

1 William Brockman Sr.
19504 Dovetail Court
2 Tehachapi CA 93561
661 822 7813
3 Sui Juris
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8 Superior Court of California for Placer County
9 101 Maple Street, Auburn 95603. 530-889-6550

10 In Re Marriage of:
Petitioner Donald A. Brockman
and
11 Respondent: Debra D. Brockman

Case Number: 82246
Document #5952 version 0.6
**Demand of William Brockman for Modification
of Judgment and/ or in the alternative
dismissing him from the case as
having been improvidently joined.
Demand for Immediate Relief in the form of
Suspension of Imposition of Judgment
and suspension of the impending
sheriff sale and any sale or disposition
pending hearing on this motion.
Declaration of William Brockman
Proof of Service
Demand for Court Reporter
Proposed Order**

12 Claimants:
13 William Brockman - **not a claimant;**
General Construction Engineers Inc. a suspended
California Corporation hereinafter "GCE";
14 Farr Developments, Ltd., a non-California
corporation;
15 James E. Mack;
M. J. Hilyard;
16 Daniel Brockman, an adult, the only child of this
marriage.
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Date: Tuesday October 7, 2003
Time: 9 a.m.
Place: Courtroom of Judge Gardilino

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20 **Notice of Motion and Application for Temporary Suspension of Judgment Re: William Brockman**
21 To all parties and counsel: At the time designated in the caption or at such other time as the court shall
22 designate, William Brockman, age 88, will ask this court for the relief designed herein. Also take note that
as soon as the court permits, William will ask for a temporary suspension of the judgment regarding him.

23 _____ William Brockman, pro se ____ September 2003

24 **Table of Contents**

25 **Statement of the Case** **2**
26 **Motion for Modification of Judgment and Dismissal of William Brockman** **2**
27 **Declaration of William Brockman** **3**

- 1 1. It was obtained in violation of my constitutional right to due process in that the judgment was obtained
2 before I was a party.
- 3 2. It was obtained without any evidence connecting my property to the case. There is no nexus.
- 4 3. It was obtained by fraud - adding me to the group of claimants. Fraud vitiates a judgment. Opposing
5 counsel seems to have been looking for a deep pocket.

6 **Declaration of William Brockman**

7 I, William Brockman, declare the following under penalty of perjury: In the middle of August I drove
8 from my home in Tehachapi to this Auburn court to see if there was some reason that the court is permitting
9 my son's ex wife to sell my houses to pay the \$345,000 judgment from my son. I could find nothing pertinent
10 in the records. I am not a claimant. The other "claimants" are accused of being vexatious and participating
11 in scams to hide assets. I have never been vexatious in this case. I have not hid assets. There is no evidence
12 to justify my being included in the case.

13 I am informed and state on information and belief that Debra has the stock certificates for CGE.

14 Although Don stated in a deposition that I own 95% of GCE, that was news to me. I don't have any
15 stock certificates. I do not benefit from GCE except that I did some labor for them years ago and was
16 permitted to use the company gasoline credit card - hardly an indicia of ownership. That is in the deposition.
17 Also, I have an affidavit from Don saying that I knew nothing about his giving me 95% of GCE. It is my belief
18 that Debra has the stock certificates to GCE. I have not checked with the Secretary of State except to check
19 the information that they have on their website from which I discovered that the corporation is suspended.

20 **Chronology of Pertinent Events as revealed in the court papers that I procured.**

- | | |
|------------------|---|
| 21 1993 June 7 | Debra and Don liquidate their dispute to \$345, 000 payable by Don. I was not a party to the case then (and I should never have been a party). |
| 22 1997 Dec 11 | A summons and complaint mistakenly, recklessly, and maliciously named me as a claim ant. |
| 23 1999 | Deposition of Don at page 49. Testimony that I paid Don \$129,000 by taking out a loan on my paid-off house. I thought that Don was giving this money to now deceased Lawyer Lurvee who was acting on behalf of Debra, the respondent in this case. |
| 24 2002 July 3 | Day before a holiday. I appear at a critical hearing in Auburn. I say very little. I cannot put my hands on the transcript of that hearing. |
| 25 2002 July 31 | Judgment nunc pro tunc. This judgment carelessly and without evidence lumps me in with the other claimants. |
| 26 2003 Feb 28 | Donald's appeal was dismissed for failure to prosecute despite the attorney having been paid \$5000 and having failed to obtain a transcript. |
| 27 2003 March 18 | Letter hand scrawled by son. |
| 28 2003 June 21. | Attorney Phil returns my retainer in full and will not take my case. |

1 2003 June 26 I seek protection of the bankruptcy court.
2 2003 July 2 Sale of my house is aborted due to bankruptcy.
3 2003 July 14 I file more bankruptcy schedules.
4 2003 July 31 The U.S. Trustee moves to dismiss my Chapter 11 bankruptcy.
5 2003 July 31 I hired a bankruptcy lawyer.
6 2003 Aug 6 Trustee's motion to dismiss was denied in bankruptcy court in Bakersfield.
7 2003 Sept 3, Wednesday. There will be a status conference regarding the trustees motion to dismiss.

8 I so declare under penalty of perjury.

9 _____ William Brockman. ___ September 2003.

