

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 19 2016

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF RIVERSIDE, PALM SPRINGS COURT
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11 ALEX CHEVELDAVE, an individual; and
RICHARD N. DAVIS, an individual;

12 Plaintiffs,
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14 v.

15 TRI PALM UNIFIED OWNERS
ASSOCIATION; KORT & SCOTT
FINANCIAL GROUP, LLC;
16 SHENANDOAH VENTURES, L.P., a
California Limited Partnership;
17 and DOES 1 - 20;

18 Defendants.
19

CASE NO. PSC 1600368

Assigned for all purposes to:
Honorable James T. Letting
Department PS 1

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANT/RESPONDENT TRI PALM
UNIFIED OWNERS ASSOCIATION'S
MOTION TO VOID THE FRAUDULENT
TRANSFER OF ASSETS AND ENJOIN
ANY FURTHER TRANSFERS OF
PROPERTY OR ASSETS

20 Date: September 21, 2016
21 Time: 8:30 a.m.
22 Dept.: PS 1

23 Complaint Filed: January 26, 2016
Trial Date: None Set

24 Defendant/Respondent TRI PALM UNIFIED OWNERS ASSOCIATION

25 ("Association") respectfully submits the following Memorandum of Points and Authorities in
26 support of its Motion for an Order to void the fraudulent transfer of assets by Plaintiff/
27 Appellant Richard N. Davis ("Davis"), pursuant to Civil Code section 3439, *et seq.*, and to
28 enjoin Plaintiffs/Appellants from fraudulently transferring any other assets in their possession

1 Latting, Judge Presiding, Defendant/Respondent TRI PALM UNIFIED OWNERS
2 ASSOCIATION (“Association”) will move this Court, pursuant to Civil Code section 3439, *et*
3 *seq.*, for an Order to void the fraudulent transfer of property by Plaintiff/Appellant Richard N.
4 Davis (“Davis”) and to enjoin Plaintiffs/Appellants from fraudulently transferring any other
5 assets in their possession that are intended to hinder, delay or defraud the Association with
6 respect to the judgment entered against Plaintiffs/Appellants in favor of the Association in this
7 matter.

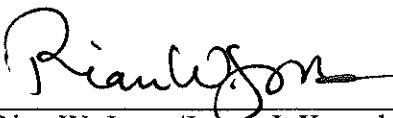
8 This motion is made on the grounds that Appellant Richard Davis recently transferred
9 his interest in the Tri Palm Estates real property (A.P.N. 693-106-009-0) to his wife, as her
10 sole and separate property, to hinder, delay or defraud the Association with respect to the
11 collection of the judgment against him in this matter. Similarly, Plaintiff Alex Cheveldave, a
12 Canadian citizen, is attempting to sell his Tri Palm Estates real property for sale (A.P.N. 653-
13 073-006-4) to hinder, delay, or defraud the Association with respect to the collection of the
14 same judgment.

15 The Association’s Motion will be based upon this Notice, the Memorandum of Points
16 and Authorities, the Declaration of Rian W. Jones, filed herewith, on the pleadings, files and
17 records on file herein and upon such other and further evidence as may be presented at the
18 hearing of the Motion.

19 **NOTICE IS FURTHER GIVEN THAT** prior to the hearing, the Court may issue a
20 tentative ruling. Parties may obtain the tentative ruling on the Riverside Superior Court’s
21 website the day prior to the scheduled hearing. Oral argument must be requested no later than
22 4:30 p.m. on the court day prior to the scheduled hearing by calling (760) 904-5722 and by
23 informing all other counsel.

24 Dated: August 19, 2016

EPSTEN GRINNELL & HOWELL, APC

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26 By: 
27 Rian W. Jones/Joyce J. Kapsal
28 Attorneys for Defendant Tri Palm Unified
Owners Association