	LYNN TRINKA ERNCE (State Bar No. 179212)				
2	2811 3rd Avenue Sacramento, California 95818			The second se	
3	Telephone: (916) 457-4967		de cap di Ali Sala Ergal Padosas Mil		
	Attorney for Petitioners David E. Ernce and Lynn Trinka Ernce				
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6	· ·	9/21:3	9) (18437452 (186	. 19. J	
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8	SUPERIOR COURT OF THE STATE OF CALIFORNIA				
9	COUNTY OF SACRAMENTO				
10		01.050136			
/ 11	DAVID E. ERNCE AND LYNN TRINKA ERNCE,	Case No.			
12		PETITION TO RELEASE PR	OPERTY		
13	v.	FROM MECHANIC'S LIEN [CIVIL CODE § 3154]			
14					
15	Respondent.				
16	Respondent.				
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	y 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.		(9,9)		
		-1-	14.7		

1	4. No action has been filed to foreclose the Lien, no extension of credit has			
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7	release of the Lien based on the following: In April 2001, the Ernces and Bixby entered into a			
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9				
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11				
12	Ernces' kitchen remodel then became verbally abusive and threatening and refused to leave the			
13	Property when requested by Lynn Trinka Ernce. She was forced to call the police to have him			
14	removed from the Property. The Ernces have filed a complaint with the Contractors State			
15	License Board against Bixby, which is currently pending and under investigation.			
16	6. The Ernces have not filed for relief under any law governing bankrupts,			
17	and no other restraint exists to prevent Bixby from filing to foreclose its Lien.			
18	7. The Ernces have incurred and will incur attorney fees in bringing and			
19	prosecuting this Petition.			
20	WHEREFORE, the Ernces pray:			
21	1. That the Property be released from the Lien;			
22	2. For their attorney fees and for costs of suit herein incurred; and			
23	3. For such other and further relief as the Court deems proper.			
24	Dated: September 21, 2001.			
25	DAVID E. ERNCE AND LYNN TRINKA ERNCE			
26				
27	Lynn(Trinka Ernce			
28	Attorney for Petitioners David E. Ernce and Lynn Trinka Ernce			
	-2-			

VERIFICATION I, David E. Ernce, am one of the petitioners in this proceeding. I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge. except as to those matters which are therein alleged on information and belief, and, as to those matters, I believe it to be true. Executed this 21 day of September, 2001, at Sacramento, California. I declare under penalty of perjury under the laws of the State of California and these United States that the foregoing is true and correct. David E. Ernce

RECORDING REQUESTED BY		(LI
AND WHEN RECORDED MAIL TO	Sacramento County Recording	(Account)
NAME MUB/Bixby Construction, Inc.	Mark Norris, Clerk/Recorder BOOK 20010622 PAGE 1543	
street address 1513 18th Street	Friday, JUN 22, 2001 2:54:07 PM Ttl Pd	
city STATE Sacramento, CA 95814 ZIP	KDL/24/1-2	
	SPACE ABOVE THIS LINE FOR RECORDER'S US SPACE ABOVE THE FOR RECORDER'S US SPACE ABOVE THIS LINE FOR RECORDER'S US SP	E.
M	IECHANIC'S LIEN	
	(Claim of Lien)	
The undersigned, MJB/Rixby Construction	on, Inc. CSCI# 571821 referr	ed to in this Claim of
Lien as the Claimant, claims a mechanic's lien for	or the labor, convices agreement as it appears on Contractor's License.)	
	"PIOPELLY LOCALED IN LINE CITY OF SALID AMENTED	• • •
		Avenue, Sacramento.
23, 1923 in book 17 of maps, page 170 escription of	of California, and described as follows: 2811 Third As Lot 227 as shown on the map entitled Heilbron Oaks, of Property Where the Work and/or Materials were Furnished. Ifficient, it is Advisable to Give Both the Street Address and the Legal Description.) 1815; the sum of \$ \$20,000,00	recorded on April
After deducting all just credits and offse	fficient, it is Advisable to Give Both the Street Address and the Legal Description.)	• .—
interest thereon at the rate of 7%	officient, it is Advisable to Give Both the Street Address and the Legal Description.) ets, the sum of \$ \$20,000.00 (Amount of Claim Due and Unpaid)	, together with
(See Note on Berger	per cent per annum fromJune_1, 20	01,,
is due Claimant for the following labor, services spreament, entered into an 4-17-2001 Constant	, equipment and/or materials furnished by Claimant: V	iolating contraction
ATE WALL LAND IN THIS TURN DOCK TOOK NOTE I	Other Property of the Control of the	
are refusing to allow project to be completed	d, as well as make payment for services & materials and whom Claimant was employed, or to whom Claimant was employed, or to whom Claimant was employed.	t without cause and
The name of the person or company b	whom Claimant was payment for services a materials	all ready received.
services, equipment and/or materials is	i and Lynn Frace, a married couple	diffished the labor,
	Who Ordered from, or Contracted with Claimant for the Work and/or Materials)	
	·	ERNCE
a married couple residing at 2811 Third Aver	mer(s) or reputed owner(s) of the real property is/are: De	widi and Lynn Erroe
	IDE, SACTAMENTO, CA 95818 county Recorder or by checking the building permit application at the Building Department)	-
SEE REVERSE SIDE FOR		
ADDITIONAL INSTRUCTIONS	Name of Claimant Douglas W. Tillotson	
	By See Instructions on Reverse Side for Proper Signi	ng)
	(Signature of Claimant or Authorized Agent and Tit	le)
I, the undersigned, declare: I am the M	ffice YER FICATION	
	(Title)	,
e Claimant named in the foregoing claim of med	hanic's lien: I am authorized to make this to be a	e Claimant I hour
rau une toregoing claim of mechanic's lien and k	know the contents thereof, and the same is true to my ow	n knowledge.
		· i
i declare under penalty of perjury under t	he laws of the State of California that the foregoing is tru	e and correct.
22 June 2001	Vela Tillita-	1
1	1 Knows ha	1



(Signature of the Individual Who Verifies that the Contents of the Claim of Mechanic's Lien are True)

(Date of Signature)