

1 Name: David Kerr
2 Address: 338 Spear St Unit 39 D,
SAN FRANCISCO, CA 94105
3 Phone #: 315-702-7116
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10 Golden Gate Development, LLC
11 Plaintiff,

12 vs.

13 David Kerr and Daris Hernandez
14 Defendant

) Case No.: CUP-18-662672
) Sheriff's Case No.: 2018 451353
)
) NOTICE OF MOTION, MOTION,
) MEMORANDUM OF POINTS AND
) AUTHORITIES AND DECLARATION IN
) SUPPORT OF MOTION TO VACATE
) DEFAULT AND JUDGMENT; PROSED
) RESPONSE; AND PROPOSED RESPONSE
)
) Date: 11/13/18
) Time: 9:30 a.m.
) Dept: 501
)
)
)

18 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
19 PLEASE TAKE NOTICE THAT on 11/13/18, at 9:30am, in
20 Department 501, Defendant, David Kerr, will move
21 this Court to vacate the Default entered on 10/22/18 and
22 Judgment entered on 10/22/18.

23 This Motion is based on this Notice and attached Motion,
24 Declaration, and Memorandum of Points and Authorities, and all papers
25 and records on file herein, and such evidence, both oral and
26 documentary, as may be presented at the hearing of this motion.
27
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1 MOTION

2 I request that the Default and the Judgment entered be vacated
3 based on CCP §473(b). As my declaration indicates, the default was
4 entered due to my inadvertence, surprise, and excusable neglect. I
5 did not have an opportunity to present my case to the court, and I am
6 acting diligently to seek relief from the Default and the Judgment. A
7 Writ of Possession was issued on 10/24/18.

8
9 MEMORANDUM OF POINTS AND AUTHORITIES
10 IN SUPPORT OF MOTION TO VACATE

11 Defendant requests relief under CCP §473(b) from the Default
12 entered on 10/22/18 and the Judgment entered on 10/22/18,
13 in the above-entitled action.

14 California Code of Civil Procedure §473(b) states that a court
15 may vacate a judgment, dismissal, or order that was entered against
16 the party seeking relief through his/her mistake, inadvertence,
17 surprise, or excusable neglect. The request for relief from such
18 judgment must be made within a reasonable time, not to exceed six
19 months after the judgment or order is made. A copy of the proposed
20 pleading is attached. No declaration regarding the merits needs to be
21 made.
22

23 Since the Default was entered on 10/22/18 and the Judgment
24 was entered on 10/22/18, Defendant is within the time period
25 specified in CCP §473 (b) and has acted with reasonable diligence
26 given the circumstances of the case.
27
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1 The Default and the Judgment were entered through Defendant's
2 mistake, inadvertence, surprise and/or excusable neglect because:

3 I was mistakenly told by EDC to pay on a Monday in room 20.
4 and when I arrived to pay, I was told that nobody
5 accepts payments on Mondays, only on Tuesdays. The
6 court was closed on September 3rd for Labor Day. When
7 I arrived next, the paperwork I presented was written
8 incorrectly - the case number was wrong [ending in 95
9 when it actually ends in 29]. The court told me I could not
10 pay because the case number were incorrect.

11
12 DECLARATION IN SUPPORT OF MOTION TO VACATE

13 I, David Kerr, am the Defendant in this action.

14 1. On 10/22/18, a Default was entered and on
15 10/22/18 a Judgment was entered against me in the above-
16 entitled action.

17 2. I did not respond to the Summons and Complaint filed by
18 Plaintiff because: I was incorrectly told when to file by
19 EDC. They also made a clerical error on
20 my file which was not accepted to pay.
21 This constitutes surprise, inadvertence and/or excusable neglect.

22 3. I first learned that a Default was entered on
23 Oct 22 and a Judgment had been entered against me on Oct 22
24 in the following manner: when I received Notice to Vacate
25 on Oct 31, 2018. I did not know prior to
26 Oct 31.

