

Clerk stamps date here when form is filed.

ELECTRONICALLY

**FILED**Superior Court of California  
County of Sacramento  
Small Claims Division

File By: LuckeyJ

On: 02/04/2005 03:24:27 PM

**Notice to the person being sued:**

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Fill in court name and street address:

**Superior Court of California  
County of Sacramento  
Small Claims Division**301 Bicentennial Circle  
Sacramento, CA 95826-2701  
(916) 875-7514

Clerk fills in case number and case name:

Case Number:

**05SC00993**

Case Name:

**WIMBERLEY, TY vs. MJB BIXBY  
CONSTRUCTION INC.****Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

**— COURT COPY —****Order to Go to Court****The people in (1) and (2) must go to court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
	03/21/2005	1:30 P.M.	86	301 Bicentennial Circle, Sacramento, CA 95826-2701
Date:	February 4, 2005	Dennis B. Jones, Clerk, by		J. Luckey, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B and SC-104C.

Bring witnesses, receipts, and any evidence you need to prove your case

Name: WIMBERLEY, TY vs. MJB BIXBY CONSTRUCTION INC.

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.  
Have you done this?  Yes  No

If no, explain why not:

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check all that applies):

- a.  (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.  
(2) Where the Plaintiff's property was damaged.  
(3) Where the Plaintiff was injured.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

- 6 List the zip code of the place checked in 5 above (if you know): 95828

- 7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here:

- 8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: February 4, 2005 WIMBERLEY, TY  
Plaintiff types or prints name here

▶  
Plaintiff signs here

Date: \_\_\_\_\_  
Second Plaintiff types or prints name here

▶  
Second Plaintiff signs here



### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons with Disabilities and Response. (Civil Code, § 54.8.)

Small Claims Division
301 Bicentennial Circle
Sacramento, CA 95826-2701

Case No.: 05SC00993-1

(916) 875-7514

NOTICE TO PLAINTIFF
YOU ARE BEING SUED BY DEFENDANT

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 defendant the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

AVISO AL DEMANDANTE
A USTED LO ESTA DEMANDANDO EL

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuacion. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandado 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, address, and telephone number of each):

WIMBERLEY, TY
Individually and Doing Business As
CABINET CONCEPTS
6240 GREENTOP WAY
ORANGEVALE, CA 95662

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

MJB BIXBY CONSTRUCTION INC.
3531 SAN YSIDRO WY
SACRAMENTO, CA

Fic. Bus. Name Stmt. No.:

Expires:

See attached sheet for additional plaintiffs and defendants.

DEFENDANT'S CLAIM

- 1. Plaintiff owes me the sum of \$5,000.00, not including court costs, because: Plaintiff did not complete work correctly personal and business tort plaintiff is not complying with amended agreement plaintiff threaten bodily to mjb personnel. - Claim Date: 09/09/2004.
2. a. I have asked plaintiff to pay this money, but it has not been paid.
b. I have NOT asked plaintiff to pay this money because:
3. I 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.
4. 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 plaintiff in this case.
d. If I cannot afford to pay the fees for filing or service by a sheriff or marshal, I may ask that the fees be waived.
5. I have received and read the information sheet explaining some important rights of defendants in the small claims court.
6. No plaintiff is in the military service.

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

Date: 11/06/2008

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

ORDER TO PLAINTIFF

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 defendant's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

Table with 5 columns: TRIAL DATE, FECHA DEL JUICIO, DATE, DAY, TIME, DEPT., PLACE. Row 1: 03/21/2005, Monday, 1:30 P.M., 86, 301 Bicentennial Circle, Sacramento, CA 95826

Filed on: 02/25/2005

Jody Patel, Clerk, by A. Southworth, Deputy.

