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File No. 52,247

11 Attorneys for Plaintiff  
12 CITY AND COUNTY OF SAN FRANCISCO

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO

15 UNLIMITED CIVIL JURISDICTION

16 CITY AND COUNTY OF SAN )  
17 FRANCISCO, a Municipal Corporation, )  
and PEOPLE OF THE STATE OF )  
18 CALIFORNIA, by and through DENNIS )  
19 J. HERRERA, City Attorney for the )  
CITY AND COUNTY OF SAN )  
FRANCISCO, )  
20 )  
21 Plaintiff, )  
22 vs. )  
23 VICTORIA ESMAS, ATLAS )  
24 AMBROSIO, AND DOE TWO )  
THROUGH DOE FIFTY, INCLUSIVE, )  
25 Defendants. )

CASE NO. 411-851

AMENDED ORDER GRANTING MOTION  
FOR APPOINTMENT OF RECEIVER

[PROOF OF SERVICE ATTACHED]

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28 ///

**FILED**  
San Francisco County Superior Court

NOV 18 2007

GORDON PARK-LI, Clerk  
BY: *[Signature]*  
Deputy Clerk

1 Said notice of motion and motion for appointment of receiver having come on regularly for  
2 hearing this 31<sup>st</sup> day of October, 2007 at the hour of 11:00 a.m. a.m, before the Honorable Robert  
3 L. Dondero, Judge of the Superior Court, in Dept. 318, and David J. Cook, Esq. and Leonor  
4 Noguez, Esq., appearing on behalf of Plaintiff CITY AND COUNTY OF SAN FRANCISCO, A  
5 Municipal Corporation, and PEOPLE OF THE STATE OF CALIFORNIA, by and through  
6 DENNIS J. HERRERA, City Attorney for the City and County of San Francisco, and Joseph K.  
7 Bravo, Esq., appearing on behalf of Yoshabel Clements and SkyHawk World, Inc., and Svetlana  
8 M. Shirinova, Esq., appearing on behalf of Angelo F. Macapinlac, and for good cause appearing,  
9 therefore,

10 IT IS HEREBY ORDERED as follows:

11 1. Compelling all Defendants VICTORIA ESMAS, ATLAS AMBROSIO, and JOSEPH  
12 AMBROSIO, an individual, (hereinafter collectively "Defendants") to sell that certain real  
13 property pursuant to the STIPULATED INJUNCTION AND JUDGMENT filed on July 29, 2004  
14 at page 3, lines 11-18, the real property constituting that certain residence commonly known as  
15 1342 Funston Avenue, San Francisco, CA 94122 ("Property"), and more particularly described by  
16 way of *Exhibit "A"* which is attached hereto and incorporated by reference.

17 2. That Defendants establish an escrow at a reputable title company, escrow company, or  
18 the like, sell the Property for the highest and best price, engage one or more real estate agents,  
19 execute a listing agreement, set the price consistent with the practices of San Francisco real estate  
20 agents, obtain a buyer thereon, and close the escrow in the most expeditious manner, and provide  
21 for payment of the judgment in favor of Plaintiff, in the amount of \$475,000, plus interest at the  
22 rate of 10% per annum from January 11, 2004 to the date hereof, by virtue of the Judgment therein  
23 and Abstract of Judgment recorded on January 24, 2005 hereunder.

24 3. In the event that Defendants fail, refuse or default, either in part or in whole, in the  
25 performance of the duties and tasks as set forth herein, that the court appoint LYNN  
26 SCHOENMANN as and for the Receiver, with all rights and powers pursuant to C.C.P. § 708.610  
27 and C.C.P. §§ 564 and 568, to take possession and control of the subject Property, and provide for  
28 the orderly sale thereof, which would include but is not limited to, the eviction of all of the tenants

1 and occupants therein, renovation of the Property to the extent necessary to make the Property  
2 saleable, to correct any code and/or permit violations, to engage one or more real estate agents by  
3 way of a written listing agreement, to determine the fair market value of the Property and list the  
4 Property at the price thereunder, to obtain a buyer therein, open an escrow, consummate the  
5 transaction thereunder, and obtain sufficient proceeds by which to pay this judgment in full  
6 thereunder.

7       4. Have the court empower the Receiver to engage one or more professionals to provide  
8 for the orderly sale of the Property, engage counsel if necessary, establish one or more bank  
9 accounts by which to deposit the proceeds thereunder, to affix the name of any and all of the  
10 Defendants with any type of listing agreement, grant deed, escrow instructions, or other  
11 documents which may be required under normal practices by which to facilitate the sale of  
12 Property, to change the locks in and to the subject Property, change any burglar alarm code or the  
13 like, and otherwise to take any and all other actions necessary by which to protect the Property,  
14 which would include but it not limited to, purchasing insurance, posting a guard, or locking or  
15 sealing the premises therein.

