

1 LYNN TRINKA ERNCE (State Bar No. 179212)
2811 3rd Avenue
2 Sacramento, California 95818
Telephone: (916) 457-4967

3 Attorney for Petitioners
4 David E. Ernce and Lynn Trinka Ernce



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LEGAL PROCESS #11

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

01CS01368

1999



11 DAVID E. ERNCE AND LYNN TRINKA
12 ERNCE,

13 Petitioners,

14 v.

15 MJB/BIXBY CONSTRUCTION, INC.,

16 Respondent.

Case No.

**PETITION TO RELEASE PROPERTY
FROM MECHANIC'S LIEN
[CIVIL CODE § 3154]**

17 Petitioners David E. Ernce and Lynn Trinka Ernce (together, "Ernces") allege:

18 1. The Ernces are the owners of the real property described as follows:

19 that certain real property located in the City and County of Sacramento, 2811 3rd Avenue,
20 Sacramento, California 95818, Assessor's Parcel Number 013-0052-026, further described as
21 Lot 227 shown on the map entitled Heilbron Oaks, recorded on April 23, 1923 in Book 17 of
22 maps, page 17. ("Property").

23 2. Respondent MJB/Bixby Construction, Inc. ("Bixby") is, and at all times
24 herein mentioned was, a corporation organized and existing under the laws of California.

25 3. On June 22, 2000, Bixby caused to be recorded in the Official Records of
26 the County of Sacramento, Book 20010622, Page 1543, a verified claim of lien ("Lien") against
27 the Property. A certified copy of the Lien is attached hereto as Exhibit A and incorporated herein
28 by this reference.



VERIFICATION

1
2 I, David E. Ernce, am one of the petitioners in this proceeding. I have read the
3 foregoing petition and know the contents thereof. The same is true of my own knowledge,
4 except as to those matters which are therein alleged on information and belief, and, as to those
5 matters, I believe it to be true.

6 Executed this 21 day of September, 2001, at Sacramento, California.

7 I declare under penalty of perjury under the laws of the State of California and
8 these United States that the foregoing is true and correct.

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David E. Ernce

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME MJB/Bixby Construction, Inc.

STREET ADDRESS 1513 18th Street

CITY STATE ZIP Sacramento, CA 95814



Sacramento County Recording Mark Norris, Clerk/Recorder

BOOK 20010622 PAGE 1543

Friday, JUN 22, 2001 2:54:07 PM Ttl Pd \$18.00 Nbr-0000704393

KDL/24/1-2

LIEN NOTI 2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MECHANIC'S LIEN (Claim of Lien)

The undersigned, MJB/Bixby Construction, Inc. CSCL# 571821, referred to in this Claim of Lien as the Claimant, claims a mechanic's lien for the labor, services, equipment and/or materials described below, furnished for a work of improvement upon that certain real property located in the City of SACRAMENTO, County of SACRAMENTO, State of California, and described as follows: 2811 Third Avenue, Sacramento, California 95818 and is further described as Lot 227 as shown on the map entitled Heilbron Oaks, recorded on April 23, 1923 in book 17 of maps, page 17.

After deducting all just credits and offsets, the sum of \$ 20,000.00, together with interest thereon at the rate of 7% per cent per annum from June 1, 2001 is due Claimant for the following labor, services, equipment and/or materials furnished by Claimant: Violating contractual agreement entered into on 4-17-2001. Greater than 97% of home improvement (kitchen) project having been completed, having been paid to date for less than half of these services, D. & L. Ernce terminated agreement without cause and are refusing to allow project to be completed, as well as make payment for services & materials all ready received.

The name of the person or company by whom Claimant was employed, or to whom Claimant furnished the labor, services, equipment and/or materials is David and Lynn Ernce, a married couple

The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are: David and Lynn Ernce, a married couple residing at 2811 Third Avenue, Sacramento, CA 95818

SEE REVERSE SIDE FOR ADDITIONAL INSTRUCTIONS

Name of Claimant Douglas W. Tillotson By [Signature] (Signature of Claimant or Authorized Agent and Title)

VERIFICATION I, the undersigned, declare: I am the Office/Projects Manager of MJB/Bixby Construction, Inc. the Claimant named in the foregoing claim of mechanic's lien; I am authorized to make this Verification for the Claimant; I have read the foregoing claim of mechanic's lien and know the contents thereof, and the same is true to my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 22 June 2001 [Signature]

