

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

TELEPHONE NO.:

FOR COURT USE ONLY

HACKARD, HOLTS & HELLER  
STEVEN M. HELLER  
DAIGE M. HIBBERT  
11335 GOLD EXPRESS DRIVE SUITE 155  
GOLD RIVER, CALIFORNIA 95670

FILED  
ENDORSED

INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:

99 MAR 25 PM 2: 55  
LEGAL PROCESS #2

SUPERIOR COURT OF CALIFORNIA

CASE NAME:

MARK J. BIXBY  
vs.

EDWIN AND DONNA MONROE, GAREY AND JOAN OLITO

CASE NUMBER:

99AS01648

CIVIL CASE COVER SHEET  
(Case Cover Sheets)

1. 06 Case category (Insert code from list below for the ONE case type that best describes the case):

- |   |  |
|---|--|
| 01 Abuse of Process   | 18 Insurance Coverage/Subrogation  |
| 02 Administrative Agency Review   | 19 Intellectual Property   |
| 03 Antitrust/Unfair Business Practices  | 20 Enforcement of Judgment (Sister State, Foreign, Out-of-Country Abstracts) |
| 04 Asbestos   | 21 Partnership and Corporate Governance                                      |
| 05 Asset Forfeiture   | 22 PI/PD/WD—Auto (Personal Injury/Property Damage/Wrongful Death)            |
| 06 Breach of Contract/Warranty  | 23 PI/PD/WD—Nonauto  |
| 07 Business Tort  | 24 Product Liability   |
| 08 Civil Rights (Discrimination, False Arrest)                                | 25 Professional Negligence (Medical or Legal Malpractice, etc.)              |
| 09 Collections (Money Owed, Open Book Accounts)                               | 26 Real Property (Quiet Title)   |
| 10 Construction Defect  | 27 RICO  |
| 11 Contractual Arbitration  | 28 Securities Litigation   |
| 12 Declaratory Relief   | 29 Tax Judgment  |
| 13 Defamation (Slander, Libel)  | 30 Toxic Tort/Environmental  |
| 14 Eminent Domain/Inverse Condemnation  | 31 Unlawful Detainer—Commercial  |
| 15 Employment (Labor Commissioner Appeals, EDD Actions, Wrongful Termination) | 32 Unlawful Detainer—Residential   |
| 16 Fraud  | 33 Wrongful Eviction   |
| 17 Injunctive Relief  | 34 Other: _____  |

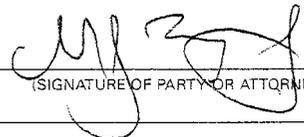
2. Type of remedies sought (check all that apply): a.  Monetary b.  Nonmonetary c.  Punitive

3. Number of causes of action: 1

4. Is this a class action suit?  Yes  No

Date: 3-25-99

MARK J. BIXBY  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTE TO PLAINTIFF

- This cover sheet shall accompany each civil action or proceeding, except those filed in small claims court or filed under the Probate Code, Family Law Code, or Welfare and Institutions Code.
- File this cover sheet in addition to any cover sheet required by local court rule.
- Do not serve this cover sheet with the complaint.
- This cover sheet shall be used for statistical purposes only and shall have no effect on the assignment of the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):

TELEPHONE: FOR COURT USE ONLY

Paige M. Hibbert (SBN 143105)

(916) 853-3000

HACKARD, HOLT & HELLER

11335 Gold Express Drive, Ste. 155

Gold River, California 95670

ATTORNEY FOR (NAME): Plaintiff, Mark J. Bixby

**FILED**  
**ENDORSED**

99 MAR 25 PM 2: 55

LEGAL PROCESS #2

Insert name of court, judicial district or branch court, if any, and post office and street address:

Sacramento County Superior Court

720 Ninth Street

Sacramento, California 95814

PLAINTIFF:

MARK J. BIXBY

DEFENDANT:

EDWIN and DONNA MONROE, GARY and JOAN OLITO

DOES 1 TO 100

FOR DEPOSIT ONLY  
FILED 99 MAR 25 10:54 AM '99

**CONTRACT**

COMPLAINT     CROSS -COMPLAINT

CASE NUMBER: **99AS01648**

1. This pleading, including attachments and exhibits, consists of the following number of pages: 3

2. a. Each plaintiff named above is a competent adult

Except plaintiff (name):

a corporation qualified to do business in California

an unincorporated entity (describe):

other (specify):

9  
KEY

b.  Plaintiff (name):

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

has complied with all licensing requirements as a licensed (specify):

SUMMONS ISSUED

c.  Information about additional plaintiffs who are not competent adults is shown in Complaint-Attachment 2c.