16       5. To engage an unlawful detainer counsel by which to evict any and all of the occupants  
17 thereunder.

18       6. For an order determining that any and all Grant Deeds and other instruments,  
19 conveyances, liens and encumbrances, which include but are not limited to:

20       A. GRANT DEED: VICTORIA ESMAS to ATLAS A. AMBROSIO dated 7/8/02 and  
21 recorded 7/10/02 as DOC 2002-H199934-0;

22       B. GRANT DEED from ATLAS A. AMBROSIO to Skyhawk World Inc. dated 2/20/04  
23 and recorded on the same date as Instrument No. 2004-H-661256-00;

24       C. GRANT DEED between Skyhawk World Inc. to Marlin Union Corporation dated  
25 5/10/04 and recorded on the same date, 2004-H-715172;

26       D. GRANT DEED between Marlin Union Corporation to Yoshabel Clements dated  
27 1/31/05, recorded 2/15/05, DOC 2005-H-903491;

28       E. DEED OF TRUST WITH ASSIGNMENT OF RENTS executed by Yoshabel Clements

1 in favor of FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation,  
2 herein called TRUSTEE, and Falco Borealis Corporation, a Corporation in good standing in  
3 California, dated 6/27/05 and recorded as DOC 2005-H979932-00;

4 F. DEED OF TRUST WITH ASSIGNMENT OF RENTS dated 1/31/06 recorded on  
5 3/3/06 executed by Yoshabel Clements in favor Alliance Title Company, a California Corporation,  
6 herein called TRUSTEE, and Angelo Macapiniac, an unmarried man herein called  
7 BENEFICIARY as DOC 2006-I138826-00;

8 be and the same are declared junior and subordinate to the claim of Plaintiff herein; that the  
9 interest by virtue of the grant deeds, deeds of trust, mortgages and the like, are declared null and  
10 void, and take nothing by way of the sales proceeds from the sale and disposition of the Property,  
11 either in part or in whole.

12 7. [STRICKEN PER COURT ORDER OF 10/31/07.]

13 8. The court shall keep and retain continuing jurisdiction to enforce this order herein and  
14 may upon proper notice and hearing, issue such further orders as may be just.

15 9. The restraining order issued by this court on 8/31/07 shall remain in full force and  
16 effect.

17 10. The receiver shall comply with all requirements in the sale of the property pursuant to  
18 C.C.P. § 566 through C.C.P. § 569 inclusive, as may be directed by the court from time to time.

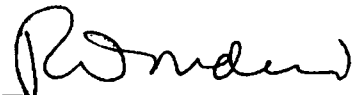
19 11. The receiver shall post a bond in the amount of \$10,000 pursuant to C.C.P. § 567(b)  
20 upon taking the oath herein, which said bond shall be increased in the amount of any proceeds  
21 from the sale hereof, said bond to be posted within 10 days from date of receipt, or as the court  
22 might direct.

23 12. The receiver shall apply to this court for an order authorizing, approving and ratifying  
24 any sale, upon notice to all parties, but may do so on shortened time, or such other circumstances,  
25 to insure an orderly sale thereof, and shall seek an order authorizing, approving and ratifying any  
26 proposed distribution from the escrow, upon notice to all parties, on shortened time or otherwise.

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1 13. Per the order of this court, attached hereto and marked *Exhibit "B"* is the proof of  
2 service of July 23, 2007 which is incorporated by reference.

3  
4 DATED: 11-14-07

  
ROBERT L. DONDERO  
JUDGE OF THE SUPERIOR COURT

6 **NOTICE OF CONTEMPT**

7 THE COURT HAS ISSUED AN ORDER AND FAILURE TO COMPLY THEREWITH  
8 MAY RESULT IN CONTEMPT OF THE COURT.

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H892553

EXHIBIT A

Property Address:  
1342 Funston Avenue

All that property in the City and County of San Francisco, State of California, described  
as follows:

Commencing at a point on the easterly line of Funston Avenue (formerly  
13<sup>th</sup> Avenue), distant thereon 250 feet southerly from the southerly line of  
Irving Street; running thence southerly along said line of Funston Avenue  
25 feet; thence at a right angle easterly 120 feet; thence at a right angle  
northerly 25 feet; and thence at a right angle westerly w20 feet to the point  
of commencement.

Being part of outside land block no. 684

(Assessor's Block No. 1767 Lot No. 034)



EXHIBIT A