Memorandum of Authorities

10 **Table of Authorities cited herein:**

11 **Table of statutes cited herein:**

12 California family code section 1101. (a) A spouse has a claim against the other spouse for any breach of the
13 fiduciary duty that results in impairment to the claimant spouse's present undivided one-half interest in the
14 community estate, including, but not limited to, a single transaction or a pattern or series of transactions, which
15 transaction or transactions have caused or will cause a detrimental impact to the claimant spouse's undivided
16 one-half interest in the community estate. (b) A court may order an accounting of the property and obligations
17 of the parties to a marriage and may determine the rights of ownership in, the beneficial enjoyment of, or
18 access to, community property, and the classification of all property of the parties to a marriage.

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16 **My Argument**

17 I am not a claimant. In the family code, the word "claimant" appears in 4 sections. Three sections
18 pertain to child support and are irrelevant. The following is the most pertinent.

19 California family code section 1101. (a) A spouse has a claim against the
20 other spouse for any breach of the fiduciary duty that results in impairment
21 to the claimant spouse's present undivided one-half interest in the
22 community estate, including, but not limited to, a single transaction or a
23 pattern or series of transactions, which transaction or transactions have
24 caused or will cause a detrimental impact to the claimant spouse's
25 undivided one-half interest in the community estate. (b) A court may order
26 an accounting of the property and obligations of the parties to a marriage
27 and may determine the rights of ownership in, the beneficial enjoyment of,
28 or access to, community property, and the classification of all property of the
parties to a marriage.

It appears that I was lumped in with the other claimants - maybe by a legal secretary who was in a

1 hurry or wanted to be thorough.

2 Although the other "claimants" are accused of hiding assets and even making up fictitious parties to
3 vex Debra, I have not been accused of being vexatious nor is there any evidence of my having participated
4 in any hiding of assets. It is simply unfair to make me, the innocent party, pay the entire judgment plus
5 attorney fees! I was not even a party when these attorney fees were incurred.

6 I was not a party to this case in 1993 when the judgment was obtained. Therefore it is a denial of due
7 process to add me now - and besides, I have nothing to do with this case.

8 It would be different if you were trying to take away some property that my son had hidden and given
9 to me, but I paid off one of these houses before he was even born. I paid all of them with my own money.
10 I even took out a loan on one paid-off property in order to give my son \$129,000 that he requested. I asked
11 no questions. I presumed that he was paying off Debra.

12 I have worked all my life. These houses are the only retirement security that I have. My pension plan
13 is not worth very much. These houses have nothing to do with the case. They were attached either by
14 mistake or malice.

15 Signed _____ William Brockman __September 2003

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Proof of Service

I, Jim Snyder, declare the following under penalty of perjury:

On September __, 2003 I served this motion #5952 upon the persons in the following service list. I served them by first class mail, postage affixed.

_____ Jim Snyder. Date: __ September 2003

Service List:

For Respondent Debra 310 203 0711 Lurvee and Shapiro 1333 Beverly Green Drive Los Angeles Ca 90035-1018	For Respondent Debra 530 265 3279 Attorney George Roberts 301 Broad St. Nevada City CA 95059	For M J Hilyard: Joanne Stipkovich 20001 Romar St. Chatsworth CA 91311
For Farr Developments: For Donald Brockman: Donald Brockman 665 Cliff Drive Pasadena CA 91107	For General Const. Engineers Donald Brockman, CED 8209 East Lower Azusa Road Rosemead CA 91770	

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7 In Re Marriage of:
8 Petitioner Donald A. Brockman and
Respondent: Debra D. Brockman

Case Number: 82246
Document #5955
Order After Hearing (Proposed)

9 Claimants:
10 William Brockman - **not a claimant;**
General Construction Engineers Inc. a suspended
California Corporation;
11 Farr Developments, Ltd., a non-California
corporation;
12 James E. Mack;
M. J. Hilyard;
13 Daniel Brockman, son of Petitioner.

14 **Order of Dismissal**

15 The court having heard all parties makes the following findings of fact:

16 William Brockman was not properly joined in this case.

17 Williams 4 houses are not traceable to the marital estate. Those 4 houses are:

- 18 1. His current residence at 19504 Dovetail Court in Tehachapi;
- 19 2. His original home that he paid off in 1941 in Glendale currently appraised at \$380,000
- 20 3. His second home. In Santa Clarita. Currently appraised at \$315, 000.
- 21 4. His third home. In Santa Clarita. Currently appraised at \$269,000.

22 The stock in General Construction Engineers, a suspended California Corporation is owned by

23 _____ and is worth \$ _____ and is not property subject to this court's jurisdiction.

24 Should the ex wife prove that the stock has value and that she does not already have the stock certificates,
25 the court will at that time entertain a motion to dispose of the stock.

26 I therefore dismiss William from this case nunc pro tunc relating back to his first inclusion in this case.

27 I hereby Order that the 4 houses of William Brockman are not subject to the jurisdiction of the court
28 and that they be freed of all lis pendens, liens, and/ or other encumbrances stemming from this case.

I hereby Order William Brockman dismissed from this case.

Signed _____ Date: _____

Judge of Superior Court of Placer County, California