27 4. As soon as I learned that a Default and a Judgment had been
28 entered against me, I did the following: went to EDC and

1 the Access Center. to find out what I can do
2 _____

3 5. I believe that given the circumstances in my case, I acted
4 with due diligence in seeking relief from the Default and the
5 Judgment.

6 6. _____
7

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

10 Date:

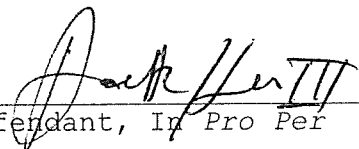
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12 _____
13 Defendant, In Pro Per
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EXHIBIT 1

(Proposed Response)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David Kerr 338 Spear Street, Unit 39 D San Francisco CA 94105 TELEPHONE NO.: 315-702-7116 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): Defendant(s) in pro. per.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Limited Civil Jurisdiction	
Plaintiff: Golden Gate Development, LLC Defendant: David Kerr, et al.	
PROPOSED ANSWER—UNLAWFUL DETAINER	CASE NUMBER: CUD-18-662672

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs):

David Kerr

answers the complaint as follows:

2. Check **ONLY ONE** of the next two boxes:

- a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)
- b. Defendant admits that all of the statements of the complaint are true EXCEPT:

- (1) Defendant claims the following statements of the complaint are false state paragraph numbers from the complaint or explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 2b(1).

V, VI, VIII, IX, X, XI

- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or on form MC-025):

Explanation is on MC-025, titled as Attachment 2b(2).

I, II, III, IV, VII

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in item 3k (top of page 2).)

- a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (nonpayment of rent only) On (date): 08/06/2018 before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):
- (Also, briefly state in item 3k the facts showing violation of the ordinance.)
- h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. Plaintiff seeks to evict defendant based on acts against defendant or a member of defendant's household that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (A temporary restraining order, protective order, or police report not more than 180 days old is required naming you or your household member as the protected party or a victim of these crimes.)
- j. Other affirmative defenses are stated in item 3k.

CASE NUMBER:

CUD-18-662672

3. AFFIRMATIVE DEFENSES (cont'd)

k. Facts supporting affirmative defenses checked above (*identify facts for each item by its letter from page 1 below or on form MC-025*):

Description of facts is on MC-025, titled as Attachment 3k.

4. OTHER STATEMENTS

a. Defendant vacated the premises on (*date*):

b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or on form MC-025*):

Explanation is on MC-025, titled as Attachment 4b.

Due to the above defects and the breach of the covenant of quiet enjoyment.

c. Other (*specify below or on form MC-025 in attachment*):

Other statements are on MC-025, titled as Attachment 4c.

Defendant requests credit for security deposit in an amount according to proof.

5. DEFENDANT REQUESTS

a. that plaintiff take nothing requested in the complaint.

b. costs incurred in this proceeding.

c. reasonable attorney fees.

d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

e. Other (*specify below or on form MC-025*):

All other requests are stated on MC-025, titled as Attachment 5e.

Such other relief as the court deems just and proper.

6. Number of pages attached: 1

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code §§ 6400—6415)

7. (*Must be completed in all cases.*) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (*If defendant has received any help or advice for pay from an unlawful detainer assistant, state*):

a. Assistant's name:

b. Telephone No.:

c. Street address, city, and zip code:

d. County of registration:

e. Registration No.:

f. Expires on (*date*):

(*Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.*)

David Kerr

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

(*Use a different verification form if the verification is by an attorney or for a corporation or partnership.*)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 11-06-18

David Kerr

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

SHORT TITLE: Golden Gate Development, LLC v. Kerr, et al.

CASE NUMBER:

Attachment 3k

CUD-18-662672

ATTACHMENT (Number): 1

3a. Defects exist at the premises including, but not limited to, the following: . Plaintiff has had actual and/or constructive notice of the defects but has failed to make needed repairs.

3c. Defendant on 08/06/2018, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.

3j. Other

(1) The complaint fails to allege facts sufficient to state a cause of action.

(2) Plaintiff has waived the right to strict enforcement of the alleged covenant to pay rent by the first of each month.

