

DECLARATION OF BRUCE A. BOICE IN SUPPORT OF APPELLANTS' APPLICATION
FOR CERTIFICATION FOR TRANSFER

I, Bruce A. Boice, do hereby declare:

1. I am an attorney licensed to practice in the State of California, and am current counsel for Jaime DeJesus Gonzalez and Linda Mansdorf, as Appellants in Los Angeles county Superior Court Appellate Division Case No. BV030652.

2. All the statements in this declaration are of my firsthand knowledge, and I am willing to testify to the facts, if necessary.

3. My regular practice is in the civil courts in California, and in the Federal Bankruptcy Court. I am not a certified appellate specialist in California.

4. Shortly before the oral argument in this case, I was hired by Mr. Gonzalez and Mrs. Mansdorf to represent them. I studied the case as quickly as possible, and presented oral arguments on November 20, 2014.

5. December 8, 2014, this Court issued its Opinion regarding the matter.

6. Prior to and since that time, I thoroughly reviewed the record, and with the other matters in my practice, it was a serious task. The factual and legal intricacies involved in this case are numerous and convoluted at times.

7. In that feverous study of the facts and record in addition to my other workload, I inadvertently missed the procedural requirements for the Appellants to bring their issues to a court past this one, by misreading the time to file the petition for transfer, (15 days after the decision becomes *final*), with the application for certification for transfer (15 days after the decision is *filed*).

8. I was focused on the Petition for Rehearing, and misread the petition for transfer timeline rules, further misapprehending the application for certification procedures in relation to the timeline for the application for certification for transfer to be filed.

9. Rule 8.1005(a)(1) allows this Court to certify this case for transfer to the Court of Appeals on its own motion, and the time for such can be done up to the time the December 8, 2014, decision in this Court becomes final: January 7, 2014.

10. This, I believe, ensures the 15 day time frame of Rule 8.1005(b)(1)(A) is not “jurisdictional,” and that this Court still has the plenary power and authority to order certification of the transfer.

11. Based upon the issues, and because there is still some time remaining prior to this Court’s December 8, 2014, decision being final, I have drafted and submitted with this declaration, an application from the appellants for this Court to certify the transfer to Division Five of the Court of Appeals.

12. It is with the utmost respect for the law and the rights of the appellants by which I make this declaration and have submitted the previous petition for rehearing and now, the application for certification for transfer.

13. I believe, in addition to my error in timing of filing the application , egregious errors have been made in both appellants’ counsel’s lower-court arguments and presentations, and the decisional portions of this case.

14. There were material facts omitted in the Opinion, which led to the Opinion not applying directly applicable law which favored the Appellants position.

15. Such an Opinion, missing vital and key facts, thus, missing vital and directly applicable after-acquired title, simultaneous attachment, then joint tenancy and survivorship law,

stands in direct conflict with the current state of the Law in California. Thus, stands in conflict with the basic fundamental precepts of due process under the Constitution for the State of California and the Constitution for the United States of America.

16. This request is possible, given the sufficient time remaining prior to this Court's decision becoming final, (and further given the pending petition for rehearing which this Court can order a rehearing in response to).

17. It is for the fundamental, basic rights of Appellants, I respectfully and humbly request this Court not impute a slip of reading of the rules and timing for the application to Appellants to the point their rights are egregiously damaged or usurped..

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

Executed this 29th day of December, 2014, at _____, California.

Bruce A. Boice, Esq.,
Declarant