

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Candice Bernstein 39 Little Ave. Red Bluff, Ca 96080		TELEPHONE NO.: (530) 529-4110	FOR COURT USE ONLY Endorsed FILED TEHAMA SUPERIOR COURT 2008 MAY 30 PM 4:38
ATTORNEY FOR (Name): without Attorney			
NAME OF COURT: Superior Court of California, County of Tehama		IRENE RODRIGUEZ COURT EXECUTIVE OFFICER	
STREET ADDRESS: 633 Washington Street		BY: <u>ARMINDA SCAMPO</u> DEPUTY	
MAILING ADDRESS: P.O. BOX 316			
CITY AND ZIP CODE: Red Bluff, Ca 96080			
BRANCH NAME:			
PLAINTIFF: Chris Dittner			
DEFENDANT: Candice Bernstein			
ANSWER - Unlawful Detainer		CASE NUMBER: 14561	

1. Defendant (names): Candice Bernstein

answers the complaint as follows:

2. Check **ONLY ONE** of the next two boxes:

- a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000).
- b. Defendant admits that all of the statements of the complaint are true EXCEPT
- (1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain): 6. a. (1) oral agreement was for a period of 6-8 mos due to children in school and adequate time to vacate and relocate which was to be no later than 8-1-08. 17. f Rent paid 5-1 to 6-1 and 6-1-08 to 7-1-08.
- Continued on Attachment 2b(1).
- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):
- Continued on Attachment 2b(2).

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3j).)

- a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (nonpayment of rent only) On (date): _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____
- (Also, briefly state the facts showing violation of the ordinance in item 3j.)
- h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. Other affirmative defenses are stated in item 3j.

ANSWER - Unlawful Detainer

PLAINTIFF (Name): Chris Dittner	CASE NUMBER
DEFENDANT (Name): Candice Bernstein	14561

3. AFFIRMATIVE DEFENSES (cont'd)

- j. Facts supporting affirmative defenses checked above (identify each item separately by its letter from page one):
- d. Plaintiff waived notice and accepted rent for May and then again for June.
 - h. Plaintiff has accepted rent after Notice to Quit expired (please see att. copy). Rent is paid currently in advance to July 1, 2008.

(1) All the facts are stated in Attachment 3j. (2) Facts are continued in Attachment 3j.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (date):
- b. The fair rental value of the premises alleged in the complaint is excessive (explain):
- c. Other (specify):

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.
- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. other (specify): ORAL agreement be satisfied as agreed to. Defendant to vacate on or before 8-1-08. Defendant will continue to pay rent in advance as long as premise is occupied. Due to plaintiff's request to take premises Defendant is beginning to look and relocate and will give notice of 15 days when completed.

6. Number of pages attached (specify): 1 copy of money order
 UNLAWFUL DETAINER ASSISTANT (Business and Professions Code sections 6400-6415)

7. (Must be completed in all cases) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from an unlawful detainer assistant, state):

- a. Assistant's name:
- b. Telephone No.:
- c. Street address, city, and ZIP:
- d. County of registration.
- e. Registration No. Expires on (date):

 (TYPE OR PRINT NAME)

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DEFENDANT OR ATTORNEY)

 (SIGNATURE OF DEFENDANT OR ATTORNEY)

(Each defendant for whom this answer is filed must be named in item 7 and must sign this answer unless his or her attorney signs.)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5-30-08

Candice Bernstein
 (TYPE OR PRINT NAME)

 (SIGNATURE OF DEFENDANT)

SUMMONS
(CITACION JUDICIAL)

UNLAWFUL DETAINER-EVICTION
(RETENCION ILICITA DE UN INMUEBLE-DESALOJO)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Candice Bernstein
and Does 1-10, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE):
Chris Dittner

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

SUM-130
ENDORSE

FILED
HAMA SUPERIOR COURT

2008 MAY 28 AM 11:21

IRENE RODRIGUEZ
COURT EXECUTIVE OFFICER
Trisha K. Williams

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 5 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:
(El nombre y dirección de la corte es)
Superior Court of California
633 Washington Street
Red Bluff, CA 96080

CASE NUMBER
(Número del caso)

14561

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Dennis D. Albright
715 Madison Street / P.O. Box 1076
Red Bluff, CA 96080
Law Office of Dennis D. Albright
(530) 527-2740

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) did not did
for compensation give advice or assistance with this form (if plaintiff has received any help or advice for pay from an unlawful
detainer assistant, complete item 6 on the next page.)

