RENEE) Sections 473(a)(1); 576
14 SHIZUE YAMAGISHI) AND DOES 1-10)
15 INCLUSIVE) Calif. Code of Civil Procedure
16) Sections 1067 to 1105 (writs)
17)
18) ``Defendants.``)

19
20 To all parties and other interested persons, and to the
above-entitled Court, PLEASE TAKE NOTICE THAT:
21 Real Party in Interest and named defendant, Renee Shizue
22 Ramos, now known as Renee Shizue Yamagishi (hereinafter
23 ``Respondent``), one of the people of California and executor of
24 the estate of RENEE SHIZUE YAMAGISHI did file a recent Answer to
25 the complaint on January 6, 2020 in which only in that Answer and
in no other prior documented entered into the case did she self-
26 designate her capacity as ``defendant`` in the instant matter;
27 however, now timely within 10 (ten) days, does she amend her
28 Answer without necessity of obtaining leave of court: California

1 Code of Civil Procedure sections 473(a(1)) and 576 state in
 2 pertinent part that a court may, in the furtherance of justice
 3 allow a party to amend any pleading on any terms as may be
 4 proper; and that no leave of court is required if amended answer
 5 is filed within 10 days of service of original answer.

6 Renee S. Yamagishi herein and by the instant amended Answer
 7 upon further review of her legal position re-designates her
 8 capacity to "Respondent" from "Defendant" in the instant
 9 complaint. She concedes she has been named as a "defendant" in
 10 the complaint and as Respondent thereto however claims she is a
 11 "named defendant making special appearance" and that this court
 12 has not taken jurisdiction of the subject matter before it.

13
 14 NOTE: Renee S. Yamagishi, Respondent, objects to and
 15 withdraws any ambiguity that may appear as if she consented
 16 prior that his court has successfully proven its burden that
 17 the service of summons was proper, as pled in her prior
 18 Motion to Quash and in her Writ also denied that appealed
 19 this court's denial of the motion: therefore she hereby
 20 amends Answer that she objects also to the court's assertion
 21 it has taken jurisdiction of her person ("Personam
 22 Jurisdiction") However she asks parties to make note that
 23 the pending Writ will concern itself solely with "Subject
 24 Matter Jurisdiction" and not address her legal position
 25 that the court lacks personal jurisdiction alongside the
 26 other.
 27

28

1 Furthermore, the instant amended Answer is a bona fide and
2 complete Answer in response to the complaint in its substantive
3 content hereinabove, because it concurrently serves to notice the
4 court and all interested parties and their attorneys that
5 Respondent raises a challenge to the court's lack of Subject
6 Matter Jurisdiction, itself a valid and heretofore complete
7 response at law for answering the complaint at this juncture.
8

9 For further clarification, Respondent hereby declares she
10 has standing to defend in the proper and lawful manner according
11 to law and binding law, and to exercise and enforce her rights to
12 the fullest extent of the law, while she defends the privileged
13 right to her property and against injury: she is "Persona
14 Standi in Judicio."
15

16 May the court and all parties take notice that Respondent
17 objects to the court's prior denial of her Motion to Quash and
18 the subsequent UD Appellate panel's denial of the Writ for the
19 same question of proper service of the summons. That prior
20 motion challenged personal jurisdiction by improper service of
21 summons, and she does object to and disagrees with the denials of
22 this court and of the appellate panel on that motion.
23

24 However, though she formally enters her objection to those
25 denials herein and does not consent or agree that the court has
26 properly taken "Personam Jurisdiction;" **please note the instant**
27 **amended Answer gives notice that Respondent intends to file a**
28

NOTICE OF VERIFIED AMENDED ANSWER AND VERIFIED AMENDED ANSWER TO
COMPLAINT

1 Writ ONLY on a challenge to the court's Subject Matter
2 Jurisdiction; and will not further appeal the denial of the
3 aforementioned and to let the prior challenge to "Personam
4 Jurisdiction" rest at the status quo even while she remains in
5 objection to the designation, curing the discrepancy consistent
6 with her legal position and objection by stating in verification
7 and declaration that she is in fact designated "Respondent" and
8 named-defendant making special appearance."

9
10 Respondent claims her right by law and according to binding
11 law, binding and persuasive case law, applicable and appropriate
12 statutes and precedence in jurisprudence throughout history; that
13 upon this Answer as amended, she does hereby formally raise the
14 jurisdictional challenge i.e. she claims this court lacks subject
15 matter jurisdiction and the same claim will be asserted duly by
16 Writ to the appropriate court or panel, and notices her filing of
17 the Writ in a reasonable timeframe whose at most 8-court days is
18 for good cause as hereinabove described.

