

DECLARATION OF BRUCE A. BOICE IN SUPPORT OF PETITION
FOR REHEARING

I, Bruce A. Boice, do declare:

1. I am the current attorney of record for the Appellants, Linda Mansdorf and Jaime DeJesus Gonzalez in this case.
2. I appeared on their behalf at oral argument on November 20, 2014.
3. Since that time, I have further personally reviewed the record, the documents, the pleadings, and the Opinion filed December 8, 2014.
4. Based upon my personal review stated above, the December 8, 2014, Opinion is not accurately reflective of the factual record, the legal issues raised, or the applicable law.
5. The Opinion omitted the fact Giacomazza took title in 2004, thus none existed for McClanahan's judgment to attach to in April of 2008.
6. The Opinion omitted the fact Appellant Gonzalez's joint tenancy and survivorship rights attached simultaneously with McClanahan's abstract to Harry Mansdorf's after-acquired property interests in the Subject Property.
7. The Opinion omitted the fact Torjesen submitted the Joint Tenancy Grant Deed to Judge Kahn during the Order for Sale hearing.

8. The Opinion omitted the fact that Orloff, who was present at the hearing with Judge Kahn, told Judge Ford his assumption about what Judge Kahn did was incorrect.

9. The Opinion omitted the fact that Respondent swore under penalty of perjury the deed was “delivered” on October 31, 2012, despite the fact it was not notarized until December 6, 2012.

10. The Opinion erroneously stated Mildred Mansdorf, (the other judgment debtor on McClanahan’s judgment), was Harold Mansdorf’s wife – she was his sister and his wife is still living, fighting to stay in her home.

11. The Opinion repeatedly, erroneously stated the “property” was sold rather than the judgment debtor’s interests in the property.

12. By omitting the “after-acquired” and “simultaneous attachment” facts, the Opinion appeared to validly omit the joint tenancy and survivorship law and arguments of Appellant.

13. If the Opinion recognized Gonzalez and McClanahan’s attachments were simultaneous, then the Opinion would have reversed the lower court for exceeding its jurisdiction in deciding title where such was not harmless because, as a matter of law, 100% of the interest in the Subject Property vested in Appellant Gonzalez prior to the sale as an operation of the survivorship feature of joint tenancy law, leaving 0% quantifiable interests of the judgment debtor that Respondent purchased.

14. By omitting the “after-acquired” and “simultaneous attachment” facts, the Opinion used its erroneous claim the “property” was sold to hold that CCP §701.680 makes the “sale” of the “property” absolute.

15. If the Opinion recognized it was only the judgment debtor’s interest which were sold, and further did not omit the after acquired title and simultaneous attachment of rights facts, then the Opinion would have reversed the lower court for exceeding its jurisdiction in deciding title where such was not harmless because, as a matter of law, 100% of the interest in the Subject Property vested in Appellant Gonzalez prior to the sale, leaving only the empty judgment debtor’s interests for Respondents to purchase, *as they did*.

I declare the above to be true under penalty of perjury.

Executed this ___ day of December, 2014, at _____, California.

Bruce A. Boice, Declarant