(3) The notice does not comply with the lease and/or applicable regulations.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1

(Add pages as required)

1 David Kerr
2 338 Spear Street, Unit 39 D
3 San Francisco, CA 94105
4 315-702-7116

4 PROOF OF SERVICE BY MAIL

5 CASE NAME: Golden Gate Development, LLC v. Kerr, et al.
6 CASE NO.: CUD-18-662672

7 I, _____, declare as follows:

8 I am employed within the City and County of San Francisco. My business address is
9 EVICTION DEFENSE COLLABORATIVE, 995 Market Street, #1200, San Francisco,
10 California 94103. I am over the age of eighteen (18) years of age and not a party to the
11 within action. I am readily familiar with the EVICTION DEFENSE COLLABORATIVE's
12 practice for collection and processing of correspondence for mail with the United States
13 Postal Service. Correspondence collected and processed is deposited with the United
14 States Postal Service that same day in the ordinary course of business.

15 On 11-06-18, in accordance with Code of Civil Procedure Section 1013a (3), I served
16 the following:

17 ANSWER

18 upon PLAINTIFF(S) Golden Gate Development, LLC, by placing the same at the
19 EVICTION DEFENSE COLLABORATIVE for deposit in the United States Postal Service
20 on that date in an envelope addressed as follows:

21 Todd Rothbard
22 8500 Burton Way
23 Santa Clara, CA 95051

24 I sealed the envelope and placed it for collection and mailing on that date following
25 ordinary business practices, in the City and County of San Francisco, California.

26 I declare under penalty of perjury that the forgoing is true and correct and that this
27 declaration was executed on 11-06-18 in San Francisco, California.
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David Kerr
338 Spear Street, Unit 39 D
San Francisco, CA 94105
315-702-7116
Defendants In Pro. Per.

SUPERIOR COURT -- LIMITED JURISDICTION
OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

Golden Gate Development, LLC
Plaintiff

No. CUD-18-662672

v.

DEMAND FOR JURY TRIAL AND
MANDATORY SETTLEMENT CONFERENCE

David Kerr, et al.
Defendant

Defendant David Kerr hereby demands a trial by jury of all issues and a mandatory settlement conference in the above-entitled case.

Dated: 11-06-18

David Kerr
Defendant In Pro. Per.

Trial Date: Not yet set

1 David Kerr
2 338 Spear Street, Unit 39 D
3 San Francisco, CA 94105
4 315-702-7116

5 PROOF OF SERVICE BY MAIL

6 CASE NAME: Golden Gate Development, LLC v. Kerr, et al.
7 CASE NO.: CUD-18-662672

8 I, _____, declare as follows:

9 I am employed within the City and County of San Francisco. My business address is
10 EVICTION DEFENSE COLLABORATIVE, 995 Market Street, #1200, San Francisco,
11 California 94103. I am over the age of eighteen (18) years of age and not a party to the
12 within action. I am readily familiar with the EVICTION DEFENSE COLLABORATIVE's
13 practice for collection and processing of correspondence for mail with the United States
14 Postal Service. Correspondence collected and processed is deposited with the United
15 States Postal Service that same day in the ordinary course of business.

16 On 11-06-18, in accordance with Code of Civil Procedure Section 1013a (3), I served
17 the following:

18 Jury Demand

19 upon PLAINTIFF(S) Golden Gate Development, LLC, by placing the same at the
20 EVICTION DEFENSE COLLABORATIVE for deposit in the United States Postal Service
21 on that date in an envelope addressed as follows:

22 Todd Rothbard
23 8500 Burton Way
24 Santa Clara, CA 95051

25 I sealed the envelope and placed it for collection and mailing on that date following
26 ordinary business practices, in the City and County of San Francisco, California.

27 I declare under penalty of perjury that the forgoing is true and correct and that this
28 declaration was executed on 11-06-18 in San Francisco, California.

