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GARY OWEN CARIS (SBN 088918)
gcaris@btlaw.com
GABRIELLE J. ANDERSON-THOMPSON (SBN 247039)
gathompson@btlaw.com
BARNES & THORNBURG LLP
2029 Century Park East, Suite 300
Los Angeles, California 90067
Telephone: (310) 284-3880
Facsimile: (310) 284-3894

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LOS ANGELES SUPERIOR COURT

MAY 03 2018

MAR 15 2018
By Sherri R. Carter, Executive Officer/Clerk

By Darria Oura Deputy

Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, SOUTH DISTRICT**

Randolph Anthony Garcia and Victorianna
Hendrickson, Trustees of The Amended
and Restated Garcia Family Trust UTD
October 28, 2009, individually, and as
Limited Partner of the CA Pedersen Client
Investment Pool Limited Partnership;
Randolph Anthony Garcia and Martha
Garcia, Trustees of The Amended and
Restated 1996 Garcia Family Trust,
individually and as Limited Partner of the
CA Pedersen Client Investment Pool
Limited Partnership; and RMG
Corporation, Limited Partner of CA
Pedersen Client Investment Pool Limited
Partnership,

Case No. NC061364

**[PROPOSED] ORDER MODIFYING
ORDER APPOINTING A RECEIVER AND
AUTHORIZING RECEIVER TO SELL
REAL PROPERTY OF THE
RECEIVERSHIP ESTATE**

Plaintiffs,

DATE: May 3, 2018
TIME: 8:30 a.m.
DEPT: S26

vs.

Carol A. Pedersen, C.P.A., Individually,
Carol A. Pedersen, General Partner of CA
Pedersen Client Investment Pool Limited
Partnership; CA Pedersen Client
Investment Pool Limited Partnership;
Dayantha Manilal Fernando, C.P.A., an
individual, Carol A. Pedersen, Partner of
Pedersen & Fernando, CPAs; Pedersen &
Fernando, CPAs, Carol Pedersen,
President, Director and Sole Owner of CA
Pedersen Accountancy Corporation; CA

Complaint Filed: August 31, 2017

FILED

1 Pedersen Accountancy Corporation; Dland
2 Flip, LLC, General Partner of Carol
3 Pedersen Family Limited Partnership;
4 Carol Pedersen Family Limited
5 Partnership; Dland Flip, LLC; Hedwig &
6 Fawkes, LLC, General Partner of Unicorn
7 Partners XXIV Fund, L.P., Unicorn
8 Partners CCIV Fund, L.P.; Hedwig &
9 Fawkes, LLC, John Pedersen, an
10 individual; Andrew Pedersen, an
11 individual; Steve Pedersen, an individual;
12 Mark Delmar Hawkins, an individual;
13 Maureen Ellen Ashley, an individual; Mark
14 Lewis Hawkins, an individual; Brett A.
15 Hawkins, an individual; and Does 1
16 Through 100,

Defendants.

17 The Motion for Order Modifying Order Appointing a Receiver and Authorizing Receiver
18 to Sell Real Property of the Receivership Estate (“Motion”) filed by Robb Evans & Associates
19 LLC, Receiver (“Receiver”) came on regularly for hearing on May 3, 2018 at 8:30 a.m. in
20 Courtroom S26 of the above-referenced Court, the Honorable Michael P. Vicencia, Superior
21 Court Judge Presiding. Gary Owen Caris of Barnes & Thornburg LLP appeared on behalf of the
22 Receiver and other appearances were made as noted in the record. The Court, having read and
23 considered the Motion together with all declarations and evidence filed in support of the Motion
24 and all papers filed in opposition to the Motion, if any, having heard and considered the
25 arguments and contentions of counsel at the time of the hearing on the Motion, and good cause
26 appearing therefore, it is

ORDERED that the Motion shall be and is hereby granted in its entirety; and it is further

ORDERED that the Order Appointing a Receiver entered October 20, 2017 in this action
is hereby modified pursuant to paragraph 4.I thereof to provide in a new paragraph 5 of the Order
Appointing a Receiver as follows:

“5. The Receiver is authorized to sell, at private sale and subject to future
confirmation by the Court (a) the real property of the Receivership estate commonly described as
505 Gould Avenue, Hermosa Beach, California (“Hermosa Beach Property”) owned by Carol

- 1 -

1 Pedersen Family Limited Partnership (“Pedersen FLP”) and legally described in the Grant Deed
2 attached to the declaration of Brick Kane filed in support of the Motion as Exhibit 1; and (b) the
3 timeshare interest owned by Receivership Defendant Carol A. Pedersen (“Pedersen”) for the real
4 property commonly described as 121 South Pacific Street, Oceanside, California (“Timeshare
5 Property”) and legally described in the Partnership Grant Deed and Interspousal Transfer Deed
6 attached collectively to the declaration of Brick Kane filed in support of the Motion as Exhibit 2
7 (the Timeshare Property collectively with the Hermosa Beach Property referred to herein as the
8 “Real Property”);

9 A. The Receiver is hereby authorized, empowered and directed to:

10 (1) inspect the Hermosa Beach Property upon 24-hours telephonic and/or e-mail
11 notice to Pedersen and defendant and occupant, Stephen Pedersen, or their respective
12 counsel of record, if any, for the purpose of developing strategies for the listing marketing,
13 and sale of the Hermosa Beach Property;

14 (2) designate real property brokers to inspect the Hermosa Beach Property on 24-
15 hours telephonic or e-mail notice to Pedersen and Stephen Pedersen, or their respective
16 counsel of record, if any;

17 (3) consult with real property brokers to establish sale prices and marketing
18 strategies for private sale of the Real Property;

19 (4) retain and enter into contracts with real property brokers to market the Real
20 Property for sale using ordinary and customary methods for the sale of the Hermosa
21 Beach Property and Timeshare Property, as applicable, and pursuant to which brokers will
22 be paid ordinary and customary brokerage commissions only upon the completed sale of
23 any of the Real Property;

24 (5) designate real estate brokers retained by the Receiver to gain access to the
25 Hermosa Beach Property for the purpose of showing the Real Property to prospective
26 buyers using ordinary and customary methods for the sale of such property, upon 24 hours
27 telephonic or e-mail notice to Pedersen and Stephen Pedersen, or their counsel of record,
28 if any;

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(6) access, and permit and designate real property brokers to access, the Timeshare Property at such time and in such manner as may be permissible under any applicable agreement Pedersen has with respect to the Timeshare Property;

(7) enter into contracts for the sale of the Real Property on behalf of Pedersen FLP or Pedersen, as applicable, subject to Court confirmation on written notice to the parties to this action, the parties in the related actions, and the lienholders and other parties with recorded interests in the Real Property; and

MPV

~~B. All persons residing in the Hermosa Beach Property shall vacate within ten days of notification from the Receiver by overnight mail addressed to Stephen Pedersen and "Occupants"~~

~~of the Hermosa Beach Property that the Court has confirmed the sale of the Hermosa Beach Property, and that if they do not vacate within ten days of said notification, the Receiver may commence unlawful detainer proceedings against Stephen Pedersen and any other occupants of the Hermosa Beach Property pursuant to applicable law for the purpose of evicting the occupants in order to consummate the sale."~~

Dated: 5-3-18

MICHAEL P. VICENCIA
JUDGE

Honorable Michael P. Vicencia
Judge of the Los Angeles Superior Court