19
20 The soon-filed Writ to the proper appellate panel or
21 judicial body will be ready for completion and filing within the
22 next 8 court days; this is an amended Answer timely filed to
23 duly notice the court and interested parties, and as an amended
24 Answer itself is timely: Writ is noticed for filing within 8
25 court days at most, to Friday January 28, 2020 (this date is 8
26 court days minus weekends and the MLK Jr. court holiday as the
27 maximum length of time in which to expect her Writ filing).

28 NOTICE OF VERIFIED AMENDED ANSWER AND VERIFIED AMENDED ANSWER TO
COMPLAINT

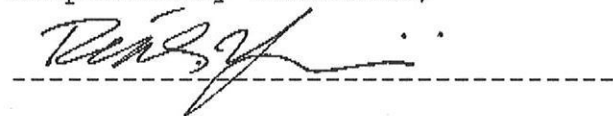
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

May the court and all parties be further noticed that in the interim between the filing and service of the instant Answer and filing of the Writ to be expected no later than January 28, 2020 (8 court days), Respondent intends to evidence good faith effort in writing to the plaintiff, Breckendrige Property Fund 2016, LLC, in a Notice and Opportunity letter to duly explore some form of alternative dispute resolution or stipulated agreement even limited or temporary in scope with this plaintiff, towards as amicable and reasonable a resolution with the plaintiff in this matter and current controversy.

Dated: January 16, 2020

Executed at Berkeley, California
And fax-filed pursuant to court rules

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.

In Pro Per and Sui Juris.

1 **DECLARATION OF RESPONDENT TO COMPLAINT AND NAMED DEFENDANT MAKING**
2 **SPECIAL APPEARANCE, RENEE S. YAMAGISHI AKA RENEE S. RAMOS**

3 I, Renee S. Yamagishi aka Renee S. Ramos, who files the
4 instant amended Answer which duly provides certain notice in its
5 Answer, declare as litigant in Pro Per and Sui Juris, being of
6 sound mind and body:

7 I am the Respondent and named defendant making special appearance
8 in this case (hereinafter "Respondent and Declarant"), and do
9 declare that the foregoing NOTICE OF VERIFIED AMENDED ANSWER AND
10 VERIFIED AMENDED ANSWER TO COMPLAINT

11 is true and correct as to facts and the law in accordance with
12 the best of my knowledge, due diligence research, and consistent
13 understanding of my lawful rights and according to the most
14 correct and prudent lawful position I have ascertained to date,
15 as a real party in interest to the controversy.

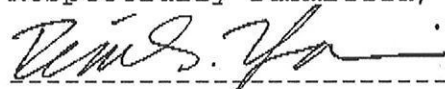
16 Respondent and Declarant has also verified this Amended
17 Answer and a Verification is attached hereto.

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

20 Dated: January 16, 2020

21 Executed at Berkeley, California

22 Respectfully submitted,

23 

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

In Pro Per and Sui Juris.

NOTICE OF VERIFIED AMENDED ANSWER AND VERIFIED AMENDED ANSWER TO
COMPLAINT

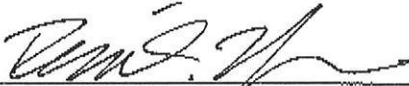
VERIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Renee Shizue Yamagishi aka Renee Shizue Ramos, have read the foregoing NOTICE OF VERIFIED AMENDED ANSWER AND VERIFIED AMENDED ANSWER TO COMPLAINT, and have verified its contents. I am the Respondent and litigant in pro per sui juris who files the above-named document; and understand its contents. If asked to testify or submit to further interrogatories regarding the same document I could and would be capable and qualified as a real party in interest with first hand personal knowledge, to testify in a court of law or other lawful tribunal sworn in and under oath to the facts, truth, and knowledge related to the same document.

Dated: January 16, 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.

In Pro Per and Sui Juris.

PROOF OF SERVICE BY MAIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Pro Per and 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 (yet) thereby a party to the case, declare from such capacity thereon, that on January 16, 2020:

I mailed a true copy of the above NOTICE OF VERIFIED AMENDED ANSWER AND VERIFIED AMENDED ANSWER TO COMPLAINT, by way of the Plaintiff's attorney of record Pamela C. Jackson, Esq. to 409 Boyd Street, Vacaville, CA 95688, by FedEx delivery with tracking, 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 16, 2020
Executed at Emeryville, California



Renee S. Yamagishi