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11 File No. 52,247

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CITY AND COUNTY OF SAN FRANCISCO

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 UNLIMITED CIVIL JURISDICTION
16

17 CITY AND COUNTY OF SAN)
FRANCISCO, a Municipal Corporation,)
18 and PEOPLE OF THE STATE OF)
CALIFORNIA, by and through DENNIS)
19 J. HERRERA, City Attorney for the)
CITY AND COUNTY OF SAN)
20 FRANCISCO,)
21 Plaintiff,)
22 vs.)
23 VICTORIA ESMAS, ATLAS)
AMBROSIO, AND DOE TWO)
24 THROUGH DOE FIFTY, INCLUSIVE,)
25 Defendants.)
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CASE NO. 411-851

RESTRAINING ORDER AFTER EX PARTE
HEARING

Date: September 5, 2007
Time: 3:00 p.m.
Dept.: 318
Judge: Robert L. Dondero

FILED
San Francisco County Superior Court
AUG 8 1 2007
GORDON PARK-LI, Clerk
BY Angela [Signature] Deputy Clerk

1 Said ex parte hearing by SkyHawk Properties Inc. dba SkyHawk World Inc., a non-party to
2 this action, ("SkyHawk") appearing by and through Joseph K. Bravo, Esq. of the law firm of
3 Bravo & Margulics, and Joseph K. Bravo, Esq. appearing for and on behalf of Yoshabel Clements
4 ("Clements"), and John G. Hanlin appearing in a nonrepresentative capacity, and David J. Cook,
5 Esq. and Leonor Noguez, Esq., appearing for and on behalf of the City and County of San
6 Francisco, moving party, and SkyHawk and Clement, and each of the same, seeking a continuance
7 of the hearing set for September 5, 2007, for the notice of motion and motion for the appointment
8 of a Receiver to sell that certain real property known as 1342 Funston Avenue, San Francisco, CA
9 94111 ("Real Property"), all as more particularly described by way of *Exhibit "A"* which is
10 attached hereto and incorporated by reference, and other relief therein, all before the Honorable
11 Robert L. Dondero, Judge of the Superior Court, at the hour of 3:00 p.m. in Dept. 318, and the
12 court having considered the granting of a request for a continuance herein, and for good cause
13 therein, and based upon the conditions set forth therein, rules as follows:

14 IT IS HEREBY ORDERED that the hearing by Plaintiff for that certain notice of motion
15 and motion for appointment of Receiver for that certain Real Property be and the same is hereby
16 continued to October 29, 2007 at the hour of 1:30 p.m., or as soon thereafter as the matter can be
17 heard before the Honorable Robert L. Dondero, Judge of the Superior Court, in Dept. 318, at the
18 courthouse located at 400 McAllister Street, San Francisco, CA 94102, subject to the conditions as
19 set forth herein.

20 IT IS FURTHER ORDERED that all parties to this action which include, but are not
21 limited to, VICTORIA ESMAS, an individual, ATLAS AMBROSIO, an individual, JOSEPH
22 AMBROSIO, an individual, SKYHAWK WORLD, INC., a corporation, MARLON UNION
23 PACIFIC CORPORATION, a corporation, FALCO BOREALIS CORPORATION, a corporation,
24 YOSHABEL CLEMENTS, an individual, ANGELO MACAPINIAC, an individual, and all of
25 their attorneys, agents, servants, employees, and other parties on their behalf, be and the same are
26 hereby restrained, stayed, prohibited and enjoined, from the sale, lien, mortgage, transfer,
27 disposition, encumbrance, foreclosure, filing and service of any Notice of Default and/or Notice of
28 Sale, any foreclosure in and to any Deeds of Trust or other instrument encumbering the Real

1 Property, any change or transfer of title, whether legal or equitable, or any other disposition of that
2 certain Real Property, pending the disposition of the hearing of October 29, 2007 at the hour of
3 1:30 p.m. herein.

4 IT IS FURTHER ORDERED that this court shall keep and retain continuing jurisdiction
5 over the subject Real Property, pursuant to that certain Order and Judgment filed on July 29, 2004
6 and dated January 16, 2004 herein, and shall retain jurisdiction throughout this proceeding.

7 IT IS FURTHER ORDERED that all parties shall comply with Local Rules of Court in the
8 filing of any further memorandum, declaration, or any other matter which pertain or relate to the
9 hearing of October 29, 2007 therein.

10 IT IS FURTHER ORDERED that absent the entry of this order herein, that the hearing on
11 September 5, 2007 be and the same shall proceed.

12

13 DATED: _____

ROBERT L. DONDERO
JUDGE OF THE SUPERIOR COURT

14

15 APPROVED AS TO FORM:

16 BRAVO & MARGULIES

17

18 By: _____
JOSEPH K. BRAVO
Attorneys for SkyHawk & Clements

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3 1:30 p.m. herein.

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7 IT IS FURTHER ORDERED that all parties shall comply with Local Rules of Court in the
8 filing of any further memorandum, declaration, or any other matter which pertain or relate to the
9 hearing of October 29, 2007 therein.

10 IT IS FURTHER ORDERED that absent the entry of this order herein, that the hearing on
11 September 5, 2007 be and the same shall proceed.

12
13 DATED: 8-31-07


ROBERT L. DONDERO
JUDGE OF THE SUPERIOR COURT

15 APPROVED AS TO FORM:

16 BRAVO & MARGULIES

17
18 By: 
JOSEPH K. BRAVO
Attorneys for SkyHawk & Clements

20 FAUSERS\DJCNEWesmas.ord

THE REAL PROPERTY WITH IMPROVEMENTS THEREON, LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, COMMONLY KNOWN AS 1342 FUNSTON AVENUE, SAN FRANCISCO, CALIFORNIA 94122 AND PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF THE EASTERLY LINE OF FUNSTON AVENUE (formerly 13th Avenue), DISTANT THEREON 250 FEET SOUTHERLY LINE OF IRVING STREET; RUNNING THENCE SOUTHERLY ALONG SAID LINE OF FUNSTON AVENUE 25 FEET; THENCE AT THE RIGHT ANGLE EASTERLY 120 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 25 FEET; AND THEN AT THE RIGHT ANGLE WESTERLY 120 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF OUTSIDE LAND BLOCK NO. 684. APN# 1787-34.

EXHIBIT "A" TO RESTRAINING ORDER