ANSWER TO COMPLAINT --- FILING INSTRUCTIONS

1. Take all of the papers we gave you to file at court, **400 McAllister Street (at Polk Street), Room 103**. Go to the "Subsequent Filings" line. Give the clerk all the papers. The clerk will stamp them and return copies to you. Make sure your copies are stamped, including your Demand for Jury Trial. Check your papers before you leave court to make sure they are stamped and that no originals have been returned to you. Be sure to save all of your file-stamped copies.
2. The next step is for the landlord to request a trial date by filing a form called a **Memorandum to Set for Trial or Request for Trial**. You may receive a copy of this form from the landlord or attorney. Then you should receive from the court a notice with your court dates. **The court will send your two court dates, in the same envelope: the DATE AND TIME OF YOUR SETTLEMENT CONFERENCE AND OF YOUR TRIAL.**
3. **If you have not received any notice of your court dates within 10 days, or ¹¹⁻¹⁶⁻²⁰¹⁸, contact the court to find out your court dates.** The court's telephone number is 551-3802. You will need your case number, CUD-18-662672 , when you call the court.
4. You may also receive additional papers from the landlord or landlord's lawyer. If you do, no matter how they are delivered, **bring them to our office immediately. You may need to respond in writing to them. If you do not bring in new papers, you could lose your case.**

SETTLEMENT CONFERENCE

5. The settlement conference is an informal meeting between you, the landlord or his/her attorney, and a judge. **YOU MUST ATTEND THE SETTLEMENT CONFERENCE.** The settlement conference is a good opportunity to settle your case. You should bring any evidence (see #8 below) because it can help increase your bargaining power. **If you don't have an attorney there will be free attorneys at court to help you on the day of your settlement conference.** To be helped, you must be in Room 512 at 400 McAllister St. by 12:30 p.m. that day.
6. **REMEMBER--WE OFFER A SETTLEMENT CONFERENCE WORKSHOP: EVERY WEDNESDAY AND THURSDAY (excluding court holidays) AT 12 NOON, IN ROOM 512 AT 400 McALLISTER STREET.** The workshop will help you prepare for your settlement conference. There is no additional fee for this workshop. You do not have to wait until your settlement conference to settle, but you should attend the **Settlement Conference Workshop before you try to settle, if at all possible.** If you are thinking of settling before your settlement conference, be sure to bring in to our office any proposed agreement before signing it.

TRIAL

7. If you do not settle your case at the settlement conference, or before trial, come back to our office as soon as possible. We might be able to represent you, but it depends on many variables, such as our capacity. **We do not guarantee Monday representation.** The trial will be on the day listed in the notice you get from the court at **9:00 AM at 400 McAllister St., Room 501. Do not be late. You will lose the trial if you are late.**
8. You should begin to think about what evidence, if any, you will want to use at trial. Evidence includes things like payment receipts, letters from you or your landlord, photographs, witnesses who will testify for you, reports from police, health, or building inspectors, and even things like dead cockroaches in a bag. Begin collecting any evidence you will want to use at trial and, if your unit is not illegal, consider calling inspectors.
9. If you lose your trial, the Sheriff will post an "Eviction Notice" at your unit and you will be evicted. Once you get the Sheriff's notice, you can file a motion asking the court to let you stay one more week. You must have the money and give it to the court to pay for one week's rent. Our office can prepare this motion for you if you come in when you get the Sheriff's Eviction Notice.

EVICTED DEFENSE COLLABORATIVE - 995 MARKET STREET, #1200, SAN FRANCISCO

EXHIBIT 2
(Proposed Order)

1 Name: David Kerr
2 Address: 338 Spear St Unit 39D
3 SAN FRANCISCO, CA 94105
4 Phone #: 315-702-746

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SAN FRANCISCO
7

8
9 Golden Gate Development, LLC
10 Plaintiff,

11 vs.

