

Superior Court of California, County of Sacramento

COURT COPY

Small Claims Division

301 Bicentennial Circle, Room 300  
Sacramento, CA 95826-2701

Case No.: 00SC00842

Phone: (916) 875-7514

— NOTICE TO DEFENDANT —  
YOU ARE BEING SUED BY PLAINTIFF

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

— AVISO AL DEMANDADO —  
A USTED LO ESTAN DEMANDANDO

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFFS/DEMANDANTE (Name, street address, and telephone number of each):

DEFENDANTS/DEMANDADO (Name, street address, and telephone number of each):

BIXBY, MARK J  
DBA - MJB/BIXBY CONSTRUCTION, INC.  
3531 SAN YSIDRO WAY  
SACRAMENTO, CA 95864  
Phone: (916) 448-9797

WESTERN BUYERS  
DBA - MEEKS-THE BUILDER'S CHOICE  
1750 HOWE AVE. SUITE 550  
SACRAMENTO, CA 95825-3370  
Phone: (916) 576-3042

MEEKS  
DBA - MEEKS THE BUILDER'S CHOICE  
10549 E. STOCKTON BLVE  
ELK GROVE, CA 95624  
Phone: (916) 685-8035

File. Bus. Name Stmt. No.: 571821

Expires: 01/31/2002

See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

1. a. Defendant owes me the sum of \$1,190.00, not including court costs, because: Defendant's delivery truck broke my new colored stamped concrete driveway, sprinkler and pipeline system, while negligently driving his overweighted vehicle over these areas and was never authorized to do so, and still has not paid for the damages to my property that he caused.  
b.  I have had an arbitration of an attorney-client fee dispute. (Attach Attorney-Client Fee Dispute Form (see form SC-101).)
2.  This claim is against a government agency,  and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. (See form SC-150.)
3.  I have asked defendant to pay this money, but it has not been paid.
4. This court is the proper court for the trial because [A] (In the box at the left, insert one of the letters from the list called "Venue Table" on the back of this sheet. If you select D, E, F, specify additional facts in this space):
5. I  have  have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.00.
6. I  have  have not filed more than more than 12 claims, including this claim, during the previous 12 months.
7. I understand that
  - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
  - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
  - c. I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
  - d. If I cannot afford to pay the fees for filing or service by a sheriff, marshal, or constable, I may ask that the fees be waived.
8. I have received and read the information sheet explaining some important rights of plaintiffs in the small claims court.
9. No defendant is in the military service.
10. I wish to file in the small claims court for a business doing business under the fictitious name of BIXBY, MARK J. The business is doing business as INDIVIDUAL DBA. The business has complied with the fictitious business name laws by executing, filing, and publishing a fictitious business name statement. The statement expires on 01/31/2002.

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

Date: 01/26/2000

*Mark J Bixby*  
(TYPE OR PRINT NAME)

*[Signature]*  
(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time shown in the box below if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

| TRIAL DATE | FECHA DEL JUICIO | DAY    | DATE       | TIME      | DEPT. | PLACE   |
|------------|------------------|--------|------------|-----------|-------|---|
|            |                  | Monday | 03/06/2000 | 8:15 A.M. | 86    | 301 Bicentennial Circle, Sacramento, CA 95826 |

Filed on: 01/26/2000

Michael M. Roddy, Clerk, by

L. POLIMENI *[Signature]*, Deputy

— The county provides small claims advisor services free of charge. Read the information on the reverse. —