

court orders and insisting that the property be sold at the highest possible price Page 15 Lines 6-23

Mr. Green makes it clear that not only are the Petitioner and Petitioner's counsel obscuring the facts of this issue but that they are misrepresenting the necessary steps to get the property sold by taking advantage of Respondent's lack of communication skills. Page 16 Lines 1-11

Mr. Green stresses that not only is the petitioner now using the tax payments to her advantage, but that for the past four years respondent has been left hanging and unaware of whether the taxes were being paid or not and that this has not only been inappropriate but has caused a tremendous strain on respondent Page 16 Lines 24-28 Page 17 Lines 1-5

Commissioner Matthew St. George ignores the arguments of both respondent and petitioner and instead orders that the property be sold, the taxes be paid, and the rest of the money be put into trust. Page 18 Lines 19-24

Mr. Green makes it clear that the court system and processes have been manipulated by petitioner and Petitioner's Counsel in an effort to achieve their selfish gains. Page 18 Lines 24-28 Page 19 Lines 1-2

Mr. Green makes it clear to the court that Petitioner and Petitioner's Counsel have not followed court orders. Page 18 Lines 8-14

Mr. Green makes it clear to the court that the buyer walking away at this point in time would actually benefit the community by providing a higher sale price. Page 19 Lines 21-26

Mr. Berman clearly asks the court to delay page 20 Lines 11-13

The Court accepts the testimony of a unidentified speaker as evidence
Page 20 Line 25

Mr. Green clearly tells the court that there is a real estate agent willing to testify that the property should sell for 1.7 million dollars. Page 21 Lines 3-6

Mr green reminds the court that petitioner has inappropriately claimed innocent spouse relief. Page 21 Lines 10-12

Mr. Green stresses to the court that the actions the court is proposing are not in line with any of the requests made by either party Page 22 Lines 22-23

Mr. Berman continues to push forward with the idea that the current buyer is going to disappear and that this will be detrimental to the community. Page 23 Lines 13-21

Mr. Green makes it clear that Petitioner has made wide-sweeping claims without actually outlining what the escrow company requires in order to proceed. Page 24 Lines 5-15

Mr. Green again emphasizes that the motions being filed are being made in order to grab as large a chunk of the proceeds as possible for the petitioner. Page 25 Lines 1-5

The court states that it is the responsibility of petitioner to come to court with a concise roadmap for the sale of the property because petitioner has requested to be in charge of the sale. Page 25 Lines 12-22

Mr. Green stresses again that literally no party wishes for the property to be sold at this point. Page 26 Lines 14-18

Petitioner makes a grab at securing an income from the property even though up to this point in the case it is Petitioner herself that has insisted that the property be sold. Page 26 Lines 20-25

Mr. Green and the Court point out that Petitioner and Petitioner's Counsel reach for rental income from the property after demanding that it be sold is disingenuous and a misrepresentation of the motions filed so far. Page 27 Lines 20-27 Page 28 Lines 1-7

September 3, 2015 Transcript Breakdown

10-12-16

Mr. Green states that the primary problem with the hearing is that there is an escrow which cannot be closed until encumbrances are cleared.

Page 7 Lines 1-5

Mr. Berman clearly wants to push the sale forward, emphasizing that there could be legal ramifications if the parties do not move with this buyer. Page 7 line 28- pg 8 Lines 1-2

The Court states that the Court is aware that Respondent is conducting a public campaign seeking the disqualification of Commissioner Matthew St. George, and then states that the Court interprets this public campaign as “a threat.” Page 8 Lines 17-22

The Court states that Respondent’s public campaign consists of “driving around town with a truck with a placard.” The Court further states that Respondent is within his first amendment rights, but then claims that “If [Respondent] thinks he is going to intimidate this judicial officer off the case, he’s wrong.” Page 9 Line 28-Page 10 Lines 1-4

The judge states that Respondent is free “to spend his time driving around town” and that Respondent “can put a placard up wherever he wants” but that Commissioner Matthew St. George was considering having sheriff patrols around his house because “people like [Respondent] are a threat to society.” Commissioner Matthew St.

George goes on to claim that Respondent is going to “get a gun and shoot a lot of people” or kill the Commissioner’s family. These claims are clearly ludicrous, not to mention insulting to Respondent and all involved and demonstrate that the Court is not equipped to deal with this issue fairly. Page 10 Lines 5-16

Commissioner Matthew St. George continues to threaten Respondent. Commissioner Matthew St. George states that he lives somewhere in Los Angeles, and that if Respondent comes near his home “he will be detained and possibly arrested.” Page 10 Lines 17-25

Mr. Berman ignores the issue of reimbursements and instead focuses on the tax liens in order to facilitate the sale Page 12 Lines 11-13

Mr. Berman argues that petitioner has met all of her tax burdens, and that there is a large carry-forward that she will utilize of Page 12 Lines 16-22

