

1 [YOUR NAME]
[YOUR ADDRESS]
2 [YOUR PHONE NUMBER]
[YOUR EMAIL ADDRESS]
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4 In Pro Per

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8 THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF [ENTER COUNTY NAME HERE]—UNLIMITED JURISDICTION

10 [NAME], an individual,
11 Plaintiffs

CASE NO:

COMPLAINT FOR PARTITION

12 vs.

13 [NAME], and DOES 1-20,
14 Defendants.

DEMAND FOR JURY TRIAL

15
16 Plaintiff [SPECIFY] alleges:

17 **SUMMARY**

18 **1.** This suit seeks a judicial declaration and partition by sale of real property in
19 [SPECIFY] California, and off-set for amounts contributed.

20 **REAL PROPERTY TO BE PARTITIONED**

21 **2.** The real property to be partitioned is a single-family home located at [ADDRESS,
22 CITY], California [ZIP CODE], bears [SPECIFY] County Assessor Parcel Number [SPECIFY],
23 contains a [SPECIFY] County Zoning Designation of [SPECIFY], which is limited for use to a
24 [SPECIFY], and which are more particularly described in the legal description attached as
25 **Exhibit “A,”** which is incorporated by reference here (the “Property”).

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1 **THE PARTIES**

2 **3.** Plaintiff [SPECIFY] is a resident of [SPECIFY] County, California, and a title owner
3 of a [SPECIFY] interest in the Property (“Plaintiff”).

4 **4.** Defendant [SPECIFY] is a resident of [SPECIFY] County, California, and a title
5 owner of a [SPECIFY] interest in the Property (“Defendant”).

6 **5.** The Plaintiff is unaware of the true names, capacities, or ownership interests, whether
7 associate, corporate, individual, or otherwise, of Defendants DOE 1 through DOE 10, inclusive,
8 and therefore sues these Defendants by these fictitious names, and will amend this Complaint to
9 show their true names and capacities when ascertained.

10 **6.** This Complaint may collectively refer to [SPECIFY], and DOES 1-10, inclusive, as
11 the “Defendants.” This Complaint may collectively refer to the Plaintiff and the Defendants as the
12 “Parties.”

13 **7.** The Complaint’s allegations stated on information and belief are likely to have
14 evidentiary support after a reasonable opportunity for further investigation or discovery.

15 **VENUE**

16 **8.** Venue is proper in this action under Code of Civil Procedure section 872.110,
17 subdivision (b)(1).

18 **GENERAL ALLEGATIONS**

19 **9.** [SPECIFY FACTS JUSTIFYING RELIEF]

20 **10.** [SPECIFY FACTS JUSTIFYING RELIEF]

21 **11.** [SPECIFY FACTS JUSTIFYING RELIEF]

22 **12.** [SPECIFY FACTS JUSTIFYING RELIEF]

23 **13.** [SPECIFY FACTS JUSTIFYING RELIEF]

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1 **FIRST CAUSE OF ACTION**

2 (Partition by Private Sale against the Defendants)

3 **14.** The Plaintiff incorporates by reference, as though fully set forth here, the allegations
4 in paragraphs 1 through 13, inclusive, of this Complaint.

5 **15.** The Property is a [SPECIFY] making a partition by sale the more equitable remedy.
6 A physical partition is infeasible.

7 **16.** The Property is not subject to partition in-kind because, among other things, the
8 Subdivision Map Act, local ordinances, zoning ordinance, and/or the general plan for the area
9 make it unreasonably difficult and/or impossible to physically partition the Property into separate
10 parcels equal to the Parties' respective interests.

11 **17.** A physical partition of the Property will cause the dramatic reduction in the
12 Property's value, thereby prejudicing the Parties.

13 **18.** A physical partition of the Property would substantially diminish the value of each
14 Party's interest, which would be materially less than the share of the proceeds that the Parties would
15 receive through the sale of the Property as a whole, thereby resulting in a loss to the Parties.

16 **19.** The Plaintiff requests that the Court partition the Property and all interests by private
17 sale as this manner of partition appears to be appropriate under the circumstances.