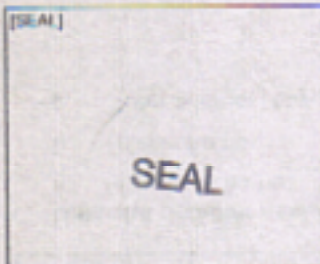
Date: MAY 28 2008 CLERK OF THE COURT IRENE RODRIGUEZ Clerk, by Trisha K. Williams, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

4. NOTICE TO THE PERSON SERVED: You are served

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as an occupant
- d. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 CCP 415.46 (occupant) other (specify):

5. by personal delivery on (date):



PLAINTIFF (Name): Chris Dittner

CASE NUMBER

DEFENDANT (Name) Candice Bernstein

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):
- Assistant's name:
 - Telephone no.:
 - Street address, city, and ZIP:
 - County of registration:
 - Registration no.:
 - Registration expires on (date):

Dennis D. Albright 056426
 Law Office of Dennis D. Albright
 715 Madison Street / P.O. Box 1076
 Red Bluff, CA 96080
 TELEPHONE NO: (530) 527-2740 FAX NO. (Optional): (530) 527-4580
 E-MAIL ADDRESS (Optional): albright@snowcrest.net
 ATTORNEY FOR (Name): Plaintiff

FILED & DOCKETED
 TEHAMA SUPERIOR COURT
 2008 MAY 28 AM 11:19

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Tehama

IRENE RODRIGUEZ
 COURT EXECUTIVE OFFICER
 BY Trisha K. Williams
 DEPUTY

STREET ADDRESS: 633 Washington Street
 MAILING ADDRESS: P.O. Box 310
 CITY AND ZIP CODE: Red Bluff, CA 96080

BRANCH NAME:
 PLAINTIFF: Chris Dittner
 DEFENDANT: Candice Bernstein

DOES 1 TO 10, Inclusive

CASE NUMBER
14561

COMPLAINT - UNLAWFUL DETAINER*
 COMPLAINT AMENDED COMPLAINT (Amendment Number): _____

Jurisdiction (check all that apply):

- ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000 but does not exceed \$25,000
- ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)
- ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):
 from unlawful detainer to general unlimited civil (possession not in issue) from limited to unlimited
 from unlawful detainer to general limited civil (possession not in issue) from unlimited to limited

1. PLAINTIFF (name each): Chris Dittner

alleges causes of action against DEFENDANT (name each):
 Candice Bernstein

2. a. Plaintiff is (1) an individual over the age of 18 years. (4) a partnership.
 (2) a public agency. (5) a corporation.
 (3) other (specify):

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

3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county)
 39 Little Avenue
 Red Bluff CA 96080
 Tehama

4. Plaintiff's interest in the premises is as owner other (specify):

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

6. a. On or about (date): defendant (name each):

Candice Bernstein
 and Does 1-10, Inclusive

- (1) agreed to rent the premises as a month-to-month tenancy other tenancy (specify):
- (2) agreed to pay rent of \$ 500.00 payable monthly other (specify frequency):
- (3) agreed to pay rent on the first of the month other day (specify):

b. This written oral agreement was made with

- (1) plaintiff. (3) plaintiff's predecessor in interest.
- (2) plaintiff's agent. (4) other (specify):

*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF (Name): Chris Dittner	CASE NUMBER:
DEFENDANT (Name): Candice Bernstein and Docs 1-10, Inclusive	

9. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ 0.00
11. The fair rental value of the premises is \$ 16.66 per day.
12. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
13. A written agreement between the parties provides for attorney fees.
14. Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

15. Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

17. PLAINTIFF REQUESTS

- | | |
|--|--|
| a. possession of the premises. | f. <input checked="" type="checkbox"/> damages at the rate stated in item 11 from (date): 5/22/2008 for each day that defendants remain in possession through entry of judgment. |
| b. costs incurred in this proceeding: | |
| c. <input type="checkbox"/> past-due rent of \$ | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| d. <input type="checkbox"/> reasonable attorney fees. | h. <input type="checkbox"/> other (specify): |
| e. <input type="checkbox"/> forfeiture of the agreement. | |