Mr. Berman makes it clear to the court that there have been extreme issues before with getting funds released from escrow, and that funds from the previous property have been held in escrow for many years. Page 13 Lines 10-14

Mr. Green makes it clear that the petitioner is not simply asking for the tax issues to be resolved but is instead making sure that their demands are met before the money is cleared. Page 14 Lines 20-24

Mr. Green makes it clear that the petitioner and mr Berman are working against the best interest of the community and respondent by ignoring

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WE-F HON. MATTHEW ST. GEORGE, COMMISSIONER

MIRI AVRAHAM,)	
)	
PETITIONER,)	
)	
VS.)	NO. SD027039
)	
NATAN RAHAMIM AVRAHAM,)	
)	
RESPONDENT.)	
-----)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
SEPTEMBER 3, 2015

APPEARANCES:

FOR PETITIONER: BRETT A. BERMAN, ESQ.

FOR RESPONDENT: CHARLES M. GREEN, ESQ.

ORIGINAL

LISA MCLAY, CSR NO. 10765
OFFICIAL REPORTER

1 SANTA MONICA, CALIFORNIA; THURSDAY, SEPTEMBER 3, 2015

2 A.M. SESSION

3 (APPEARANCES AS HERETOFORE NOTED.)

4
5 THE COURT: NUMBER 20, MIRI AVRAHAM VERSUS NATAN
6 AVRAHAM, SD027039.

7 YOUR APPEARANCE, PLEASE.

8 MR. GREEN: CHARLES GREEN FOR MR. AVRAHAM,
9 RESPONDENT, WHO IS NOT PRESENT IN THE COURTROOM.

10 MR. BERMAN: BRETT BERMAN ON BEHALF OF THE
11 PETITIONER.

12 THE COURT: ALL RIGHT. ARE YOU APPEARING FOR A
13 LIMITED PURPOSE THIS MORNING, MR. GREEN?

14 MR. GREEN: I'M SUBBED IN.

15 THE COURT: OH, YOU'RE BACK IN?

16 MR. GREEN: PER THE INSTRUCTIONS OF THE CLIENT AS
17 EVIDENCED BY THAT SUBSTITUTION FORM.

18 THE COURT: SO THIS SUPERSEDES THE ONE THAT WAS
19 FILED THIS MORNING?

20 MR. GREEN: YES. AND IT WAS -- MY REENGAGEMENT
21 WAS WITNESSED BY ANDREW -- ANDREW STERLING WAS PRESENT.
22 ANDREW STERLING IS A REAL ESTATE AGENT, ENGAGED BY
23 MR. AVRAHAM, WHO HAS COME TO COURT FOR THE PURPOSES OF
24 PRESENTING A CASH OFFER ON THE PROPERTY AT ISSUE IN THE
25 AMOUNT OF 1.68, AND THIS LISTING OFFER HAS BEEN
26 EXCHANGED. AND MR. STERLING WAS PRESENT WHEN
27 MR. AVRAHAM REQUESTED I DO THIS HEARING AND BE
28 REENGAGED.

1 THE COURT: OH, ALL RIGHT. WELL, THERE IS ALL
2 SORTS OF INFORMATION.

3 WELL, LET ME ASK YOU, BECAUSE IT DOES
4 AFFECT WHAT I CAN DO AT THIS POINT. THERE WERE SEVERAL
5 PLEADINGS THAT WERE FILED BY MR. AVRAHAM THIS MORNING
6 WHEN HE WAS SELF REPRESENTED. AND PERHAPS MOST
7 IMPORTANT TO THIS COURT IS HIS OBJECTION TO JUDGE PRO
8 TEM MATTHEW SAINT GEORGE, PRESIDING, ON THE GROUNDS OF
9 DISQUALIFICATION UNDER CODE OF CIVIL PROCEDURE SECTION
10 170.3, SUBSECTION 6.

11 IS THAT STILL BEFORE THE COURT?

12 MR. GREEN: MY UNDERSTANDING IS MR. AVRAHAM VERY
13 MUCH WANTS THAT BEFORE THE COURT. SO IF THE COURT WANTS
14 TO FIRST CONSIDER THOSE PAPERS AND CONTINUE THIS MATTER.

15 THE COURT: YEAH, THAT'S WHAT I HAVE TO DO.
16 THAT'S WHY I WANTED TO ASK. IF IT WAS BEING WITHDRAWN,
17 I COULD DEAL WITH WHAT WE WERE HERE TO DO.

18 MR. GREEN: NO. HE HAS MADE IT VERY CLEAR TO ME
19 THAT HE DOES NOT WISH TO WITHDRAW THAT.

20 THE COURT: OKAY. NO PROBLEM.

21 MR. GREEN: HE MAY CHOOSE TO SUB ME OUT FOR THOSE
22 PROCEEDINGS, BUT I, TODAY, STAYED HERE, SO HE'S NOT
23 PREJUDICED IN THE CHIEF -- MATTER IN CHIEF, IN LIGHT OF
24 HIS OTHER CONCERNS.

