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6 DENNIS J. HERRERA (State Bar #139669)
7 City Attorney
JOANNE HOEPER (State Bar #114961)
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9 Deputy City Attorney
10 Fox Plaza, 1390 Market Street, Sixth Floor
San Francisco, CA 94102-5408
11 Tel: (415) 554-3854
12 Fax: (415) 554-3837
File No. 52,247

13 Attorneys for Plaintiff
CITY AND COUNTY OF SAN FRANCISCO

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

17 CITY AND COUNTY OF SAN)
18 FRANCISCO, a Municipal Corporation,)
and PEOPLE OF THE STATE OF)
19 CALIFORNIA, by and through DENNIS)
J. HERRERA, City Attorney for the)
20 CITY AND COUNTY OF SAN)
FRANCISCO,)
21)
Plaintiff,)
22)
vs.)
23)
VICTORIA ESMAS, ATLAS)
24 AMBROSIO, AND DOE TWO)
THROUGH DOE FIFTY, INCLUSIVE,)
25)
Defendants.)
26)

CASE NO. 411-851

ORDER GRANTING MOTION FOR ORDER
DIRECTING SHERIFF TO PROCEED WITH
SALE OF REAL PROPERTY PURSUANT TO
C.C.P. § 700.015

FILED
San Francisco County Superior Court
DEC 10 2007
GORDON, Clerk
BY: [Signature] Deputy Clerk

1 Said notice of motion and motion for order directing Sheriff of the City and County of San
2 Francisco to proceed with sale of certain REAL PROPERTY pursuant to C.C.P. § 700.015 having
3 come on regularly for hearing this 10th day of December, 2007 at 9:00 a.m in Dept. 612 before the
4 Honorable Everett Hewlett, Commissioner of the Superior Court, and David J. Cook, Esq. and
5 Leonor Noguez, Esq., appearing on behalf of Plaintiff CITY AND COUNTY OF SAN
6 FRANCISCO, A Municipal Corporation, and PEOPLE OF THE STATE OF CALIFORNIA, by
7 and through DENNIS J. HERRERA, City Attorney for the City and County of San Francisco, and
8 Joseph Bravo, Esq., appearing on behalf of YOSHABEL CLEMENTS and SKYHAWK WORLD,
9 INC., and for good cause appearing,

10 IT IS HEREBY ORDERED that the motion for order directing Sheriff of the City and
11 County of San Francisco to proceed with sale of REAL PROPERTY commonly known as 1342
12 Funston Ave., San Francisco, California 94122, and more particularly described pursuant to
13 *Exhibit "A"* (hereinafter "REAL PROPERTY") and which is attached hereto, and incorporated
14 herein pursuant to C.C.P. § 700.015 is hereby granted.

15 IT IS FURTHER ORDERED that YOSHABEL CLEMENTS be and same is denied any
16 claim of any homestead, whether automatic or recorded, including, but not limited to, that
17 Declaration of Homestead executed by YOSHABEL CLEMENTS, recorded on July 6, 2005 as
18 Instrument number: 2005-1138826-00 Reel J 089, Image 0641 of the Official Records of the
19 Recorder of the City and County of San Francisco, and that such homestead, asserted by
20 YOSHABEL CLEMENTS in and to the REAL PROPERTY be and same is extinguished.

21 IT IS FURTHER ORDERED that the residence commonly known as 1342 Funston
22 Avenue, San Francisco, CA 94111 shall be sold by the Sheriff of the City and County of San
23 Francisco pursuant to C.C.P. § 700.015, on the basis that the REAL PROPERTY is not subject to
24 a recorded or automatic homestead claim asserted by VICTORIA ESMAS and/or YOSHABEL
25 CLEMENTS including, but not limited to, that Declaration of Homestead executed by
26 YOSHABEL CLEMENTS, recorded on July 6, 2005 as Instrument number: 2005-1138826-00
27 Reel J 089, Image 0641 of the Official Records of the Recorder of the City and County of San
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1 Francisco, or a homestead exemption which might be asserted by any other person or party herein,
2 and that Plaintiff is excused from compliance with C.C.P. § 704.740 to C.C.P. Section 704.850.

3 IT IS FURTHER ORDERED that the Sheriff shall proceed to sell the REAL PROPERTY
4 based upon the levy thereof pursuant to C.C.P. § 700.015 and be excused from compliance with
5 C.C.P. § 704.790 - C.C.P. § 704.850.

6 IT IS FURTHER ORDERED that the Sheriff shall disburse such funds arising from the
7 Sheriff's sale thereof, after the Sheriff's costs of sale, to Plaintiff herein and shall disregard any
8 claim of any homestead by VICTORIA ESMAS and/or YOSHABEL CLEMENTS, whether
9 automatic or recorded, or any other person.

