

FOR COURT USE ONLY

FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE

FEB 07 2013

I. SIRACUSA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SCOTT J. SPOLIN, SB 48724 SPOLIN COHEN MAINZER & BOSSERMAN LLP 11601 WILSHIRE BLVD. SUITE 2410 LOS ANGELES, CALIFORNIA 90025 TELEPHONE NO.: 310-586-2400 FAX NO. (Optional): 310-586-2444 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): TWENTY-NINE PALMS BAND OF MISSION INDIANS OF CA., ET AL.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 MAIN STREET MAILING ADDRESS: CITY AND ZIP CODE: RIVERSIDE, CA 92501 BRANCH NAME: RIVERSIDE, CA 92501

PLAINTIFF/PETITIONER: TWENTY-NINE PALMS BAND OF MISSION INDIANS OF CALIFORNIA, ET AL. DEFENDANT/RESPONDENT: DAVID ALAN HESLOP, ET AL.

REQUEST FOR DISMISSAL [ ] Personal Injury, Property Damage, or Wrongful Death [ ] Motor Vehicle [ ] Other [ ] Family Law [ ] Eminent Domain [X] Other (specify): Breach of Contract

CASE NUMBER: RIC 10006101

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

- 1. TO THE CLERK: Please dismiss this action as follows: a. (1) [X] With prejudice (2) [ ] Without prejudice b. (1) [ ] Complaint (2) [ ] Petition (3) [ ] Cross-complaint filed by (name): on (date): (4) [ ] Cross-complaint filed by (name): on (date): (5) [ ] Entire action of all parties and all causes of action (6) [X] Other (specify):\* As to Peggy Shambaugh; Bennion & Deville Fine Homes, Inc., dba Windermere Real Estate Coachella Valley; Windermere Real Estate Company and Joseph R. Deville ONLY. 2. (Complete in all cases except family law cases.) [ ] Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: February 5, 2013 SCOTT J. SPOLIN, SB 48724 (TYPE OR PRINT NAME OF [X] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

(SIGNATURE) Attorney or party without attorney for Twenty-Nine Palms Band of Mission Indians, et al. [X] Plaintiff/Petitioner [ ] Defendant/Respondent [ ] Cross-complainant

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\* Date: (TYPE OR PRINT NAME OF [ ] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

(SIGNATURE) Attorney or party without attorney for: [ ] Plaintiff/Petitioner [ ] Defendant/Respondent [ ] Cross-Complainant

\*\* If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

- (To be completed by clerk) 4. [ ] Dismissal entered as requested on (date): FEB 07 2013 5. [ ] Dismissal entered on (date): as to only (name): 6. [ ] Dismissal not entered as requested for the following reasons (specify): 7. a. [ ] Attorney or party without attorney notified on (date): b. [ ] Attorney or party without attorney not notified. Filing party failed to provide [ ] a copy to be conformed [ ] means to return conformed copy Date: FEB 07 2013 Clerk, by

I. Siracusa Deputy

PLAINTIFF/PETITIONER: TWENTY-NINE PALMS BAND OF MISSION INDIANS OF CALIFORNIA, ET AL. DEFENDANT/RESPONDENT: DAVID ALAN HESLOP, ET AL.	CASE NUMBER: RIC 10006101
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### Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 *(check one)*:
  - a.  is not recovering anything of value by this action.
  - b.  is recovering less than \$10,000 in value by this action.
  - c.  is recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3.  All court fees and costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

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

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

\_\_\_\_\_  
 (SIGNATURE)

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**PROOF OF SERVICE BY MAIL**

TWENTY-NINE PALMS v. HESLOP  
CASE NO. RIC 10006101

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11601 Wilshire Boulevard, Suite 2410, Los Angeles, California 90025.

On February 5, 2013, I served the foregoing document described as

**REQUEST FOR DISMISSAL**

on the interested parties in this action as stated in the attached mailing list.

Depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

X Placing the envelope for collection and mailing on the date and at our business address following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Executed on February 5, 2013 at Los Angeles, California.

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



Charlotte A. Hoover

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Service List

Case No. RIC 10006101

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