18 **20.** The Plaintiffs bring this partition action for the Parties' common benefit to preserve
19 and secure to each of them their respective interests and rights in the Property.

20 **21.** The Plaintiff incurred and will incur costs of partition here, including attorneys' fees,
21 for the common benefit of the Parties here in an amount not yet ascertainable.

22 **22.** THUS, the Plaintiff prays for relief as set forth below.

23 **PRAYER**

24 **A.** For a judgment that Plaintiff owns 50% of the Property, and that Defendant owns
25 50% of the Property, and that no other persons have any interest in the real property;

26 **B.** For a judgment partitioning the Property by sale, and that any encumbrance be paid
27 from the proceeds of the sale, together with costs and expenses of this action and the sale, and the
28 net proceeds then be divided between Plaintiffs and Defendants in accordance with their respective

1 interests;

2 **C.** For the appointment of a partition referee under Code of Civil Procedure section
3 873.010 to prepare the Property for marketing, and to market and sell the Property with the
4 approval of the Court;

5 **D.** For a final accounting between the Parties for expenditures for repairs,
6 improvements, payments on encumbrances, and other expenditures for the benefit of the entire
7 property.

8 **E.** For a final accounting between the Parties for allowance, contribution,
9 improvements, rents, profits, payments, repairs, and other expenditures for the benefit of the entire
10 property;

11 **F.** For an order of disbursement according to the Accounting, including the right to a
12 judgment in accordance with the Accounting, which judgment may be secured by a lien on, and
13 paid out of, the Defendants' portion of the proceeds from sale;

14 **G.** For a judgment imposing the costs that the Plaintiffs' expended for the Property on
15 the Defendants' interest, which judgment shall be secured by and paid out of the Defendants'
16 portion of the net proceeds from the sale;

17 **H.** For attorneys' fees, costs, and experts' and referees' expenses under Code of Civil
18 Procedure sections 874.010 to 874.050, which judgment shall be secured by a lien on, and paid out
19 of, the Defendants' portion of the net proceeds from the sale.

20 **I.** For attorneys' fees, costs, and experts' expenses under Code of Civil Procedure
21 sections 874.010 to 874.050, which judgment shall be secured by a lien on the Defendants'
22 respective interests in the Property or proceeds of the sale of the Property.

23 **J.** For statutory pre-judgment interest at the maximum rate;

24 **K.** For all such other and further relief as the Court deems just and proper.

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26 **REQUEST FOR JURY TRIAL**

27 The Plaintiffs demand a trial-by-jury of all issues so triable.

1 DATED: March 22, 2022

Respectfully submitted,

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4 By: _____
5 [SPECIFY]
6 Plaintiff
7 In Pro Per
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26 **Case Name:** *BOEHME v. WACKER*
27 **Court:** YOLO COUNTY SUPERIOR COURT
28 **Case No.:** 2021-2209

1 PROOF OF SERVICE

2 I am over 18 years of age, not a party to the above-entitled action, employed in Sacramento
3 County, and my business address is 770 "L" Street, Suite 916, Sacramento, California 95814. On
4 April 15, 2022, I served the following:

5 • **PLAINTIFF'S *EX PARTE* APPLICATION, AND MEMO, FOR AN ORDER
6 SHORTENING TIME, AND MOTION TO MODIFY/ VACATE
7 UNDERTAKING**

8 via Electronic Mail from nicole@underwood.legal per CCP § 1010.6(e)

9 on the parties to this action at the addresses indicated below:

10 Joshua D. Cohen Counsel for Defendant and Cross-Complainant
11 Katherine Kao Doris Wacker
12 WENDEL ROSEN LLP
13 111 Broadway, 24th Floor
14 Oakland, CA 94607-4036
15 jcohen@wendel.com
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17 Kevin Brodehl Counsel for Nominal Defendant El Macero Village
18 Zachary B. Young Apartment Investments, a general partnership
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26 Steven H. Holland Counsel for Plaintiff-in-Intervention Bridge
27 Justin J. Schnitzer Partners II, LLC
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this Declaration is executed at Sacramento, California.

NICOLE TARRIELA