

1 Byron Z. Moldo (SBN 109652)  
bmoldo@ecjlaw.com  
2 **ERVIN COHEN & JESSUP LLP**  
9401 Wilshire Boulevard, Ninth Floor  
3 Beverly Hills, California 90212-2974  
Telephone (310) 273-6333  
4 Facsimile (310) 859-2325

5 Attorneys for Stephen J. Donell, State Court Receiver  
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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11 TARZANA PLAZA CONDOMINIUMS  
ASSOCIATION, a California nonprofit  
12 mutual benefit corporation,

13 Plaintiff,

14 v.

15 EUGENE SAAL, an individual; RUBICELIA  
SCHULTZ, an individual; JUDY WEISS, an  
16 individual; PASCAL BRENNINKMEIJER, an  
individual; and DOES 1-25, inclusive,

17 Defendant.  
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Case No. LC106595

NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO STEPHEN J.  
DONELL, TO 1) APPROVE AND CONFIRM  
RECEIVER'S FINAL ACCOUNT AND  
REPORT; 2) DISCHARGE RECEIVER AND  
EXONERATE BOND; 3) APPROVAL OF  
FEES AND COSTS; 4) PAYMENT OF  
OUTSTANDING FEES AND COSTS; AND  
5) THAT THIS COURT RETAIN  
EXCLUSIVE JURISDICTION

DATE: March 9, 2021  
TIME: 8:30 a.m.  
DEPT: A

The Hon. Huey P. Cotton, Dept. A

Complaint Filed: December 14, 2017  
Discovery Cutoff: Unknown  
Motion Cutoff: Unknown  
Trial Date: Unknown

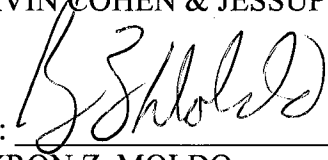
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23 TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS OF  
24 RECORD HEREIN:

25 PLEASE TAKE NOTICE that the Order Granting Motion of Stephen J. Donell, State  
26 Court Receiver, to 1) Approve and Confirm Receiver's Final Account and Report; 2) Discharge  
27 Receiver and Exonerate Bond; 3) Approval of Fees and Costs; 4) Payment of Outstanding Fees  
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1 and Costs; and 5) That This Court Retain Exclusive Jurisdiction (the "Order") was signed by the  
2 Honorable Huey P. Cotton, Judge of the Superior Court, on March 9, 2021. A true and correct  
3 copy of the Order is attached hereto as **Exhibit "A"** and incorporated herein as though set forth in  
4 full.

5 DATED: March 10, 2021

ERVIN COHEN & JESSUP LLP

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7 By:   
8 BYRON Z. MOLDO  
9 Attorneys for Stephen J. Donell,  
10 State Court Receiver

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# **EXHIBIT A**

1 Byron Z. Moldo (SBN 109652)  
2 bmodo@ecjlaw.com  
3 **ERVIN COHEN & JESSUP LLP**  
4 9401 Wilshire Boulevard, Ninth Floor  
5 Beverly Hills, California 90212-2974  
6 Telephone (310) 273-6333  
7 Facsimile (310) 859-2325

8 Attorneys for Stephen J. Donell, State Court Receiver

**FILED**  
Superior Court of California  
County of Los Angeles

03/09/2021

Sherri R. Carter, Executive Officer / Clerk of Court

By:           R. Redmond           Deputy

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 TARZANA PLAZA CONDOMINIUMS  
13 ASSOCIATION, a California nonprofit  
14 mutual benefit corporation,

15 Plaintiff,

16 v.

17 EUGENE SAAL, an individual; RUBICELIA  
18 SCHULTZ, an individual; JUDY WEISS, an  
19 individual; PASCAL BRENNINKMEIJER, an  
20 individual; and DOES 1-25, inclusive,

21 Defendants.

Case No. LC106595

**~~PROPOSED~~ ORDER GRANTING  
MOTION OF STEPHEN J. DONELL,  
STATE COURT RECEIVER, TO 1)  
APPROVE AND CONFIRM RECEIVER'S  
FINAL ACCOUNT AND REPORT; 2)  
DISCHARGE RECEIVER AND  
EXONERATE BOND; 3) APPROVAL OF  
FEES AND COSTS; 4) PAYMENT OF  
OUTSTANDING FEES AND COSTS; AND  
5) THAT THIS COURT RETAIN  
EXCLUSIVE JURISDICTION**

Date: March 9, 2021

Time: 8:30 a.m.

