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Superior Court of California,
County of Orange

02/14/2014 at 09:24:00 AM

Clerk of the Superior Court
By Adam Thau, Deputy Clerk

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT, DIVISION THREE

HUNTINGTON CONTINENTAL)	Court of Appeal Case No.
TOWNHOUSE ASSOCIATION,)	G049624
INC., a nonprofit association,)	
)	
Plaintiff-Respondent,)	Appellate Division Case No.
)	30-2013-00623099
vs.)	
)	Related Appellate Division Case
THE JM TRUST, DATED)	No. 30-2013-00654256
JANUARY 1, 2005, JOSEPH A.)	
MINER, TRUSTEE,)	Trial Court Case No. 30-2011-
)	00466754 [Assigned to Hon.
Defendant-Appellant)	Robert H. Gallivan, Judge]
)	

REQUEST FOR BRIEFING ORDER

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Jacqueline Pagano (SBN 266283)
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HUNTINGTON CONTINENTAL
TOWN HOUSE ASSOCIATION

Pursuant to California Rule of Court 8.1012, Respondent HUNTINGTON CONTINENTAL TOWN HOUSE ASSOCIATION, INC. requests that the Court of Appeal order additional briefing upon entering transfer orders. California Rule of Court 8.1012(a)(1) provides that:

“After the Court of Appeal orders transfer, the parties may file briefs in the Court of Appeal only if ordered by the court. The court may order briefs either on a party’s application or on the court’s own motion. The court must prescribe the briefing sequence in any briefing order.”

California Rule of Court 8.1012(e)(1) further provides that:

“On or after ordering transfer, the Court of Appeal may specify the issues to be briefed and argued. Unless the court orders otherwise, the parties must limit their briefs and arguments to those issues and any issues fairly included in those issues.”

The appellate division of the Superior Court certified this case for transfer to the Court of Appeals on February 4, 2014, finding that transfer was necessary to settle an important question of law, specifically whether a homeowner’s association is required by the Davis-Stirling Common Interest Development Act to accept partial payments from a delinquent homeowner after a lien has been recorded. Should the Court of Appeal order transfer, Respondent respectfully requests that the Court order briefing on this issue.

DATED: February 13, 2014.

FELDSOTT & LEE

BY 

STANLEY FELDSOTT

Attorneys for Plaintiff-Respondent
HUNTINGTON CONTINENTAL TOWN
HOUSE ASSOCIATION, INC.

1 PROOF OF SERVICE

2
3 STATE OF CALIFORNIA)
4 COUNTY OF ORANGE) ss.

5 I am a resident of the County aforesaid; I am over the age of eighteen years and not a party
6 to the within action; my business address is 23161 Mill Creek Drive, Suite 300, Laguna Hills,
7 California 92653.

8 On February 13, 2014, I served the following-described document:

9 **REQUEST FOR BRIEFING ORDER**

10 on the parties in this action by placing true and correct copies thereof in a sealed envelope, addressed
11 as follows:

11 Sam Walker C1804.47AC Attorney for Appellant
12 10101 Grosvenor Place, Suite 1912
13 North Bethesda, MD 20852

13 Clerk of the Court Trial Court
14 Orange County Superior Court
15 700 Civic Center Drive West
16 Santa Ana, CA 92701

17 I am readily familiar with the firm's practice of collection and processing correspondence for
18 mailing. Under that practice, it would be deposited with the U.S. Postal service on that same day
19 with postage thereon fully paid at Laguna Hills, California in the ordinary course of business. I am
20 aware that on motion of the party served, service is presumed invalid if postal cancellation date or
21 postage meter date is more than one day after day of deposit for mailing in affidavit.

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

24 Executed this 13th day of February, 2014, at Laguna Hills, California.

25
26
27
28

KATHRYN BARR