25 THE COURT: ALL RIGHT. WELL, JUST SO YOU
26 UNDERSTAND, I HAVE SPOKEN WITH COUNSEL FOR THE JUDICIARY
27 FOR THE COURT AND, BASICALLY, AS LONG AS THIS IS BEFORE
28 ME, THE REQUEST THAT I DISQUALIFY MYSELF, I AM LIMITED

1 IN WHAT I CAN DO TODAY TO JUST CONTINUE THE MATTER UNTIL
2 I READ AND FILE A RESPONSE TO THIS PLEADING, AND THEN WE
3 COULD PROCEED. BUT I CAN'T HEAR ANYTHING OTHER --
4 ANYTHING ELSE TODAY OTHER THAN TO GIVE YOU A NEW DATE.

5 MR. GREEN: VERY WELL, YOUR HONOR.

6 MR. BERMAN?

7 MR. BERMAN: THANK YOU, YOUR HONOR.

8 THE COURT: BUT OUR OPTIONS ARE KIND OF LIMITED
9 HERE.

10 MR. BERMAN: THAT'S REALLY UNFORTUNATE. WE'VE GOT
11 THE BROKER, THE BUYER OF THE PROPERTY THAT IS IN ESCROW,
12 WE'VE GOT A WITNESS WHO IS THE ACCOUNTANT READY TO
13 EXPLAIN ALL OF THESE PAPERS, WE HAVE EVERYBODY HERE.
14 THE SALE -- AS THE BUYER WOULD SAY, THIS SALE IS -- HE
15 CAN'T STICK AROUND FOREVER, AND SO IT'S URGENT.

16 THE COURT: I APPRECIATE THAT. BUT THE PROBLEM IS
17 THAT MR. AVRAHAM IS EXERCISING HIS RIGHT TO SEEK TO
18 DISQUALIFY THE COURT, AND THE LAW IS VERY CLEAR THAT
19 UNTIL I'VE READ AND CONSIDERED HIS PLEADING AND FILED A
20 RESPONSE -- AND UNFORTUNATELY IT WAS JUST FILED THIS
21 MORNING -- I CANNOT DO ANYTHING OTHER THAN WHAT I CAN DO
22 IN CODE OF CIVIL PROCEDURE SECTION 170.4.

23 MR. BERMAN: YOUR HONOR, I WOULD ASK FOR JUST A
24 BRIEF 10-MINUTE RECESS OF THIS MATTER BECAUSE I'D LIKE
25 TO LOOK AT THE CODE SECTION ON THIS. MY UNDERSTANDING
26 WAS THAT THE MOTION SHOULD HAVE BEEN BROUGHT UNDER CCP
27 CODE SECTION 170.1, AND THAT NEEDED TO BE DONE FIRST.

28 THE COURT: ALL RIGHT. I DON'T KNOW.

1 IT SAYS I CAN TAKE ANY ACTION UNDER 170.4
2 TO MAINTAIN JURISDICTION PENDING THE ASSIGNMENT OF A
3 JUDGE WHO'S NOT DISQUALIFIED, OR REQUEST SOME OTHER
4 JUDGE TO DEAL WITH THIS; HEAR OR DETERMINE DEFAULT
5 MATTERS; ISSUE AN ORDER FOR POSSESSION OF PROPERTY OF
6 EMINENT DOMAIN; SET PROCEEDINGS FOR TRIAL OR HEARINGS OR
7 CONDUCT SETTLEMENT CONFERENCES.

8 AND THEN UNDER SECTION 170.4, SUB B, I CAN
9 ORDER IT STRICKEN IF IT IS UNTIMELY FILED OR IF, ON ITS
10 FACE, IT DISCLOSES NO LEGAL GROUND.

11 SO IF YOU -- I HAVE A TWO-DAY PARENTING
12 PLAN ASSESSMENT. THE SECOND DAY OF IT IS A HEARING THIS
13 AFTERNOON. SO I DON'T HAVE TIME TO DEAL WITH THIS
14 MATTER THIS AFTERNOON TO THE EXTENT IT WOULD NEED TO BE
15 DEALT WITH.

16 AND MY THOUGHT WAS, FRANKLY, IF WE HAD BEEN
17 ABLE TO PROCEED TODAY I WAS GOING TO MAKE A FEW ORDERS.
18 AND THEN BECAUSE MR. AVRAHAM, THROUGH COUNSEL, WAS
19 REQUESTING SEVERAL REIMBURSEMENTS THAT HE BELIEVES HE'S
20 OWED OUT OF ANY MONEYS --

21 MR. GREEN: YES, YOUR HONOR.

22 THE COURT: -- I WAS GOING TO SET THE MATTER OUT
23 FOR EVIDENCE ON -- FOR PROOF OF ALL THAT.

24 SO PERHAPS YOU GUYS CAN TALK AND SEE IF YOU
25 CAN COME UP WITH ANOTHER DATE FOR THAT HEARING. I CAN
26 TELL YOU THAT RIGHT NOW MY SEPTEMBER IS FULL. I THINK
27 THE 30TH MAY BE OPEN, BUT EVERY OTHER DAY IS GONE. AND
28 I PRESUME YOU'RE NOT AVAILABLE ON ROSH HASHANAH?