12 David Kerr and Daris Hernandez
13 Defendant,

) Case No.: CJP-18-662672
) Sheriff's case No.: 2018451355
) [PROPOSED] ORDER GRANTING MOTION
) TO VACATE DEFAULT AND JUDGMENT

) Date: 11/13/18
) Time: 9:30 a.m.
) Dept: 501

14
15 This matter came before the court on 11/13/18. Upon
16 considering the arguments and evidence presented, good cause appearing
17 thereon, the Court finds that the Default entered on 10/22/18 and
18 the Judgment entered on 10/22/18 are hereby vacated. This
19 order is in compliance with the terms of the tentative ruling on
20 _____ (date) _____
21 _____

22 The Writ of Possession issued on _____ is hereby recalled.

23 IT IS SO ORDERED.

24
25 Date: _____

26 _____
27 Judge of the Superior Court
28

FILED
San Francisco County Superior Court

NOV 06 2018

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

1 Name: David Kerr
2 Address: 338 Spear St Unit 39D
3 SAN FRANCISCO, CA 94105
4 Phone #: 315-702-7116

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7
8 COUNTY OF SAN FRANCISCO

9 Golden Gate Development, LLC
10 Plaintiff,

11 vs.

12 David Kerr and Paris Hernandez
13 Defendant

) Case No.: CUD-18-662672
) Sheriff's Case No.: 2018451353
) [PROPOSED] ORDER GRANTING EX PARTE
) APPLICATION FOR ORDER SHORTENING
) TIME ON A MOTION TO VACATE
) JUDGMENT
)
) Date: 11/6/18
) Time: 11:00am
) Dept: 501

16 Good cause appearing, this court GRANTS Defendant's request for
17 an order shortening time for a Motion to Vacate Judgment. The hearing
18 on the Motion to Vacate shall be on (date) Nov 13, 2018, in
19 Department 501 at 9:30 a.m. Moving papers shall be filed and served
20 by (date/time) Nov 7, 2018 10 a.m. in the following manner: personal service

21 Opposition papers shall be filed and served by (date/time)
22 Nov 13, 2018 by 9 a.m. in the following manner: personal service

23 ~~Any reply papers shall be filed and served by (date/time)~~

24 No written reply

25 IT IS SO ORDERED.

26 Date: 11/6/18

27
28 [Signature]
Judge of the Superior Court
RONALD E. QUIDACHAY

NOV 01 2018

CLERK OF THE COURT
BY: JUDITH C. NUNEZ
Deputy Clerk

1 Name: David Kerr
2 Address: 338 Spear St. Unit 3aD
3 SAN FRANCISCO, CA 94105
4 Phone #: 315-702-7116
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10 Golden Gate Development, LLC
11 Plaintiff,

12 vs.

13 David Kerr and Doris Hernandez
14 Defendant

) Case No.: CVD-18-662672
) Sheriff's Case No.: 2018451353
)
) EX PARTE APPLICATION FOR ORDER
) SHORTENING TIME FOR FILING AND
) SERVING A MOTION TO VACATE; AND
) PROPOSED ORDER
)
) Date: 11/5/18
) Time: 11:00 a.m.
) Dept.: 501

17 I, David Kerr, Defendant in this action, request an order
18 shortening time for filing and serving a Motion to Vacate in the above
19 entitled action. I request that the Motion to be heard on (date)
20 11/13/18 or as soon as otherwise possible.

21 Good cause exists for granting this order shortening time because
22 the court ordered a Default and a Judgment against me for possession
23 of the premises. I need this Motion to Vacate heard as soon as
24 possible so that if I prevail, and the default and Judgment are
25 vacated, I will not be evicted while the case proceeds. A Writ of
26 Possession has been issued and I am scheduled to be evicted by the
27 Sheriff on 11/7/18.

ACC
EA

1 I have prepared my Motion to Vacate, and it is ready to be served
2 immediately. In my Motion, I explain that my failure to respond was
3 based on excusable neglect, and that I will suffer hardship if the
4 court does not vacate the Default and the Judgment (describe):

5 I have an eviction/notice to vacate for Wednesday, Nov. 7,
6 2018. If ordered to vacate, I have no other place to
7 go or live. I do not have family in the area and
8 do have a service dog. We will have nowhere to
9 go or live. All family is in NY and CT and
10 do not have the means to help across the country,
11 Having a service animal makes it difficult to move/vacate
12 inside of 1 week, without proper planning, preparation,
13 and food.