3. a. Each defendant named above is a natural person

Except defendant (name):

Except defendant (name):

a business organization, form unknown

a corporation

an unincorporated entity (describe):

a public entity (describe):

other (specify):

a business organization, form unknown

a corporation

an unincorporated entity (describe):

a public entity (describe):

other (specify):

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

c.  Information about additional defendants who are not natural persons is contained in Complaint-Attachment 3c.

d.  Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

(Continued)

If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Form Approved by the  
Judicial Council of California  
Effective January 1, 1982  
Rule 982.1(20)

**COMPLAINT-Contract**

CCP 425.12

Martin Dean's Essential Forms™

AW0001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):  
 HACKARD, HOLT & HELLER  
 STEVEN M. HELLER  
 DALE M. HIBBERT  
 11335 GOLD EXPRESS DRIVE SUITE 155  
 GOLD RIVER, CALIFORNIA 95670

TELEPHONE NO.:

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**FILED**  
**ENDORSED**  
 99 MAR 25 PM 2:55  
 LEGAL PROCESS #2

INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:  
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 (Case Cover Sheets)

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Date: 3-25-99

MARK J. BIXBY  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

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LEGAL PROCESS #2

ATTORNEY FOR (NAME): Plaintiff, Mark J. Bixby

Insert name of court, judicial district or branch court, if any, and post office and street address:

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720 Ninth Street  
Sacramento, California 95814

PLAINTIFF:

MARK J. BIXBY

DEFENDANT:

EDWIN and DONNA MONROE, GARY and JOAN OLITO

DOES 1 TO 100

**CONTRACT**

COMPLAINT  CROSS -COMPLAINT

CASE NUMBER: **99AS01648**

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- an unincorporated entity (describe):
- other (specify):



b.  Plaintiff (name):

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- has complied with all licensing requirements as a licensed (specify):

**SUMMONS ISSUED**

Information about additional plaintiffs who are not competent adults is shown in Complaint-Attachment 2c.

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Except defendant (name):

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- a corporation
- an unincorporated entity (describe):
- a public entity (describe):
- other (specify):

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- a corporation
- an unincorporated entity (describe):
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d.  Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

(Continued)

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Form Approved by the  
Judicial Council of California  
Effective January 1, 1982  
Rule 982.1(20)

**COMPLAINT-Contract**

CCP 425.12

*AW0001*

FIRST  
(number)

CAUSE OF ACTION- Breach of Contract

Page 3

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): MARK J. BIXBY

alleges that on or about (date): June 1995  
a  written  oral  other (specify):  
agreement was made between (name parties to agreement):

- A copy of the agreement is attached as Exhibit A, or
- The essential terms of the agreement  are stated in Attachment BC-1  are as follows (specify):  
Plaintiff and defendants agreed to purchase a residence commonly known as 1613 Los Molinos, Sacramento, California 95864 as an investment. Defendants put down cash and plaintiff was to perform various termite work, repairs and improvements as his 1/3 share of the property. Furthermore, plaintiff acted as a property manager on the property by placing ads and renting the property as well as doing repairs on the property.

BC-2. On or about (dates): January 1, 1998  
defendant breached the agreement by  the acts specified in Attachment BC-2  the following acts (specify):  
Defendants refuse to provide plaintiff with his 1/3 investment in the property and have placed the property on the market for sale without plaintiff's consent.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement  
 as stated in Attachment BC-4  as follows (specify):  
Plaintiff will not receive his 1/3 investment in the property as defendants have stated they will not provide plaintiff with a 1/3 share of the proceeds from the sale of the property.

BC-5.  Plaintiff is entitled to attorney fees by an agreement or a statute  
 of \$  
 according to proof.

BC-6.  Other: Prejudgment interest pursuant to Civil Code section 3291.

COMPLAINT-Contract

- 4.  Plaintiff is required to comply with a claims statute, and
  - a.  plaintiff has complied with applicable claims statutes, or
  - b.  plaintiff is excused from complying because (specify):
  
- 5.  This action is subject to  Civil Code section 1812:10  Civil Code section 2984.4.
  
- 6. This action is filed in this  county  judicial district because
  - a.  a defendant entered into the contract here.
  - b.  a defendant lived here when the contract was entered into.
  - c.  a defendant lives here now.
  - d.  the contract was to be performed here.
  - e.  a defendant is a corporation or unincorporated association and its principal place of business is here.
  - f.  real property that is the subject of this action is located here.
  - g.  other (specify):
  
- 7.  The following paragraphs of this pleading are alleged on information and belief (specify paragraph numbers):  
BC-1, BC-2, BC-3, BC-4, BC-5, BC-6
- 8.  Other:

- 9. The following causes of action are attached and the statements above apply to each: (Each complaint must have one or more causes of action attached.)
  - Breach of Contract  Common Counts
  - Other (specify):

10. PLAINTIFF PRAYS

For judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- damages of \$ 50,000.00
- interest on the damages  according to proof  at the rate of 0.10 percent per year from (date):
- attorney fees  of \$ \_\_\_\_\_  according to proof.
- other (specify):

Prejudgment interest pursuant to Civil Code section 3291

PAIGE M. HIBBERT

(Type or print name)

(Signature of plaintiff or attorney)

(if you wish to verify this pleading, affix a verification.)