The county provides small claims advisor services free of charge. Small Claims Advisory Clinic Phone: (916) 875-7846

DEFENDANT'S CLAIM AND ORDER TO PLAINTIFF

(Small Claims)

PARTY (Name and address):  
 TELEPHONE NO. (Optional):  
 E-MAIL ADDRESS (Optional):  
 FAX NO. (Optional):

*MSB Bizby Construction Inc.*  
*5852: 28th Street, Suite 800*  
*Sacto CA 95828*

FOR COURT USE ONLY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**  
**SMALL CLAIMS DIVISION**  
 301 Bicentennial Circle, Room 300  
 Sacramento, CA 95826  
 Phone: (916) 875-7514

**FILED/ENDORS**  
 FEB 25 2005

PLAINTIFF: *Ty, WIMBERLEY*  
 DEFENDANT: *MSB Bizby Construction Inc*

BY: *[Signature]*, DEPUTY CLERK

**REQUEST TO POSTPONE SMALL CLAIMS HEARING**

CASE NUMBER:  
*053C80283*

**IMPORTANT NOTICES**

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

**REQUEST**

1. I am the  plaintiff  defendant in this case.

2. a. I request that my small claims hearing (date): \_\_\_\_\_ be postponed for the following reason (be specific):

*documents are in storage and need to be found, because we are building a new office, also have other family obligations. Final need time to locate some witnesses, need office assistant to help because of injuries.*

b.  This request is being made less than 10 days before hearing for the following reason (be specific):

3. a. A copy of this request was  mailed  personally delivered to each of the other parties in this case on (date): \_\_\_\_\_ at the following address as required by Code of Civil Procedure section 116.570(a)(3)

(specify name and address): *2-25-2005*

b.  (Optional) In addition to the requirement above, each of the other parties was also notified of this request by  telephone  e-mail  fax on (date): *2-25-2005*

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

Date: *MADE Bizby*  
 (TYPE OR PRINT NAME)

*[Signature]*  
 (SIGNATURE)

PARTY (Name and address):

FOR COURT USE ONLY

TELEPHONE NO. (Optional):

E-MAIL ADDRESS (Optional):

FAX NO. (Optional):

MSB Bixby Construction  
5852 88 Street Sacramento CA  
95828

FILED/ENDORSED

APR 4 2005

BY: [Signature], DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
SMALL CLAIMS DIVISION

301 Bicentennial Circle, Room 300  
Sacramento, CA 95826  
Phone: (916) 875-7514

PLAINTIFF: TY WIMBORLEY

DEFENDANT: MSB Bixby Construction

REQUEST TO POSTPONE SMALL CLAIMS HEARING

CASE NUMBER:

05SC00993

IMPORTANT NOTICES

05SC00993

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

REQUEST

1. I am the  plaintiff  defendant in this case.

2. a. I request that my small claims hearing (date): 5-20-2005 be postponed for the following reason (be specific):

PLAINTIFF HAS MOVED AND ABANDONED HOME AND  
PLAINTIFF DID NOT PROVIDE NEW ADDRESS WE NEED TO SERVE  
PLAINTIFF WITH SUMMONA.

b.  This request is being made less than 10 days before hearing for the following reason (be specific):

BECAUSE LAST WEEK I HAD BRONCHITIS AND WAS  
IN BED SICK FROM 4-11-05 TO 4-15-05.

3. a. A copy of this request was  mailed  personally delivered to each of the other parties in this case on (date): at the following address as required by Code of Civil Procedure section 116.570(a)(3)

(specify name and address):

b.  (Optional) In addition to the requirement above, each of the other parties was also notified of this request by  telephone  e-mail  fax on (date): 5-18-2005

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

Date: MARK BIXBY 5-18-05  
(TYPE OR PRINT NAME)

[Signature]  
(SIGNATURE)

# FAX COVER SHEET

**ALL EXPRESS DELIVERY INC**

101 6TH STREET

SUITE #304

SACRAMENTO CA 95814

FAX: 916-444-2330

TEL: 916-444-2323

SEND TO Company name	MJB BIXBY CONSTRUCTION INC	From	ALL EXPRESS DELIVERY INC / RENU
Attention	REMIKA	Date	4/18/05
Office location	SACRAMENTO	Office location	SACRAMENTO
Fax number	916-387-8140	Phone number	916-444-2330

