

RECEIVED
APR 05 2012
DEPT. 1A

FILED
LOS ANGELES SUPERIOR COURT
APR 09 2012
JOHN A. CLARKE, CLERK
BY B. GREGG, DEPUTY

1 DAVID MARCUS, ESQ. (SBN: 90460)
2 MARCUS, WATANABE & DAVE, LLP
3 1901 Avenue of the Stars, Suite 300
4 Los Angeles, California 90067-6005
5 Telephone No.: (310) 284-2020
6 Facsimile No.: (310) 284-2025

7 Attorneys for Plaintiff and Judgment Creditor
8 JANICE M. McCLANAHAN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 JANICE M. McCLANAHAN, an individual,

12
13 Plaintiff,

14
15 v.

16
17 HARRY MANSDORF, individually, et al.,

18
19 Defendants.

CASE NO. BC 363659

[Action filed December 18, 2006]

[Department 1A]

20 APPLICATION FOR ORDER TO SELL
21 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

22 DAVID M. MARCUS declares:

23 1. I am the attorney for Plaintiff and Judgment Creditor JANICE M. McCLANAHAN
24 ("Plaintiff and Judgment Creditor" or "Applicant").

25 2. Plaintiff and Judgment Creditor hereby applies for an order for the sale of all
26 title, and interest of Judgment Debtor, HARRY MANSDORF, in and the dwelling and
27 property located at the street address of 811 North Alta Drive, Beverly Hills, California 90210
28 more fully described as follows:

///

000362

FILED
RECEIVED
RECEIPT # 11-CT-06578-0024
DATE PAID: 04/09/12 10:20:52 AM
FEE: \$10.00
RECEIVED: 0310
THIS IS A REPRODUCTION OF THE ORIGINAL
40-20

1 Lot 2 of Tract No. 7954 in the City of Beverly Hills, County of Los
2 Angeles, State of California, as per map recorded in Book 113,
3 Pages 70 and 71 of Maps in the Office of the County Recorder of said
4 county. ("The Property")

5 3. The Property stands of record in the name of HARRY MANSDORF as TRUSTEE
6 OF THE MANSDORF FAMILY TRUST.

7 4. The records of the Los Angeles County Assessor indicate that there is no current
8 homeowner's exemption or disabled veteran's exemption for that dwelling.

9 5. Based on information and belief, based on the review of the Substitute Secured
10 Property Tax Bill issued by the Los Angeles County Tax Collector's Office, as well as the
11 Preliminary Report pertaining to the Property, the Applicant is informed and believes that no
12 homestead declaration that describes the dwelling has been recorded by the Judgment Debtor or
13 spouse of the Judgment Debtor. However, the Applicant believes that the dwelling is a homestead
14 and entitled to the statutory homestead exemption in the amount of \$175,000.00 because the
15 Defendant/Judgment Debtor is over 65 years old. (C.C.P. § 704.730(a)(3)(A).

16 6. The name and address of each person having a lien or encumbrance on the dwelling
17 and the amount of each such lien or encumbrance is as follows:

18 a. Notice of Pending Action recorded on November 17, 2009, as Instrument
19 No. 20091734388 in the Office of the Los Angeles County Recorder. Although the *lis pendens* does
20 describe the Real Property, the judgment, entered on January 31, 2012, does not affect title to the
21 Real Property. The judgment awards John C. Torjesen & Associates \$2,000,000 to be paid in
22 connection with activities involving other property owned by the Judgment Debtor located in Malibu
23 (Ventura County). No interest accrues until those actions occur. None have to date. The judgment
24 has not been recorded, and no Abstract of Judgment has been recorded.

25 Address of plaintiff who recorded the Notice of Pendency of the Action:

26 John C. Torjesen
27 612 N. Sepulveda Boulevard, 2nd Floor
28 Los Angeles, California 90049.

///

000363

1 Address of the attorneys who obtained the judgment:

2 Marcus A. Mancini, Christopher Barnes, Tara J. Licata
3 Mancini & Associates
4 15303 Ventura Boulevard, Suite 600
5 Sherman Oaks, California 91403.

6 b. Amended Judgment After Trial by the Court recorded on January 31, 2012,
7 as Instrument No. 2012171360 in the Office of the Los Angeles County Recorder. The judgment
8 establishes an equitable lien in favor of Chevy Chase Bank in the amount of \$144,749.39 as of
9 April 3, 2012.