Dept.: A

The Hon. Huey P. Cotton, Dept. A

22 The Notice of Motion and Motion of Stephen J. Donell, State Court Receiver, to approve  
23 and confirm the Receiver's final account and report, to discharge the Receiver and exonerate the  
24 Receiver's bond, to approve the final fees and costs and payment of final fees and costs, to  
25 approve the proposed method for payment of outstanding receivership estate administrative fees  
26 and costs, and that this Court retain exclusive jurisdiction ("Motion"), having been filed with the  
27 Court, and notice of the Motion having been provided to all interested parties, the matter came on  
28 regularly for hearing on March 9, 2021 at 8:30 a.m. in Department A of the above-entitled Court,  
10124141.1

1 before the Honorable Huey P. Cotton, Judge of the Superior Court.

2 Stephen J. Donell, State Court Receiver (“Receiver”), and counsel for Receiver, Byron Z.  
3 Moldo, Esq. for Ervin Cohen & Jessup LLP (“ECJ”), appeared. All other parties appeared as  
4 reflected in the Court’s minutes.

5 The Court having read and considered the Motion, any opposition, and replies thereto, and  
6 being fully advised in the premises, rules as follows:

7 **IT IS HEREBY ORDERED** that:

8 1. The Motion is approved, settled and allowed and the Receiver’s Final Account and  
9 Report is hereby approved and allowed as presented.

10 2. The Receiver is discharged from all further duties, liabilities and responsibilities  
11 herein.

12 3. The Receiver’s fees and costs through the termination of the Receivership are  
13 allowed, settled and approved in the amount of \$292,954.28.

14 4. ECJ’s fees and costs through the termination of the Receivership are allowed,  
15 settled and approved in the amount of 605,397.55.

16 5. Samuel L. Biggs, Certified Public Accountant, of SL Biggs’ (“Biggs”) fees and  
17 costs through the termination of the Receivership are allowed, settled and approved in the amount  
18 of \$19,264.60.

19 6. Lowenthal, Hillshafer & Carter, LLP’s (“Hillshafer”) total fees and costs through  
20 the termination of the Receivership are allowed, settled and approved in the amount of  
21 \$110,268.30.

22 7. Robb M. Strom of Strom & Associates’ (“Strom”) fees and costs through the  
23 termination of the Receivership are allowed, settled and approved in the amount of \$27,708.40.

24 8. The Receiver, his professionals, his agents and the Receivership Estate are held free  
25 and harmless from any and all claims that may arise in the future that relate to the Receivership  
26 Estate.

27 9. The future budget of Tarzana Plaza Condominiums Association (“Association”)  
28 shall include a special assessment in the amount of \$809,862.00 (“Additional Special Assessment”

1 including payment of \$77,410 due and owing to Former Receiver Kevin Singer in *Rutherford v.*  
2 *Smith, et al.*, LASC Case No. 16K04378), payable monthly by each unit in the amount of \$259.00  
3 in addition to the regular dues of \$400.00 per month per unit, and shall be extended from April 1,  
4 2022 to November 1, 2024, or until such time as the Receivership costs of administration are paid  
5 in full. Monthly payments to the Receiver shall be paid by the Association to Stephen J. Donell,  
6 Receiver at 12121 Wilshire Boulevard, Suite 1120, Los Angeles, California 90025, or as directed  
7 by the Receiver each and every month, commencing on May 1, 2022 until the Court-approved  
8 receivership administrative fees and costs set forth in this order, and the outstanding fees and costs  
9 owed to Kevin Singer, Receiver (“Singer”), are paid in full. All funds received by the Receiver  
10 shall be distributed to the Receiver, his professionals, and Former Receiver Kevin Singer on a pro  
11 rata basis until all outstanding fees and costs are satisfied. The proceeds of the monthly  
12 Additional Special Assessment shall be deposited by the Association into a special segregated  
13 account designated specifically for payment of the outstanding receivership administrative fees  
14 and costs, and that the Association is ordered to only use the proceeds from the Additional Special  
15 Assessment to pay the Court approved receivership fees and costs set forth in this order, and the  
16 outstanding fees and costs owed to Singer. Further, the Association is ordered to provide an  
17 accounting to the Receiver, together with the payment each month, showing the amounts collected  
18 from each of the 101 units to pay the Additional Special Assessment, including a copy of the  
19 previous month’s bank statement. In the event the Association defaults on its obligations and the  
20 Receiver incurs legal fees to collect, such fees shall be added to the remaining balance of unpaid  
21 legal fees.

22           10. All of the Receiver’s actions and transactions are hereby ratified, confirmed, and  
23 approved, including the actions of his employees and agents, as Receiver herein for the  
24 Receivership period as being right and proper and in the best interests of the Receivership Estate  
25 and the parties to this action.

26           11. All of the Receiver’s actions and transactions, as Receiver herein, are hereby  
27 ratified, confirmed, and approved, including the actions of his employees and agents, including  
28 Jalmar Properties, Inc. (“Jalmar”), and Bowker & Roth Property Services Inc. (“Bowker”) for the

1 Receivership period as being right and proper and in the best interests of the Receivership Estate  
2 and the parties to this action.