1 MR. GREEN: NO, YOUR HONOR.

2 THE COURT: I WOULD HAVE THAT DATE, BUT IT'S ROSH
3 HASHANAH.

4 MR. BERMAN: YOUR HONOR, I COULD BE MISTAKEN ON
5 THIS BECAUSE I JUST GOT THESE PAPERS THIS MORNING, BUT I
6 DO BELIEVE -- LET ME STRIKE THAT.

7 I WOULD LIKE TO BE ABLE TO CHECK TO SEE IF
8 MR. AVRAHAM IS REQUIRED TO ACT UNDER 170.1 PRIOR TO
9 ACTING UNDER 170.3, BECAUSE HE HAS NOT DONE THAT.

10 THE COURT: OKAY. YOU CAN DO THAT. I DON'T KNOW
11 IF YOU'RE AWARE OF THE OTHER PLEADINGS I RECEIVED -- I
12 DON'T KNOW IF COUNSEL IS GOING TO ALSO HAVE THESE BEFORE
13 THE COURT -- INVOLVE COMPLAINTS OF PERJURY AGAINST
14 YOURSELF, MR. BERMAN, AND ALSO AGAINST MR. WACHMAN. I
15 DON'T KNOW IF YOU GOT THOSE.

16 MR. BERMAN: I GOT THEM.

17 THE COURT: OKAY.

18 MR. GREEN: I AM NOT INTENT ON REPRESENTING
19 MR. AVRAHAM FOR HIS PERSONALLY FILED PLEADINGS AND WOULD
20 SEEK TO BE RELIEVED FOR THOSE PROCEEDINGS, AS I WAS NOT
21 AWARE OF THE CONTENT OF THOSE PROCEEDINGS.

22 THE COURT: I DON'T BELIEVE THEY ARE PROPERLY
23 BEFORE THIS COURT.

24 MR. GREEN: HOWEVER, MR. AVRAHAM HAS FILED THOSE
25 PLEADINGS AND HAS MADE IT CLEAR HE WISHES THE COURT TO
26 CONSIDER THEM.

27 THE COURT: SO I GUESS WHAT YOU'RE TELLING ME IS
28 YOU'RE HERE FOR MOST PURPOSES, BUT NOT ALL PURPOSES.

1 MR. GREEN: I AM HERE TO REPRESENT MR. AVRAHAM IN
2 THE CASE IN CHIEF, WHICH IS THE ISSUES INVOLVING THE
3 ACCOUNTANT AND THE SALE OF THE PROPERTY, AND TO OFFER
4 EVIDENCE THAT THE PROPERTY IS BEING SOLD AT A VALUE LESS
5 THAN MARKET FOR THE COURT TO CONSIDER IN MAKING FURTHER
6 ORDERS ABOUT THE PROPERTY.

7 MR. BERMAN: THAT SPECIFICALLY IS NOT RELEVANT.

8 THE COURT: I MEAN, I KNOW THERE IS AN ESCROW
9 OPEN. APPARENTLY IT'S ON THE VERGE OF BEING CLOSED, IF
10 I MAKE A FEW ORDERS TODAY.

11 MR. BERMAN: THAT'S RIGHT.

12 THE COURT: BUT IF -- WHAT I WOULD SUGGEST IS
13 WE'LL TAKE A BREAK FOR YOU GUYS TO TALK, FOR MR. BERMAN
14 TO TAKE A LOOK AND SEE IF THIS IS A TIMELY FILED OR
15 PROPERLY FILED MOTION TO DISQUALIFY. AND THEN I'LL SEE
16 WHAT I CAN DO.

17 BUT I HAVE TO TELL YOU, I'M APPROACHING A
18 VERY BUSY DAY AND I DO HAVE THAT 1:30 HEARING, SO I
19 DON'T SEE HOW I COULD POSSIBLY HAVE AN EVIDENTIARY
20 HEARING TO THE EXTENT YOU'D LIKE ME TO HAVE ONE TODAY.

21 MR. GREEN: I THINK FOR JUDICIAL ECONOMY, YOUR
22 HONOR, WE SHOULD JUST CONTINUE THIS MATTER OUT AND THAT
23 WOULD ALLOW MR. BERMAN AND THE COURT TO CONSIDER
24 MR. AVRAHAM'S IN PRO PER FILINGS.