- Comment    
  Reply ASAP    
  Please comment    
  Please review    
  For your information

Total pages, including cover: 1

**COMMENTS**

DELIVERY GOING TO TY WIMBERLEY AT 6240 GREENTOP WAY, ORANGEVALE CA

THE DELIVERY MENTIONED ABOVE COULD NOT HAPPEN AS THE HOUSE WAS EMPTY. THERE WERE NO ONE TO ACCEPT THE DOCUMENTS SO WE BROUGHT THE DOCUMENTS WITH US. REMIKA WAS ADVISED. FOR ANY FURTHER QUESTIONS, PLEASE DO GIVE US A CALL ON THE NUMBER GIVEN ABOVE.



Superior Court of California, County of Sacramento  
Small Claims Division

301 Bicentennial Circle  
Sacramento, CA 95826-2701

(916) 875-7514

Case No.: 05SC00993

**NOTICE TO ALL PLAINTIFFS AND DEFENDANTS**

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

**AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS**

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener información de importancia acerca de sus derechos.

**NOTICE OF ENTRY OF JUDGMENT**

COURT COPY

This matter came on regularly for hearing on April 20, 2005, at 8:30 AM, in Department 87 with COMMISSIONER CHRISTOPHER LONGAKER presiding.

Judgment was entered on April 20, 2005, as follows:

The Defendant MJB BIXBY CONSTRUCTION INC. shall pay the Plaintiff WIMBERLEY, TY, DBA - CABINET CONCEPTS principal in the amount of \$925.86, plus costs in the amount of \$22.00, totaling \$947.86 on Plaintiff's claim.

Enforcement of the judgment is automatically postponed for 30 days from the date of mailing of this notice or, if an appeal is filed, until the appeal is decided.

CLERK'S CERTIFICATE OF MAILING - I, the Clerk of this court, certify I am not a party to this action, and on the date shown below, served the foregoing notice by depositing true copies, enclosed in separate sealed envelopes to Plaintiff WIMBERLEY, TY, DBA - CABINET CONCEPTS, at 6240 GREENTOP WAY, ORANGEVALE, CA 95662 and Defendant MJB BIXBY CONSTRUCTION INC., at 3531 SAN YSIDRO WY, SACRAMENTO, CA . The mailing and this certification occurred at Sacramento, California, on the date shown below.

Place of Mailing: Sacramento, California

Date of Mailing: 04/21/2005

Dennis B. Jones, Clerk, by \_\_\_\_\_, Deputy  
M. Kwong

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

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Superior Court of California, County of Sacramento  
Small Claims Division

301 Bicentennial Circle  
Sacramento, CA 95826-2701

(916) 875-7514

Case No.: 05SC00993-1

**NOTICE TO ALL PLAINTIFFS AND DEFENDANTS**

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COURT COPY

This matter came on regularly for hearing on April 20, 2005, at 8:30 AM, in Department 87 with COMMISSIONER CHRISTOPHER LONGAKER presiding.

Judgment was entered on April 20, 2005, as follows:

The Plaintiff WIMBERLEY, TY, DBA - CABINET CONCEPTS does not owe the Defendant MJB BIXBY CONSTRUCTION INC. any money/property on Defendant's claim.

CLERK'S CERTIFICATE OF MAILING - I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class postage prepaid, in a sealed envelope to Plaintiff WIMBERLEY, TY, DBA - CABINET CONCEPTS, at 6240 GREENTOP WAY, ORANGEVALE, CA 95662 and Defendant MJB BIXBY CONSTRUCTION INC., at 3531 SAN YSIDRO WY, SACRAMENTO, CA . The mailing and this certification occurred at the place and on the date shown below.

Place of Mailing: Sacramento, California

Date of Mailing: 04/21/2005

Dennis B. Jones, Clerk, by \_\_\_\_\_, Deputy  
M. Kwong

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