14
15 On (date) 11/1/18 at (time) 11:38 AM I notified
16 Plaintiff that I would be requesting, ex parte, an order shortening
17 time for the Motion to Vacate. I notified Plaintiff that I would be
18 making this request on (date) 11/6/18 at 11:00 a.m. in
19 Department 501. (Describe who you called and if you left a message or
20 talked to a person)

21 I left a message.

22
23
24 I declare under penalty of perjury under the laws of the State of
25 California that the foregoing is true and correct.

26
27 Date: 11/1/18

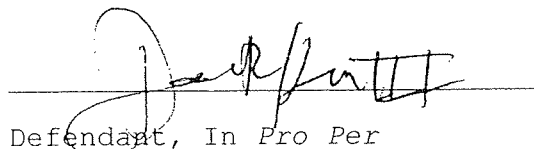
28 
Defendant, In Pro Per

EXHIBIT 1
(Proposed Order)

1 Name: David Kerr
2 Address: 338 Spear St Unit 39D
3 SAN FRANCISCO, CA 94105
4 Phone #: 315-702-7116
5
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN FRANCISCO

9 Golden Gate Development, LLC
10 Plaintiff,

11 vs.

12 David Kerr and Doris Hernandez
13 Defendant

) Case No.: CUD-18-662672
) Sheriff's Case No.: 2018451353
) [PROPOSED] ORDER GRANTING EX PARTE
) APPLICATION FOR ORDER SHORTENING
) TIME ON A MOTION TO VACATE
) JUDGMENT
)
) Date: 11/6/18
) Time: 11:00am
) Dept: 501

14
15
16 Good cause appearing, this court GRANTS Defendant's request for
17 an order shortening time for a Motion to Vacate Judgment. The hearing
18 on the Motion to Vacate shall be on (date) _____, in
19 Department 501 at _____. Moving papers shall be filed and served
20 by (date/time) _____ in the following manner: _____.
21 Opposition papers shall be filed and served by (date/time)
22 _____ in the following manner: _____.
23 Any reply papers shall be filed and served by (date/time) _____.

24
25 IT IS SO ORDERED.

26 Date:

27
28 _____
Judge of the Superior Court

1 David Kerr
388 Spear Street Unit #39D
2 San Francisco, CA 94105
3 (315)702-7116

4 Defendant In Pro. Per.
5
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7 SUPERIOR COURT -- LIMITED JURISDICTION
8 OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO

10 Golden Gate Development, LLC,
11 Plaintiff

No. CUD-18-662672

11

ORDER OF THE COURT FOR STAY OF
EXECUTION

12

v.

(Sheriff's No.2018451353)

13

14 David Kerr,
et al.,
15 Defendants

NOV 06 2018

16 TO THE SHERIFF OF SAN FRANCISCO COUNTY AND TO PLAINTIFF:


17 Upon reading the application of Defendant David Kerr, and good
18 cause appearing therefore:

19 The Sheriff's Office is hereby ordered to stay execution on the
20 above-entitled action until 5:00 p.m. on November 13, 2018, for
21 possession of premises at 338 Spear Street, Unit #39D, San Francisco
22 CA 94105, ^{County of San Francisco} on condition that Judgment Debtor shall have deposited with
23 the Clerk of the Superior Court (Limited Jurisdiction), the sum of
24 *sl* \$1,843.31, Receipt No. _____ (\$263.33 per day for 7 days).
25 Said deposit shall be indicated by entry of receipt number on this
26 order, the application of the official Seal and file stamp. It is
27 further ordered that the Clerk of the Superior Court (Limited
28

Order

1 Jurisdiction) shall remit to the Judgment Creditor said sums
2 forthwith.

3
4 Dated: 11-06-18



JUDGE OF THE SUPERIOR COURT,
LIMITED JURISDICTION, OF THE
STATE OF CALIFORNIA
ERIC R. FLEMING

6
7 (If the order is issued, please sign 2 copies of the order).

8 SHORT TITLE: Golden Gate Development, LLC v. Kerr, et al.
9 CASE NO.: CUD-18-662672

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