18. Number of pages attached (specify): one

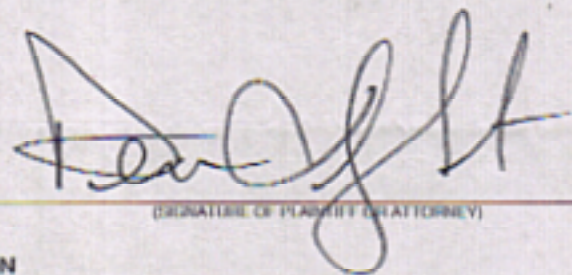
UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)

19. (Complete in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, state:)

- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone No.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration No.: |
| | f. Expires on (date): |

Date: May 23, 2008

Dennis D. Albright
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

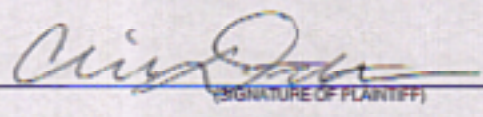
VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 23, 2008

Chris Dittner
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF)

THIRTY DAY NOTICE TO QUIT

TO: Candice Bernstein

Premises: 39 Little Avenue, Red Bluff, California

AND TO any unnamed person who claims a right of possession to 39 Little Avenue, Red Bluff, California, under the oral agreement on or about January 6, 2008 or who claims to have been in possession of the premises at the time of the service of this notice:

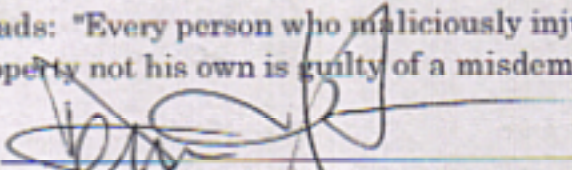
TAKE NOTICE that your month to month tenancy of the herein described premises is hereby terminated at the expiration of **Thirty (30) days** after service of this notice on you, and that you are hereby required to quit and on said date deliver up to me the possession of the premises now held and occupied by you under such tenancy.

Said premises are known as 39 Little Avenue, County of Tehama, California.

THIS IS INTENDED as a Thirty (30) days' notice to quit for the purpose of terminating your tenancy aforesaid.

PENAL CODE SECTION 594 reads: "Every person who maliciously injures or destroys any real or personal property not his own is guilty of a misdemeanor".

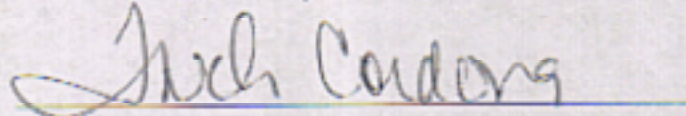
Dated: April 22, 2008


DENNIS D. ALBRIGHT
Attorney for Landlord

Person Served: Candice Bernstein + Elliott - By Posting on front door
Date Served: April 22, 2008 & mailing a copy to
Time Served: 5:40am each.
Place of Service: 39 Little Ave. Red Bluff

I, Twila Cordova, declare that I did serve the original of the above 30 DAY NOTICE TO QUIT as set forth hereinabove. I declare under penalty of perjury that said notice was served as aforesaid.

Executed at Red Bluff, California, on April 22, 2008.