3 12. All of the distributions for compensation and costs to the Receiver, ECJ, Strom,  
4 Hillshafer, Biggs, Jalmar, and Bowker made during the Receivership period are hereby ratified,  
5 confirmed, and approved.

6 13. To the extent that any further invoices are received by the Receiver after this order  
7 is filed by the Court, the Receiver is directed to provide the Association with that invoice for  
8 payment.

9 14. The Receiver and the Receivership Estate are released from all liability for any and  
10 all claims, demands or causes of action that may have directly or indirectly arisen from the  
11 Receivership Estate prior to, during or after the Receivership period, that were not brought before  
12 this Court before the time of hearing on the Final Account and Report.

13 15. Any bond heretofore filed by the Receiver is released from liability and the sureties  
14 exonerated thereon.

15 16. This Court retains exclusive jurisdiction over any and all future claims or disputes  
16 involving the Receiver and/or the Receivership Estate.

17 DATED: March 9, 2021

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20 HUEY P. COTTON  
21 Judge of the Superior Court  
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ERVIN COHEN & JESSUP<sup>LLP</sup>

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**PROOF OF SERVICE**

**Tarzana Plaza Condominiums Assn. v. Eugene Saal et al.  
Case No. LC106595**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

On March 10, 2021, I served true copies of the following document(s) described as **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO STEPHEN J. DONELL, TO 1) APPROVE AND CONFIRM RECEIVER'S FINAL ACCOUNT AND REPORT; 2) DISCHARGE RECEIVER AND EXONERATE BOND; 3) APPROVAL OF FEES AND COSTS; 4) PAYMENT OF OUTSTANDING FEES AND COSTS; AND 5) THAT THIS COURT RETAIN EXCLUSIVE JURISDICTION** on the interested parties in this action as follows:

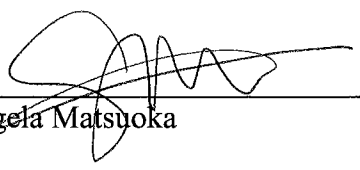
**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Ervin Cohen & Jessup LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address amatsuoka@ecjlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on March 10, 2021, at Los Angeles, California.

  
\_\_\_\_\_  
Angela Matsuoka



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**SERVICE LIST**  
**Tarzana Plaza Condominiums Assn. v. Eugene Saal et al.**  
**Case No. LC106595**

Robert D. Hillshafer, Esq.  
 Loewenthal Hillshafer & Carter LLP  
 5700 Canoga Avenue Suite 160  
 Woodland Hills, CA 91367-6565  
 T: (818) 905-6283  
 F: (818) 905-6372  
 E: rdhillshafer@lhclawyers.net

Joe Dabovich  
 Bowker & Roth Property Services  
 15545 Devonshire St # 200  
 Mission Hills, CA 91345  
 Eml: joedabo@bowkerroth.com

J&N Realty Property Management  
 PO Box 9850  
 Canoga Park, CA 91309  
 Eml: tarzana@inrealtvinc.com

Julius Nagy  
 21823 Plummer Street  
 Chatsworth, CA 91344  
 Eml: julius@inrealtvinc.com

D. Jason Lyon, Esq.  
 HAHN & HAHN LLP  
 301 E. Colorado Boulevard, 9th Floor  
 Pasadena, CA 91101  
 Eml: jlyon@hahnlawyers.com

Matthew Eandi, Esq.  
 Eandi Fitzpatrick LLP  
 633 W 5th Street, Floor 26  
 Los Angeles, CA 90071-2053  
 Eml: meandi@effirm.com

Silvana Solari  
 18530 Hatteras Avenue #108  
 Tarzana, CA 91356  
 Eml: dbkldy@aol.com

Attorneys for Former Receiver Kevin Singer  
 Blake Alsbrook, Esq.  
 ERVIN COHEN & JESSUP LLP  
 9401 Wilshire Blvd., 9<sup>th</sup> Floor  
 Beverly Hills, CA 90212  
 Eml: balsbrook@ecilaw.com

Shannon Bankhead  
 Eml: skbankhead@earthlink.net

Member of the Board of Directors of  
Tarzana Plaza Condominiums Association

Robert Taylor, President  
 Tarzana Plaza Condominiums HOA  
 Eml: rtaylornc@me.com

Member of the Board of Directors of  
Tarzana Plaza Condominiums Association

Simon Elezra  
 Eml: simonvolvo@yahoo.com

Member of the Board of Directors of  
Tarzana Plaza Condominiums Association

Lina Wirsamihardja  
 Eml: fndx11@yahoo.com

Member of the Board of Directors of  
Tarzana Plaza Condominiums Association