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FILED
LOS ANGELES SUPERIOR COURT
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JOHN A. CLARKE, CLERK
BY B. GREGG, DEPUTY

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 JANICE M. McCLANAHAN, an individual,

14 Plaintiff,

15 v.

16 HARRY MANSDORF, individually, et al.,

17 Defendants.

CASE NO. BC 363659

[Action filed December 18, 2006]

[Department 1A]

**DECLARATION OF DAVID M.
MARCUS IN SUPPORT OF
APPLICATION FOR ORDER TO SELL
RESIDENTIAL REAL PROPERTY**

[C.C.P. §§ 704.750 - 704.770]

Hearing Date: May 18, 2012

Time:

Hearing Judge: Hon. Matthew St. George

Trial Date: None

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22 I, DAVID M. MARCUS, state and declare as follows:

23 1. I am an attorney at law admitted to practice by the State Bar of California, and am a
24 member of the law firm Marcus, Watanabe & Dave, LLP, the attorneys for the Plaintiff and
25 Judgment Creditor, Janice M. McClanahan.

26 2. I make this declaration in support of the Application for Order to Sell Residential
27 Real Property. In connection with preparing the Application, I reviewed:

28 **000385**

1 a. The Los Angeles County Tax Collector's Substitute Secured Property Tax Bill
2 for the property. A true and correct copy of the Substitute Secured Property Tax Bill is attached to
3 this Declaration as Exhibit "1."

4 b. The Notice to Creditor of Levy on Dwelling. A true and correct copy of the
5 Notice to Creditor of Levy on Dwelling mailed by the Sheriff to my firm on March 19, 2012, is
6 attached to this Declaration as Exhibit "2."

7 c. A Preliminary Report from Old Republic Title Company, dated March 20,
8 2012. A true and correct copy of the Preliminary Report is attached to this Declaration as
9 Exhibit "3."

10 1) The Preliminary Report states that title to the property is vested in
11 HARRY MANSDORF AS TRUSTEE OF MANSDORF FAMILY TRUST.

12 2) The Mansdorf Family Trust is revocable trust.

13 3) The Preliminary Report lists three Certificates of Lien by the Los
14 Angeles County Tax Collector as Items 8, 9, and 11 on the Preliminary Report.

15 When the Substitute Secured Property Tax Bill was obtained from the
16 Los Angeles County Tax Collector's Office during the last week of March, 2012, the Los Angeles
17 County Tax Collector's Office said that there were no outstanding taxes other than those as stated
18 on the Substitute Secured Property Tax Bill.

19 Accordingly, I believe that the Certificates of Lien listed as Items 8,
20 9, and 11 on the Preliminary Report are not currently existing liens against the property, but have
21 been satisfied and releases have not been recorded.

22 d. An appraisal of the property by Rodd Hitch, placing the value of the property
23 as of March 23, 2012, at Five Million and 00/100 Dollars (\$5,000,000.00) is attached to the
24 Application as Exhibit "A."

25 3. I believe that no liens against the property have priority over the Abstract of Judgment
26 which Applicant recorded on April 18, 2008, and re-recorded on August 28, 2009. The judgment
27 awarding the equitable lien of Chevy Chase Bank was recorded against the property on January 31,
28 2012, and the *lis pendens* recorded by John C. Torjesen was recorded on November 13, 2009.

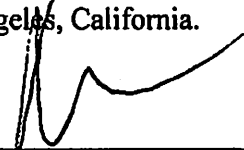
1 4. Moreover, the judgment obtained by Mr. Torjesen is not enforceable against the
2 property on Alta Drive, but against other property owned by Mansdorf as Trustee of the Mansdorf
3 Family Trust located in Malibu in Ventura County. Furthermore, under the terms of the judgment
4 that Mr. Torjesen obtained, the two million dollars (\$2,000,000.00) is only to paid upon the
5 occurrence of certain events relating to the Ventura County property, such as sale or development.
6 A true and correct copy of the judgment in Mr. Torjesen's claim is attached to this Declaration as
7 Exhibit "4."

8 5. Based on the foregoing, I believe that with the exception of the statutory homestead
9 exemption for Mr. Mansdorf in the amount of \$175,000, there are no senior liens and, with the
10 exception of the equitable lien for approximately \$145,000 in favor of Chevy Chase Bank, there are
11 no junior liens to Applicant's judgment lien.

12 6. Since the property is appraised at \$5,000,000, there is at least \$4,500,000 in value to
13 apply to satisfaction of Applicant's judgment.

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

16 Executed this 4 day of April, 2012, at Los Angeles, California.

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19 DAVID M. MARCUS
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