10 This lien accrues interest at the rate of ten percent (10%) per annum, or \$35.71 per day.

11	Date of judgment:	February 25, 2011
12	Amount of judgment:	\$130,356.74
13	Interest rate:	10% per annum
14	Daily interest (365-day year):	\$35.71
15	Post-judgment interest accrued to April 3, 2012:	\$14,392.65
16	<u>Total judgment lien:</u>	<u>\$144,749.39</u>

17 Address of Judgment Creditor:

18 Chevy Chase Bank
19 c/o Francis J. Cunningham, III, and David S. Bartleson
20 Cunningham & Treadwell
21 21800 Oxnard Street, Suite 840
22 Woodland Hills, California 91367.

23 c. An Abstract of Judgment by Applicant recorded on April 18, 2008, as
24 Instrument No. 2008-0686346 in the Office of the Los Angeles County Recorder.

25 This lien is in the amount of \$17,034,733.12, and accrues interest at the rate
26 of 10% per annum, or \$3,287.92 per day.

27	Date of judgment:	January 23, 2008
28	Amount of judgment:	12,000,922.00
	Interest rate:	10% per annum
	Daily interest (365-day year):	\$3,287.92
	Post-judgment interest accrued to April 3, 2012:	\$5,033,811.12
	<u>Total judgment lien:</u>	<u>\$17,034,733.12</u>

29 ///

000364

1 The address of the Plaintiff and Judgment Creditor/Applicant Janice M.
2 McClanahan is in care of her attorney.

3 The address of this Plaintiff and Judgment Creditor/Applicant's attorney is:

4 Janice M. McClanahan
5 c/o David M. Marcus
6 Marcus, Watanabe & Dave, LLP
7 1901 Avenue of the Stars, Suite 300
8 Los Angeles, California 90067.

7 7. Applicant is informed and believes that the next three liens, although showing of
8 record on the Preliminary Report, have been satisfied and no longer exist as liens against the Real
9 Property. As a courtesy to the Court, Applicant lists them here as follows:

10 a. Certificate of Lien by the Los Angeles County Tax Collector recorded on
11 February 14, 2011, as Instrument No. 20110237604 in the Los Angeles County Recorder's Office.

12 This lien is in the amount of \$29,199.36, and accrues interest and penalties
13 at the specified statutory rate for delinquent tax liens.

14 b. Certificate of Lien by the Los Angeles County Tax Collector recorded on
15 August 15, 2005, as Instrument No. 05-1953410 in the Los Angeles County Recorder's Office.

16 This lien is in the amount of \$43,754.28, and accrues interest and penalties
17 at the specified statutory rate for delinquent tax liens.

18 c. Certificate of Lien by the Los Angeles County Tax Collector recorded on
19 August 15, 2005, as Instrument No. 05-1953551 in the Los Angeles County Recorder's Office.

20 This lien is in the amount of \$14,534.27, and accrues interest and penalties
21 at the specified statutory rate for delinquent tax liens.

22 Address of the Los Angeles County Tax Collector (all three liens):

23 Los Angeles Tax Collector
24 225 North Hill Street
25 Los Angeles, California 90012

25 8. Attached to this Application as Exhibit "A" is a true and correct copy of an appraisal
26 dated March 23, 2012, by Rodd Hitch appraising the value of the Real Property at Five Million
27 Dollars (\$5,000,000.00).

28 9. The Notice to Creditor of levy on dwelling was sent on March 19, 2012.

000365

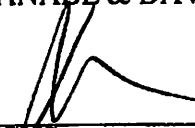
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Applicant requests that this Court set a time and place for hearing and order the Judgment Debtor(s) to show cause why an order should not be made under this Application.

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

DATED: April 4, 2012

MARCUS, WATANABE & DAVE, LLP



DAVID M. MARCUS
Attorneys for Plaintiff and Judgment Creditor,
JANICE M. McCLANAHAN

10. The judgment which Applicant is seeking to enforce is attached to this application as exhibit "B."

I:\swu\Client Matters\DMM\McCLANAHAN v. MANSDORF 1533-1\PLEADINGS\Application for Order to Sell Residential Real Property (revised) 040412.wpd