

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James P. Carr, Esq./YUHI CARR, LLP 4676 Admiralty Way, Ste. 550, Marina Del Rey, CA 90692 TELEPHONE NO.: (310) 827-2800 FAX NO. (Optional): (310) 827-4200 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE MAR 26 2013 C. LUNA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 46-200 Oasis Street MAILING ADDRESS: 46-200 Oasis Street CITY AND ZIP CODE: Indio, CA 92201 BRANCH NAME: Larson Justice Center		
PLAINTIFF/PETITIONER: Daniel Gonzales; Bianca Felix DEFENDANT/RESPONDENT: Mike Bailey, et al.		CASE NUMBER: INC1208438
REQUEST FOR DISMISSAL		
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.		
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)		

MAR 27 2013

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) 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) Other (specify):* As to Bennion & Deville Fine Homes, Inc. dba Windermere Real Estate Coachella Valley only.

2. (Complete in all cases except family law cases.)

The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date:

James P. Carr

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]

(SIGNATURE)

*If dismissal requested is of specified parties only or 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.

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]

(SIGNATURE)

** 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 681 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

(To be completed by clerk)

- 4. Dismissal entered as requested on (date): _____
- 5. Dismissal entered on (date): **MAR 26 2013** as to only (name):
- 6. Dismissal not entered as requested for the following reasons (specify):

Bennion & Deville Fine Homes INC

- 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: **MAR 26 2013**

Clerk, by *[Signature]*, Deputy

VIA FAX

CIV-110

PLAINTIFF/PETITIONER: Daniel Gonzales; Bianca Felix DEFENDANT/RESPONDENT: Mike Bailey, et al.	CASE NUMBER: INC1208438
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COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name):
2. The person named in item 1 is (check one below):
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. 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 court 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)

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF RIVERSIDE, INDIO		FOR COURT USE ONLY
Case Name: GONZALES V. BAILEY, et al.		
ATTORNEY(S) NAME AND ADDRESS Barry M. Vrevich, Esq. VREVICH & ASSOCIATES, APC 501 West Broadway, Suite 740 San Diego, CA 92101 (619) 515-1155; Fax (619) 515-1159		
ATTORNEY(S) FOR: Defendant/Cross-Complainant, BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE COACHELLA VALLEY	HEARING, DATE, TIME: Trial Date:	CASE NO. : INC 1208438 JUDGE: JEFFREY L. GUNTHER DEPT: 2H

DECLARATION OF SERVICE

I, DONNA M. DOLEZAL, declare that: I am over the age of eighteen years and not a party to the action; I am employed in, or am a resident of the County of San Diego, California; where the mailing occurs; and my business address is 501 West Broadway, Suite 740, San Diego, California, telephone number (619) 515-1155; facsimile number (619) 515-1159. I further declare that I am not a registered California process server and I am readily familiar with the business practice for collection and processing of correspondence, pleadings, and discovery for mailing via U.S. MAIL, UPS OVERNIGHT MAIL, FACSIMILE AND/OR PERSONAL SERVICE pursuant to which practice I served the following original document(s) or true copies thereof, with all exhibits:

REQUEST FOR DISMISSAL (Complaint as to Bennion & Deville Fine Homes, Inc. dba Windermere Real Estate Coachella Valley only.)

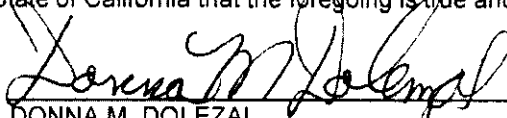
by one or more of the following methods of service for each addressee respectively as follows:

SEE ATTACHED SERVICE LIST

- (BY U.S. MAIL) I caused such document(s) to be sealed in envelopes, and with the correct postage thereon fully prepaid, either deposited in the United States Postal Service or placed for collection and mailing on March 25, 2013, at San Diego, California, following ordinary business practices.
- (BY OVERNIGHT MAIL) I caused such document(s) to be sealed in separate envelopes for each addressee and deposited with the United Parcel Services for collection and mailing via UPS OVERNIGHT MAIL on March 25, 2013, at San Diego, California, following ordinary business practices.
- (BY FACSIMILE) I caused such document(s) to be transmitted via facsimile to the named persons at their respective fax numbers on March 25, 2013, at San Diego, California. I then confirmed receipt of the facsimile transmission. The facsimile machine used complied with the California Rules of court, Rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration; and
- (BY PERSONAL SERVICE) On _____, 2011, at approx. _____ a.m./p.m., I served a copy of the following documents: _____ on the interested parties by personally delivering a copy of said document(s) to: _____ at the following address(es): _____ by: (mark one)
- personally delivering the copies.
 - leaving the copies at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served ___ with a receptionist or a person having charge thereof; or ___ in a conspicuous place in the office between 9:00 a.m. and 5:00 p.m.
 - by leaving the copies at the individual's residence with some person of not less than 18 years of age. (If service was to a party and not an attorney, delivery was made between 8:00 a.m. and 6:00 p.m.)

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

Executed on March 25, 2013.


 DONNA M. DOLEZAL

DECLARATION OF SERVICE

(C.C.P. 1013a(1), 1013a(3), 2015.5, 1011, Coordinated Rules, Div. 11, Rule 5.2C and C.R.C 982)

GONZALES V. BAILEY
Case No. INC1208438
SERVICE LIST

FIRM/ATTORNEY	PARTY
<p>JAMES P. CARR, ESQ. TYLER J. BARNETT, ESQ. YUHL CARR LLP 4676 Admiralty Way, suite 550 Marina del Rey, CA 90692 Tel: (310) 827-2800 Fax: (310) 827-4200 jcarr@yuhlcarr.com tbarnett@yuhlcarr.com</p>	<p>Attorneys for Plaintiffs</p>
<p>Edward William Hess, Jr., Esq. LAW OFFICES OF EDWARD W. HESS, JR. 601 N. Parkcenter Dr., Ste. 108 Santa Ana, California 92705 Tel: 714-508-1400 Fax: 714-508-1407 Email: ed.hess@pacbell.net</p>	<p>Attorney for Defendants Mike Bailey and Judith Bailey (fax and personal service)</p>
<p>Robert J. Sutherland, Esq. Ann Marie Thompson, Esq. SUTHERLAND McCUTHAN, LLP 11770 Bernardo Plaza Court, Ste. 310 San Diego, CA 92128 Tel: (858) 675-7800 Fax: (858) 675-7807 athompson@sunnclaw.com</p>	<p>Associate Counsel for BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE COACHELLA VALLEY</p>
<p>Eugene F. West, Esq. WEST CORZINE LLP 400 W. Ventura Blvd., Ste. 205 Camarillo, CA 93010-9141 Tel: (850) 388-5887 Fax: (805) 384-1518 efwest@westcorzinclaw.com</p>	<p>Attorneys for Defendant/Cross-Defendant/Cross-Complainant, RON LINDEMANN</p>

DECLARATION OF SERVICE

(C.C.P. 1013a(1), 1013a(3), 2015.5, 1011, Coordinated Rules, Div. 11, Rule 5.2C and C.R.C 982)