25 THE COURT: WELL, IF THERE IS A -- AS YOU'VE
26 INDICATED, POSSIBLY AN OFFER FOR MORE MONEY THAN WOULD
27 BE RECEIVED, THAT MAY BE SOMETHING THE PARTIES WISH TO
28 CONSIDER. IF IT'S, IN FACT, THERE.

1 MR. GREEN: YOUR HONOR, IN A NUTSHELL, IF WE MOVE
2 AWAY ALL THE STATIC IN THE PAPERS, WHAT WE HAVE IS WE
3 HAVE AN ESCROW THAT'S NOT GOING TO CLOSE BECAUSE OF A
4 LACK OF CLARITY AS TO PAYMENT OF ENCUMBRANCES. THAT'S
5 THE ONLY ISSUE.

6 AND IF THE COURT WAS TO FIND THAT THE
7 PROPERTY IS BEING SOLD AT A PRICE LESS THAN MARKET AND
8 ORDER THAT THAT ESCROW BE DISSOLVED, THEN THE PROPERTY
9 AND THE MAXIMUM OF -- MAXIMIZING COMMUNITY VALUE COULD
10 BE FOLLOWED, AS WE HAVE AN ALL CASH OFFER HERE BEFORE
11 THE COURT FOR SEVERAL HUNDRED THOUSAND DOLLARS MORE THAN
12 THE CURRENT ESCROW, WHICH ONLY EXISTS AND WAS OPENED BY
13 COURT ORDER.

14 SO IF THE COURT ORDER IS DISSOLVED, THAT
15 ESCROW IS ELIMINATED.

16 THE COURT: I'VE GOT TO MOVE ON, BECAUSE I KNOW
17 WE'RE NOT GOING TO DEAL WITH THIS TODAY BECAUSE OF THE
18 DISQUALIFICATION, AND WE'LL HAVE TO CONTINUE IT. OR IF
19 YOU GUYS CAN AGREE ON WHAT TO DO TODAY REGARDING THE
20 ESCROWS, I'LL STILL HAVE TO CONTINUE IT BECAUSE WE'RE
21 RUNNING OUT OF TIME AND I'VE GOT OTHER MATTERS TO HEAR.

22 MR. GREEN: YOUR HONOR, I WOULD JUST ASK THE
23 COURT TO SET A DATE.

24 MR. BERMAN: EXCUSE ME, COUNSEL.

25 YOUR HONOR, MAY I SAY ONE THING IN
26 RESPONSE?

27 THE COURT: VERY QUICKLY.

28 MR. BERMAN: REGARDLESS OF THIS NEW OFFER, THE

1 PARTIES ARE NOW BOUND TO THE BUYER, SO THERE IS A LOT OF
2 LEGAL RAMIFICATIONS THAT MAY RAIN DOWN ON EVERYBODY.

3 THE COURT: I'M WELL AWARE THAT THERE MAY BE VERY
4 BIG LEGAL RAMIFICATIONS. SO THAT'S WHY FIRST WE NEED TO
5 KNOW IF I CAN EVEN HEAR THIS TODAY.

6 AND THEN, SECONDLY, YOU GUYS NEED TO TALK
7 ABOUT THE CONSEQUENCES IF YOU WERE TO ABANDON THIS
8 ESCROW AND GO FOR ONE THAT SAYS THERE IS MORE MONEY.
9 AND THEN YOU HAVE AN UNHAPPY BUYER WHO MAY SEEK HIS OWN
10 LEGAL RECOURSE. THAT'S THE PROBLEM, YOUR HONOR.

11 THE COURT: ALL RIGHT. SO IT MAY NOT BE TO THE
12 BENEFIT OF COMMUNITY AFTER ALL. SO, PLEASE, GO TALK.

13 MR. BERMAN: THANK YOU, YOUR HONOR.

14 MR. GREEN: YOUR HONOR, MAY WE COORDINATE THE DATE
15 DIRECTLY WITH THE CLERK?

16 THE COURT: I'LL CALL YOU BACK UP AND WE'LL PICK A
17 DATE. BUT AS I SAID, I ONLY HAVE THAT ONE AFTERNOON IN
18 SEPTEMBER, AT THE END OF SEPTEMBER. EVERYTHING ELSE IS
19 IN OCTOBER.

20

21 (PAUSE IN THE PROCEEDINGS.)

22

23 THE COURT: BACK ON NUMBER 20, MIRI AVRAHAM VERSUS
24 NATAN AVRAHAM.

25 MR. BERMAN: GOOD AFTERNOON, YOUR HONOR, BRETT
26 BERMAN ON BEHALF OF PETITIONER, WHO IS PRESENT.

27 MR. GREEN: CHARLES GREEN ON BEHALF OF RESPONDENT,
28 WHO IS NOT PRESENT.

1 THE COURT: ALL RIGHT. OKAY. AND YOU DO HAVE
2 AUTHORITY TO APPEAR ON HIS BEHALF?

3 MR. GREEN: YES.

4 THE COURT: OKAY. THE COURT DID TAKE TIME OVER
5 THE LUNCH HOUR TO REVIEW THE OBJECTIONS TO MY
6 QUALIFICATIONS TO HEAR THIS MATTER FILED BY MR. AVRAHAM
7 TODAY. I FILED A MOTION TO STRIKE AND A VERIFIED
8 ANSWER.

