

**SUMMONS  
(CITACION JUDICIAL)  
UNLAWFUL DETAINER—EVICTION  
(RETENCION ILICITA DE UN INMUEBLE—DESALOJO)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:**

**(AVISO AL DEMANDADO):**

DAVI ANTHONY RODRIGUES, dba BLACK MARKET, AYATOLLA OF GONDOLA and DOES 1 to 20

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MARK BIXBY, as Trustee of the MARK BIXBY REVOCABLE LIVING TRUST Dated October 2, 1996

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):  
SACRAMENTO COUNTY SUPERIOR COURT  
301 BICENTENNIAL CIRCLE  
SAME

CASE NUMBER: 05UD07078  
(Número del Caso):

SACRAMENTO, CA 95826  
CAROL MILLER JUSTICE CENTER

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
CHARLES A. TWEEDY, SBN 096234 (916) 631-8388  
MOYER, PARSHALL & TWEEDY, LLP (916) 631-8188  
11341 GOLD EXPRESS DRIVE  
GOLD RIVER, CA 95670

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: SEP 22 2005 JODY PATEL Clerk, by P. Carral, Deputy (Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



4. NOTICE TO THE PERSON SERVED: You are served

- a.  as an individual defendant.
  - b.  as the person sued under the fictitious name of (specify):
  - c.  as an occupant
  - d.  on behalf of (specify): *Black Market, Ayatolla Gondola*
- under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 CCP 415.46 (occupant)  other (specify):

5.  by personal delivery on (date): 9-28-05

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state Bar number, and address):

CHARLES A. TWEEDY, SBN 096234  
CRYSTAL V. HODGSON, SBN 232838  
MOYER, PARSHALL & TWEEDY, LLP  
11341 GOLD EXPRESS DRIVE, SUITE 110  
GOLD RIVER, CA 95670

TELEPHONE NO.: (916) 631-8388

FAX NO. (Optional): (916) 631-8188

E-MAIL ADDRESS (Optional): MPTATTORNEYS@AOL.COM

ATTORNEY FOR (Name): MARK BIXBY, AS TRUSTEE OF THE MARK BIXBY REV

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**

STREET ADDRESS: 301 BICENTENNIAL CIRCLE

MAILING ADDRESS: SAME

CITY AND ZIP CODE: SACRAMENTO, CA 95826

BRANCH NAME: CAROL MILLER JUSTICE CENTER

PLAINTIFF: MARK BIXBY, as Trustee of the MARK BIXBY  
RECOVABLE LIVING TRUST Dated October 2, 1996

DEFENDANT: DAVI ANTHONY RODRIGUES, dba BLACK MARKET,  
AYATOLLA OF GONDOLA

DOES 1 TO 20

FOR COURT USE ONLY

FILED / ENDORSED  
UNLAWFUL DETAINER

05 SEP 22 PM 3:08

COURT CLERK  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

P. CORREALE

DEPUTY

**COMPLAINT — UNLAWFUL DETAINER\***

CASE NUMBER

05UD07078

COMPLAINT  AMENDED COMPLAINT (Amendment Number):

**Jurisdiction (check all that apply):**

ACTION IS A LIMITED CIVIL CASE

Amount demanded  does not exceed \$10,000

exceeds \$10,000 but does not exceed \$25,000

ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)

ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):

from unlawful detainer to general unlimited civil (possession not in issue)

from limited to unlimited

from unlawful detainer to general limited civil (possession not in issue)

from unlimited to limited

1. PLAINTIFF (name each): MARK BIXBY, AS TRUSTEE OF THE MARK BIXBY REVOCABLE LIVING TRUST  
DATED OCTOBER 2, 1996

alleges causes of action against DEFENDANT (name each): DAVI ANTHONY RODRIGUES dba BLACK MARKET,  
AYATOLLA OF GONDOLA

2. a. Plaintiff is (1)  an individual over the age of 18 years. (4)  a partnership.  
(2)  a public agency. (5)  a corporation.  
(3)  other (specify): Trustee of Revocable Trust

b.  Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
5852 -- 88th Street, Suite 400, Sacramento, CA 95828

4. Plaintiff's interest in the premises is  as owner  other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

6. a. On or about (date): August 9, 2004 defendant (name each): DAVI ANTHONY RODRIGUES dba  
BLACK MARKET, AYATOLLA OF GONDOLA

(1) agreed to rent the premises as a  month-to-month tenancy  other tenancy (specify): 3 year term

(2) agreed to pay rent of \$ 3,360.00 payable  monthly  other (specify frequency):

(3) agreed to pay rent on the  first of the month  other day (specify):

b. This  written  oral agreement was made with

(1)  plaintiff.

(3)  plaintiff's predecessor in interest.

(2)  plaintiff's agent.

(4)  other (specify):

\*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF (Name): MARK BIXBY, as Trustee of the MARK BIXBY RECOVERABLE LIVING TRUST Dated October 2, 1996  
DEFENDANT (Name): DAVI ANTHONY RODRIGUES, dba BLACK MARKET, AYATOLLA OF GONDOLA

CASE NUMBER:

- 9.  Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
- 10.  At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ 3,360.00
- 11.  The fair rental value of the premises is \$ 112.00 per day.
- 12.  Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
- 13.  A written agreement between the parties provides for attorney fees.
- 14.  Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

- 15.  Other allegations are stated in Attachment 15.
- 16. Plaintiff accepts the jurisdictional limit, if any, of the court.

**17. PLAINTIFF REQUESTS**

- a. possession of the premises.
- b. costs incurred in this proceeding:
- c.  past-due rent of \$ 3,360.00
- d.  reasonable attorney fees.
- e.  forfeiture of the agreement.
- f.  damages at the rate stated in item 11 from (date): September 19, 2005 for each day that defendants remain in possession through entry of judgment.
- g.  statutory damages up to \$600 for the conduct alleged in item 12.
- h.  other (specify): Late fee of \$336.00 pursuant to Section 4.06 of the Lease Agreement.

18.  Number of pages attached (specify): \_\_\_\_\_

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**

19. (Complete in all cases.) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, state):

- a. Assistant's name:
- b. Street address, city, and zip code:
- c. Telephone No.:
- d. County of registration:
- e. Registration No.:
- f. Expires on (date):

Date: September 21, 2005

CRYSTAL V. HODGSON, SBN 232838  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

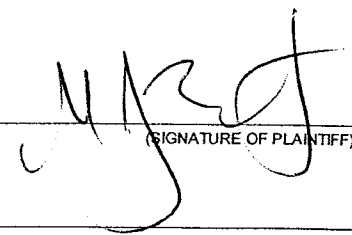
**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 21, 2005

Mark Bixby, Trustee  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF)