

SC-100

Plaintiff's Claim and ORDER to Go to Small Claims Court

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 14 2022

J. PRENDERGAST

Fill in court name and street address:

Superior Court of California, County of Riverside

- 311 E. Ramsey St., Banning, CA 92220
- 265 N. Broadway, Blythe, CA 92225
- 505 S. Buena Vista, Corona, CA 92882
- 880 N. State St., Hemet, CA 92543
- 13800 Heacock St., Moreno Valley, CA 92553
- 30755-D, Auld Rd., Murrieta, CA 92563
- 3255 E. Tahquitz Canyon, Palm Springs, CA 92282

Court fills in case number when form is filed.

Case Number:

SCSW 22 00 137

Case Name:

SUMMERS VS

Meadowview

K01 FEB 9 4 2022

Notice to the person being sued:

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in ① and ② must attend court: (Clerk fills out section below.)

| Trial Date | Date | Time | Department | Name and address of court, if different from above |
|------------|---------|------|------------|--|
| 1. | 3-16-22 | 8:00 | 5101 | |
| 2. | | | | |
| 3. | | | | |

Date: FEB 14 2022 Clerk, by , Deputy

Instructions for the person suing:

J. PRENDERGAST

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- **Before** you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- **Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):
Daniel Summers
Mario Munoz

Case Number:
SCSW 2200137

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: Daniel Summers Phone: 951-522-7552

Street address: 40495 Calle Madero Temecula, CA 92591
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Email address (if available): Dan@summersregroup.com

If more than one plaintiff, list next plaintiff here:

Name: Mario Munoz Phone: 213-703-7580

Street address: 30584 Via Norte, Temecula, CA 92591
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Email address (if available): Mamunoz57@aol.com

- Check here if more than two plaintiffs and attach form SC-100A.
- Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.
- Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: Meadowview HOA #1 Phone: 951-676-4429

Street address: 41050 Avenida Verde Temecula, Ca 92591
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: FIRSTSERVICE AGENT CORPORATION Job title, if known: (C4151852)

Address: 15241 LAGUNA CANYON RD IRVINE CA 92618-3152
Street City State Zip

- Check here if your case is against more than one defendant and attach form SC-100A.
- Check here if any defendant is on active military duty and write defendant's name here: _____

3 The plaintiff claims the defendant owes \$ 2500.00 . (Explain below and on next page.)

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).)

a. Why does the defendant owe the plaintiff money?

See Separate Sheet, Text Overflow Declaration Attached SC-100 item 3

Plaintiff (list names):
Daniel Summers
Mario Munoz

Case Number:
SCSW2200137

- 3 b. When did this happen? (Date): 2/16/2020
If no specific date, give the time period: Date started: 2/16/2020 Through: current date
- c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
Attorney fees
- _____
- _____

Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

- 4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?
- Yes No If no, explain why not:
Not Applicable
- _____
- _____

- 5 Why are you filing your claim at this courthouse?
This courthouse covers the area (check the one that applies):
- a. (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
- b. Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. Other (specify): Plaintiff is a member of a CID

6 List the zip code of the place checked in 5 above (if you know): 92591

7 Is your claim about an attorney-client fee dispute? Yes No
If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:

8 Are you suing a public entity? Yes No
If yes, you must file a written claim with the entity first. A claim was filed on (date): _____
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):
Daniel Summers
Mario Munoz

Case Number:
SCSW 22 00 137

- 9 Have you filed more than 12 other small claims within the last 12 months in California?
 Yes No *If yes, the filing fee for this case will be higher.*
- 10 Is your claim for more than \$2,500? Yes No
If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.
- 11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: 2-13-2022

Daniel Summers

Plaintiff types or prints name here

▶ 

Plaintiff signs here

Date: 2-13-2022

Mario Munoz

Second plaintiff types or prints name here

▶ 

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)



DECLARATION OF DANIEL M. SUMMERS

I, DANIEL M. SUMMERS, declare as follows:

1. I am a resident of Meadowview Community Association #1 (“MV HOA”).

2. All Plaintiffs named within this complaint are residents of MV HOA.

3. MV HOA is also known as “Meadowview”, a residential community of approximately 900 lots located in Temecula, California in the County of Riverside.