PERSONAL MONEY ORDER

No. 3844000173

DATE: MAY 17, 2008

FIVE HUNDRED DOLLARS AND 00 CENTS

\$ 500.00

Payee

Chris Dittner - 39 Little Rent June 2008

CUSTOMER COPY

June Rent

NON NEGOTIABLE

Location: 13844

PLEASE COMPLETE AND SIGN MONEY ORDER PROMPTLY

SAVE THIS RECORD

CHRIS DITTNER
P.O. BOX 105
GERBER, CA 96035

REDDING CA 96001
29 MAY 2003 PM 1 L



Caridice Bernstein and
Ginger Ekstrand
39 Little Avenue
Red Bluff, CA 96080

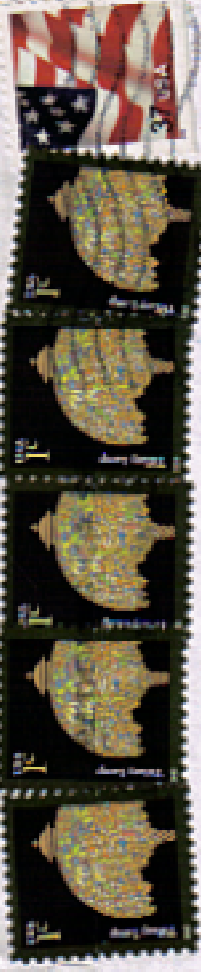
usbank
Five Star Service Guaranteed



801 Main St.
Red Bluff, CA 96080

39 Little Ave.
Red Bluff, Ca
96080

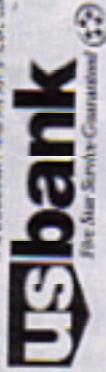
Chris Dittner
P.O. Box 105
Gerber, Ca 96035



9603550000



THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT BORDER. ABSORPTION OF THESE FEATURES WILL REVEAL A COPY.



PERSONAL MONEY ORDER

No. 3844000173

90-1582
1222

DATE: MAY 17, 2008

FIVE HUNDRED DOLLARS AND 00 CENTS

Pay to the
order of:

Chris Ditner

\$ 500.00

VOID IN EXCESS OF \$1000.00

Location: 13844

U.S. Bank National Association
Minneapolis, MN 55480

Purchaser, by signing, you agree to the service charge and other terms on the reverse side.

NAME

Candice Bernstein / Gina Ekstrand

ADDRESS

39 LITTLE AVE. REID BUFF

JUNE RENT

⑆3844000173⑆ ⑆122235821⑆ 153410023946⑆

THIS DOCUMENT HAS AN OFFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICR-PRINT BORDER. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



PERSONAL MONEY ORDER

No. 3844000062

90-3583
1222

DATE: APRIL 15, 2008

FIVE HUNDRED DOLLARS AND 00 CENTS

Pay to the order of:

Chris Dittner

\$ 500.00

VOID IN EXCESS OF \$1000.00

Location: 13844

U.S. Bank National Association
Minneapolis, MN 55480

Function: By signing, you agree to our service charge and other terms on this service slip.

NAME Ginger EK Strand Cardiac Bernstein
ADDRESS 39 Little Ave. Rb Ca 91680
May Kent

⑆ 384400006 2⑈ ⑆ 12223582⑆ 153410023946⑈

THIRTY DAY NOTICE TO QUIT

TO: Candice Bernstein

Premises: 39 Little Avenue, Red Bluff, California

AND TO any unnamed person who claims a right of possession to 39 Little Avenue, Red Bluff, California, under the oral agreement on or about January 6, 2008 or who claims to have been in possession of the premises at the time of the service of this notice:

TAKE NOTICE that your month to month tenancy of the herein described premises is hereby terminated at the expiration of **Thirty (30) days** after service of this notice on you, and that you are hereby required to quit and on said date deliver up to me the possession of the premises now held and occupied by you under such tenancy.

Said premises are known as 39 Little Avenue, County of Tehama, California.

THIS IS INTENDED as a Thirty (30) days' notice to quit for the purpose of terminating your tenancy aforesaid.

PENAL CODE SECTION 594 reads: "Every person who maliciously injures or destroys any real or personal property not his own is guilty of a misdemeanor".

Dated: April 22, 2008

Dennis D. Albright
DENNIS D. ALBRIGHT
Attorney for Landlord

Person Served: Candice Bernstein & Elliott - By Posting on front door
Date Served: April 22, 2008
Time Served: 5:40pm
Place of Service: 39 Little Ave, Red Bluff
of mailing a copy to each.

I, Twila Cordova, declare that I did serve the original of the above 30 DAY NOTICE TO QUIT as set forth hereinabove. I declare under penalty of perjury that said notice was served as aforesaid.

Executed at Red Bluff, California, on April 22, 2008.
Twila Cordova

THE LAW OFFICES OF
DENNIS D. ALBRIGHT
715 MADISON
POST OFFICE BOX 1076
RED BLUFF, CALIFORNIA 96080

CANDICE BERNSTEIN

THE LAW OFFICES OF
DENNIS D. ALBRIGHT
715 MADISON
POST OFFICE BOX 1076
RED BLUFF, CALIFORNIA 96080

ELLIOTT (last name unknown)