10 DATED 12/10/07


11 EVERETT HEWLETT
12 COMMISSIONER OF THE SUPERIOR COURT

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EXHIBIT "A"

"A"

6. **The land referred to in this Guarantee is situated in the City of San Francisco, State of California, County of San Francisco, and is 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 THENCE AT THE RIGHT ANGLE WESTERLY 120 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF OUTSIDE LAND BLOCK NO. 684.
APN: Blk 1767 Lot 034

NOTE: FROM INFORMATION OBTAINED FROM THE ASSESSOR'S TAX ROLLS, FOR WHICH THIS COMPANY MAKES NO REPRESENTATION OR WARRANTY, THE STREET ADDRESS(ES) OR OTHER COMMON DESIGNATION OF THE ABOVE DESCRIBED PROPERTY IS:

1342 Funston Avenue
San Francisco, CA 94122

PROOF OF SERVICE

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VICTORIA ESMAS
77 Woodside Ave.
Daly City, CA 94015

JOSEPH K. BRAVO
BRAVO & MARGULIES
901 Market Street, Suite 450
San Francisco, CA 94103
Fax: (415) 512-6716
Attorney for Non-Parties SkyHawk
Properties Inc. D.b.a. SkyHawk World Inc.
And Yoshabel Clements

SVETLANA M. SHIRINOVA
785 Market Street, 16th Floor
San Francisco, CA 94103
Attorney for Non-Party Angelo F.
Macapinlac

TIMOTHY LARSEN, ESQ.
610 16th Street, Suite 516
Oakland, CA 94612

MR. AND MRS. JOSEPH AMBROSIO
48 Pueblo Street
San Francisco, CA 94134

ATLAS AMBROSIO
48 Pueblo Street
San Francisco, CA 94134

SKYHAWK WORLD INC.
ATTN: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
588 Sutter Street, Suite 548
San Francisco, CA 94102

SKYHAWK WORLD INC.
ATTN: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
233 Lincoln Way East
Chambersburg, PA 17201

SKYHAWK WORLD INC.
ATTN: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
c/o CT CORPORATION
818 West Seventh Street
Los Angeles, CA 90017

MARLON UNION PACIFIC
CORPORATION
ATTN: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
923 Folsom Street, Suite 179
San Francisco, CA 94107

ANGELO MACAPINIAC
4320 Cabrillo Highway
Pacifica, CA 94044

MARLON UNION PACIFIC
CORPORATION
ATTN: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
1342 Funston Avenue
San Francisco, CA 94122

YOSHABEL CLEMENTS
1342 Funston Avenue
San Francisco, CA 94122

YOSHABEL CLEMENTS
PMB 547
268 Bush Street
San Francisco, CA 94104

MORGAN, LEWIS & BOCKIUS LLP
ONE MARKET
SPEAR STREET TOWER
San Francisco, CA 94105

HURLBURT, RICHARD
LAW OFFICES OF RICHARD
HURLBURT
870 Market Street, Suite 315
San Francisco, CA 94102-3008

STEVEN ADAIR MACDONALD
& ASSOCIATES PC
870 Market Street, Suite 975
San Francisco, CA 94102

FALCO BOREALIS CORPORATION
Attn: AGENT FOR SERVICE OF
PROCESS OR
PRESIDENT
633 Post Street, Suite 801
San Francisco, CA 94109

FALCO BOREALIS CORPORATION
Attn: AGENT FOR SERVICE OF
PROCESS OR PRESIDENT
YASMINI HADRI
66 A Panaramic Way
Berkeley, CA 94612

JOHN HANLIN, ESQ.
901 Market Street, Suite 450
San Francisco, CA 94103

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I declare:

I am employed in the County of San Francisco, California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is 333 Pine Street 3rd Floor, San Francisco, CA 94104. On the date set forth below, I served the attached:

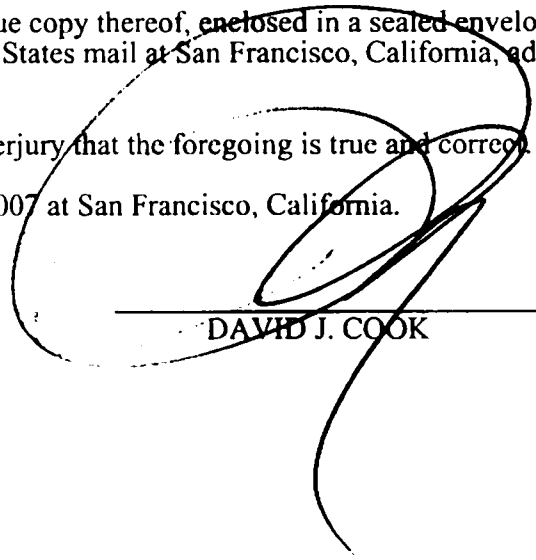
ORDER GRANTING MOTION FOR ORDER DIRECTING SHERIFF TO PROCEED WITH SALE OF REAL PROPERTY PURSUANT TO C.C.P. § 700.015

on the above-named person(s) by:

XXX (BY MAIL) Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed to the person(s) served above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2007 at San Francisco, California.



DAVID J. COOK

SCHEDULE A

Guarantee No.: H-180559 **Premium:** \$500.00

Order No.: 56701-96600669-SS **Liability:** \$1,000.00

1. Name of Assured: Cook, Perkiss & Lew, Attorneys at Law
2. Date of Guarantee: November 28, 2007 @7:30 A.M.
3. This Litigation Guarantee is furnished solely for the purpose of facilitating the filing of an action to: Enforce a Judgment, recorded October 27, 2007, Instrument No. H- 229577, Action Case #411-851
4. The estate or interest in the Land which is covered by this Guarantee is:
A Fee
5. Title to the estate or interest in the land is vested in:
Yoshabel Clements, a single woman as her sole and separate property

North American Title Insurance Company

Guarantee No.: H-180559

Order No.: 56701-96600669-SS