4. Plaintiff seeks declaratory judgment and injunctive relief directed to Defendant and compelling them to: (a) vacate the unlawful election of the Board of Directors to the MV HOA held on February 16, 2021; (b) reinstate the annual February meetings mandated by the By-laws; (c) refrain from appointing any new Board members or fill any Board of Directors’ vacancies until the matter is heard by the Court; and (d) repeal any other decisions made by the Board that violates federal, state and local laws governing the conduct of the MV HOA, and specifically, the corporate governance of Meadowview Community Association #1, a California corporation.

5. At all pertinent times mentioned in this claim, all Plaintiffs were residents and members of the MV HOA. Plaintiff is within the one-year statute of limitations to file this action to contest the 2021 election. The MV HOA membership was not notified of the election results of the 2021 elections until March 16, 2021, during the MV HOA meeting when the meeting minutes were approved by the new MV HOA 2021 Board of Directors.

6. Defendant knowingly and willfully held an MV HOA Election, depriving its membership of a valid and open election. The election held violated Senate Bill SB-323 and its amendments—approved by the Governor of the State of California on October 12, 2019 and filed with the Secretary of State on that same date. Defendant conducted the MV HOA Election using non-compliant and outdated election rules adopted by the MV HOA Board on or before March 28, 2017. The MV HOA Board of Directors, the Inspector of Election, the MV HOA Management Company, and the MV HOA Association legal counsel participated in the continued use and implementation of outdated election rules and procedures in violations of the Davis-Stirling Act. Defendant failed to follow new critical election rules

1 enacted into law in 2019, effective January 2020, by the State of California. The effect was
2 to nullify the entire election process and thus create significant liability for the MV HOA
3 corporate entity and its membership, including the unauthorized implementation, passage,
4 and ratification of governing directives in violations of the Corporations Code and state law.
5 Further, significant statutory modifications effective in 2020 and 2022 required the MV
6 HOA to limit the types of candidate qualifications the association may adopt, address the
7 only circumstance for elections by acclimation, as well place limitations on who may serve
8 as an inspector of elections, including what duties may be delegated to the MV HOA
9 management company.

10 7. Plaintiffs' claims are based on MV HOA's violations of federal and state laws,
11 the Davis-Stirling Act, and SB-323. The later, effective January 1, 2020, requires all
12 homeowner associations in the State of California to amend their election rules immediately
13 prior to any impending or future election. Here, upon notification of these election violations
14 by members of the MV HOA in 2021, Defendant canceled the February 2022 election, and
15 reset a new election not yet held. The MV HOA also continued the Annual Meeting date by
16 90 plus days, in violation of corporate bylaws and the Davis-Stirling Act. This Annual
17 Meeting will be the first Annual Meeting held in the MV HOA since 2020. The passage of
18 over two years for the Annual Meeting is also in violation of the corporate bylaws and other
19 statutory requirements. Defendant also failed to vacate the 2020 and 2021 Board of Directors
20 Election due to non-compliance with SB-323. At a regular meeting held on January 18,
21 2022, membership attendees composing approximate 150 members, issued a vote of "no-
22 confidence" in the MV Board of Directors. Subsequent to this meeting, the current HOA
23 Board President resigned immediately, leaving two (2) seats on the Board of Directors that
24 were not filled in accordance with new 2020 election rules.