9 THE REASONS STATED BY MR. AVRAHAM IN HIS
10 PLEADING WAS SIMPLY THAT HE WAS -- HE BELIEVED THAT THE
11 FACT THAT I RULED AGAINST HIM ON PRIOR OCCASIONS, OR
12 WHAT HE BELIEVED TO BE AGAINST HIM ON PRIOR OCCASIONS,
13 SHOWED THAT I WAS BIASED AGAINST HIM. THAT'S NOT A
14 BASIS FOR DISQUALIFICATION PURSUANT TO CIVIL PROCEDURE
15 170.3. SO THAT REQUEST FOR DISQUALIFICATION IS
16 STRICKEN.

17 BEFORE WE BEGIN THIS HEARING, THOUGH, I DO
18 WANT TO ADVISE BOTH COUNSEL AND THE PARTIES THAT THIS
19 COURT IS WELL AWARE OF A PUBLIC CAMPAIGN BEING CONDUCTED
20 BY MR. AVRAHAM IN WHICH HE SEEKS MY -- IN WHICH HE'S
21 ATTEMPTING TO HAVE ME DISQUALIFY MYSELF FROM THIS CASE,
22 BASICALLY, BY WHAT ONE COULD INTERPRET AS A THREAT.

23 HE IS DRIVING AROUND TOWN WITH A TRUCK WITH
24 A PLACARD WHICH SAYS THAT IF COMMISSIONER SAINT GEORGE--
25 MATTHEW SAINT GEORGE DOESN'T DISQUALIFY HIMSELF,
26 MR. AVRAHAM WILL TAKE -- BRING THE LAW TO ME.

27 HE OBVIOUSLY HAS A FIRST AMENDMENT RIGHT TO
28 RUN AROUND TOWN AND SAY WHATEVER HE WANTS. IF HE THINKS

1 HE'S GOING TO INTIMIDATE THIS JUDICIAL OFFICER OFF THE
2 CASE, HE'S WRONG. IT WOULD BE A VIOLATION OF MY ETHICS,
3 MY DUTY, TO LEAVE A CASE BECAUSE A LITIGANT IS TRYING TO
4 INTIMIDATE.

5 SO WHAT I WOULD SUGGEST, MR. GREEN, IS THAT
6 YOU ADVISE YOUR CLIENT THAT THAT ATTEMPT HAS FAILED AND
7 WILL FAIL. AND IF HE WANTS TO SPEND HIS TIME DRIVING
8 AROUND TOWN, HE'S FREE TO DO SO. HE CAN PUT A PLACARD
9 UP WHEREVER HE WANTS.

10 BUT I WANT TO LET HIM KNOW THIS. I AM
11 CONSIDERING HAVING SHERIFF PATROLS AROUND MY HOUSE
12 BECAUSE PEOPLE LIKE HIM ARE A THREAT TO SOCIETY. WE'VE
13 SEEN IT IN THE NEWS EVERY DAY. EVERYBODY SAYS, OH, THEY
14 ARE JUST A LITTLE CRAZY. YEAH, AND THE NEXT THING YOU
15 KNOW THEY GET A GUN AND SHOOT A LOT OF PEOPLE OR KILL MY
16 FAMILY.

17 WHAT AM I SUPPOSED TO DO? I'M DOING MY
18 JOB. SO MR. AVRAHAM SHOULD KNOW THAT I'M CONSIDERING
19 GETTING A SHERIFF PATROL, AND SHOULD HE COME NEAR MY
20 HOUSE -- I'M NOT TELLING YOU WHERE I LIVE. I LIVE
21 SOMEWHERE IN LOS ANGELES -- IF HE COMES BY MY HOUSE HE
22 WILL BE DETAINED AND POSSIBLY ARRESTED.

23 SO HE CAN DRIVE AROUND TOWN, BUT LET HIM
24 KNOW HE DOESN'T KNOW WHERE I AM, OR IF HE DOES KNOW
25 WHERE I AM, HE'S GOT A REAL PROBLEM.