25 8. Plaintiff prays for declaratory judgment and injunctive relief, and costs of this
26 suit, directed to Defendant and compelling them to: (1) vacate the unlawful MV HOA Board
27 of Directors Election held on February 16, 2021; (2) reinstate the canceled Annual Meeting
28 scheduled for February 15th, 2022 for the purpose of allowing the membership to fill the

1 vacant Board seats, by majority vote, pursuant to the Bylaws; (3) restrict the current Board of
2 Directors from appointing new members to the Board and/or fill any Board vacancies until
3 the matter is heard and adjudicated by this Court; (4) vacate the current Board members that
4 were improperly elected in 2021 and appoint a receiver to oversee a new election process for
5 this purpose; and (5) rectify any other decisions made by the Board that violated federal,
6 state and local laws governing the conduct of corporate governance of the MV HOA, as this
7 court deems necessary and proper to limit liability and exposure of the MV HOA corporate
8 entity. These violations include but are not limited to appointing an Inspector of Election
9 who failed to declare or report a potential election law conflict in the 2021 MV HOA Board
10 of Directors' elections and failed to publicly tabulate secret ballots in violation of Civil Code
11 5120.

12 9. Plaintiff is further asking that for any election requested, the Court appoint a
13 new independent Inspector of Elections with no prior connection with the MV HOA and
14 order all Board Directors, MV HOA Management Employees, and the MV Association legal
15 counsel be restricted from participating in any election process; except for providing the new
16 Inspector of Election with an up-to-date membership roster with current addresses and valid
17 voting rights.

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

20 Executed on this February 14, 2022, in Temecula, California.

21
22 
23 DANIEL M. SUMMERS
24 PLAINTIFF
25
26
27
28

Case Number: _____

This form is attached to form SC-100, item 1 or 2.

1 If more than two plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: Nicole Fuller
Street address: 40605 Calle Fiesta Phone: 714-493-8323
City: Temecula State: CA Zip: 92591
Mailing address (if different): _____
City: _____ State: _____ Zip: _____
Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form SC-103.

Other plaintiff's name: Jorge Navarro
Street address: 29615 Valle Oliveron Phone: 951-265-7339
City: Temecula State: CA Zip: 92591
Mailing address (if different): _____
City: _____ State: _____ Zip: _____
Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form SC-103.

Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

2 If more than one defendant (person, business, or entity being sued), list their information below:

Other defendant's name: _____
Street address: _____ Phone: _____
City: _____ State: _____ Zip: _____
Mailing address (if different): _____
City: _____ State: _____ Zip: _____

If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:

Name: _____ Job title, if known: _____
Address: _____
City: _____ State: _____ Zip: _____

Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

3 Is your claim for more than \$2,500? Yes No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 2-13-2022
Daniel Summers
Type or print your name
Date: 2/13/2022
Mario Munoz
Type or print your name


Sign your name

Sign your name

This form is attached to form SC-100, item 1 or 2.

1 If more than two plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: Jim Orr
Street address: 30582 SAN PASQUALE Phone: 760-402-0065
City: Temecula State: CA Zip: 92591

Mailing address (if different):
City: State: Zip:

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form SC-103.

Other plaintiff's name: Richard Morik
Street address: 40445 Camelita Cir. Phone: 951-491-9066
City: Temecula State: CA Zip: 92591

Mailing address (if different):
City: State: Zip:

Is this plaintiff doing business under a fictitious name? Yes No If yes, attach form SC-103.

Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

2 If more than one defendant (person, business, or entity being sued), list their information below:

Other defendant's name:
Street address: Phone:
City: State: Zip:

Mailing address (if different):
City: State: Zip:

If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:

Name: Job title, if known:
Address:
City: State: Zip:

Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

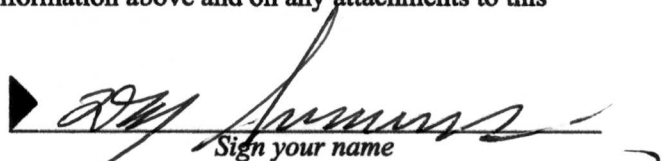
3 Is your claim for more than \$2,500? Yes No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 2-13-2022
Daniel Summers
Type or print your name


Sign your name

Date: 2/13/2022
Mario Munoz
Type or print your name


Sign your name