26 MR. GREEN: YOUR HONOR, I JUST WOULD --

27 THE COURT: I ALSO WANT TO SAY I WILL BE FAIR AND
28 IMPARTIAL. I FOLLOW THE LAW.

1 MR. GREEN: YOUR HONOR, AS AN OFFICER OF THE
2 COURT, I HAVE NOTHING BUT RESPECT AND ADMIRATION FOR THE
3 COURT AND FOR YOUR HONOR. AND I'M ALSO JUST DOING MY
4 JOB AND MY DUTY --

5 THE COURT: I DON'T BLAME YOU, MR. GREEN.

6 MR. GREEN: -- TO THE BAR AND DO THE BEST TO
7 REPRESENT MY CLIENT. AND I AM REGRETFUL OF ANY
8 UNNECESSARY STRESS THAT THE COURT IS FEELING FROM THESE
9 ACTIVITIES.

10 THE COURT: ALL RIGHT. WELL, HE'S FREE -- AS WE
11 KNOW, IF HE DOESN'T LIKE MY RULINGS HE'S FREE TO APPEAL
12 THEM, OR TAKE A WRIT. HE HAS OTHER AVENUES OF RELIEF,
13 WHICH I HAVE EXPERIENCED FROM OTHER PARTIES. SO THOSE
14 ARE FINE. THAT'S WHAT THE LAW PROVIDES FOR. SO IF HE'S
15 UNHAPPY WITH WHAT I DO IN COURT, HE CAN TAKE ME UP ON
16 APPEAL. ALL RIGHT.

17 SO WHAT I DO HAVE HERE TODAY IS A REQUEST
18 FOR AN ORDER THAT WAS FILED BY THE PETITIONER SEEKING
19 THAT THE COURT MAKE ORDERS REGARDING FUNDS THAT ARE
20 CURRENTLY IN ESCROW.

21 AND THERE WAS A RESPONSIVE DECLARATION
22 FILED ON AUGUST 21ST BY YOU, MR. GREEN, WHICH HAD A
23 DECLARATION FROM MR. AVRAHAM ATTACHED. AND EXHIBITS FOR
24 BOTH PLEADINGS.

25 DID YOU FILE A REPLY, MR. BERMAN?

26 MR. BERMAN: WE DID. WELL, IT WAS LATE. THEY
27 WERE SERVED TIMELY WITH IT ON THE 26TH OF AUGUST. FOR
28 SOME REASON IT DIDN'T GET INTO THE COURT'S FILE.

1 THE COURT: YEAH, I ASKED YESTERDAY FOR THEM TO
2 LOOK FOR IT SO I WOULD BE ABLE TO READ IT.

3 MR. BERMAN: I WAS -- I UNDERSTAND IT WAS FILED,
4 BUT IT DIDN'T MAKE IT ON THE 26TH. IT'S A SHORT REPLY.

5 THE COURT: ALL RIGHT. OKAY. WELL, WHY DON'T YOU
6 MAKE YOUR ARGUMENT, THEN, MR. BERMAN, AND THEN I'LL HEAR
7 FROM MR. GREEN WITH REGARD TO WHAT YOU WOULD LIKE ME TO
8 DO.

9 MR. BERMAN: WELL --

10 THE COURT: YOU CAN BE SEATED IF YOU WISH.

11 MR. BERMAN: IN SIMPLE TERMS, THE ARGUMENT HERE,
12 WE'RE TALKING ABOUT -- THE MAIN ISSUES ARE THESE TAX
13 LIENS THAT NEED TO BE DEALT WITH.

14 WE FILED A DECLARATION FROM MS. AVRAHAM'S
15 ACCOUNTANT THAT WAS FILED WITH THE MOVING PAPERS AND
16 THOSE PAPER -- HIS DECLARATION CLEARLY SETS FORTH THAT
17 MS. AVRAHAM IS TAKING CARE OF HER PORTION OF ANY TAXES
18 THAT HAVE BEEN DUE, COMMUNITY TAXES THAT HAVE BEEN DUE
19 BETWEEN THESE PARTIES.

20 SHE STILL HAS A LARGE LOSS CARRY FORWARD
21 THAT SHE'S ABLE TO UTILIZE. SHE DID USE IT, SO SHE'S
22 PAID ALL OF HER TAXES.

23 MR. AVRAHAM MAKES AN ARGUMENT THAT HE WAS
24 THE ONE WITH THE 1099, REGARDING -- IT WAS A SALE OF A
25 PROPERTY CALLED BARRINGTON, SO THERE WAS A CAPITAL GAIN
26 ON THAT PROPERTY. MR. AVRAHAM'S ARGUMENT WAS, I WAS THE
27 ONE WHO WAS SUPPOSED TO FILE A W-9 AND I DIDN'T. SHE
28 HAD NO BUSINESS TAKING CARE OF THE TAXES BECAUSE I HAVE

1 THE W-9. I ARGUED THAT'S JUST A CLERICAL ISSUE, THAT HE
2 HAD THE W-9, SHE'S STILL ALLOWED TO TAKE CARE OF HER
3 HALF OF THE TAXES.

4 SHE HIRED AN ACCOUNTANT, A VERY COMPETENT
5 ACCOUNTANT, BEEN WORKING WITH HER FOR SEVERAL YEARS, AND
6 THEY TOOK CARE OF THE TAXES. THAT'S -- SO NOTHING ELSE.
7 SHE OWES NOTHING ELSE TO THESE TAXES. THIS IS NOT THE
8 FIRST TIME WE'VE BEEN THROUGH THIS WITH RESPECT TO THE
9 BARRINGTON PROPERTY THAT WAS SOLD.

10 IT TOOK MANY YEARS TO FINALLY GET THOSE
11 ESCROW FUNDS RELEASED BECAUSE OF TAX LIENS ON THAT
12 PROPERTY. AND ABOUT A YEAR AGO THE COURT WAS PERSUADED
13 THAT MS. AVRAHAM WAS AN INNOCENT SPOUSE AND WAS NOT
14 RESPONSIBLE FOR TAXES RELATED TO THOSE LIENS.

15 SO WITH RESPECT TO THE TAX LIENS, WE
16 REQUEST THAT THOSE BE TAKEN OUT OF MR. AVRAHAM'S PORTION
17 OF THE NET SALES PROCEEDS OR OF THE PROCEEDS FROM THE
18 SALE OF THE WOOSTER PROPERTY.

19 THE COURT: WELL, DO I NEED TO MAKE THAT
20 DETERMINATION IN ORDER TO MAKE AN ORDER THAT THE TAX
21 LIENS BE PAID?

22 MR. BERMAN: YES, YOUR HONOR, BECAUSE MY
23 UNDERSTANDING IS THAT THE BUYER CANNOT GET TITLE
24 INSURANCE -- IS HAVING ISSUES GETTING TITLE INSURANCE IF
25 THAT MONEY STAYS IN ESCROW AND DOES NOT --

26 THE COURT: NO. COULDN'T I JUST ORDER THAT THE
27 IRS AND THE FRANCHISE TAX BOARD BE PAID THESE MONEYS?
28 AND THEN WE CAN FIGURE OUT WHO SHOULD -- WHICH SHARE

1 OF -- WHO SHOULD PAY FOR THAT, WHAT SHARE OF THE
2 COMMUNITY IT COMES FROM?

3 MR. BERMAN: THE PROBLEM WITH THAT IS THAT
4 MS. AVRAHAM WON'T BE -- IF SHE PREVAILS, AND I THINK SHE
5 WILL, WILL NOT BE ABLE TO BE MADE WHOLE IF THE MONEY IS
6 GONE. AND THAT'S WHY WE'D LIKE TO GET IT DONE BEFORE
7 ALL THE MONEY GOES OUT OF ESCROW.

8 THE COURT: ALL RIGHT.

9 MR. BERMAN: AS MS. AVRAHAM SAID, THAT EXACT
10 SCENARIO HAPPENED ON BARRINGTON. COMMISSIONER COWAN
11 MADE AN ORDER EVERYTHING CAME OUT OF ESCROW AND
12 EVERYTHING WAS PAID, AND THEN SHE WAS ULTIMATELY NOT
13 ABLE TO BE MADE WHOLE WITH ALL THOSE TAXES PAID. SHE
14 GOT SOME OF THE MONEY, BUT CERTAINLY NOT ALL THAT WAS
15 DUE HER.

16 THE COURT: ALL RIGHT.

17 MR. GREEN?

18 MR. GREEN: I WOULD ASK THIS COURT TO SET THIS FOR
19 AN EVIDENTIARY HEARING, AND WE'VE AGREED ON NOVEMBER
20 4TH. THERE IS A LOT GOING ON HERE WHEN THE ISSUE THAT
21 IS OF NECESSITY, THE COURT HAS GRASPED IMMEDIATELY, AND
22 THIS MOTION IS NOTHING BUT A SHOPPING LIST OF WISHES
23 TRYING TO BE BLURRED INTO THE TAX PROBLEM OF WHAT WOULD
24 CREATE AN INSURABLE TITLE TRANSFER.

25 SO I HOPE THE COURT WOULD CONSIDER AND LOOK
26 CAREFULLY AT THE PRIOR ORDERS, WHAT OBSTACLES NOW EXIST
27 TO FULFILLING THE PRIOR ORDERS AND HOW THAT COULD HAVE
28 BEEN EASILY REMEDIED TODAY.

1 BUT INSTEAD OF COMING TO COURT TO SEEK
2 ORDERS ON HOW TO CONSTRUCTIVELY MOVE FORWARD WITH THE
3 ESCROW THAT EXISTS, THEY ARE USING THIS OPPORTUNITY TO
4 TRY AND GRASP QUICKLY ALL THE PROCEEDS, OR A LARGE PART
5 OF THE PROCEEDS FROM THE SALE OF THIS PROPERTY.

6 UNDER THE DISENTITLEMENT DOCTRINE, THEY
7 SHOULD BE BARRED FROM THAT SIMPLY BECAUSE THEY ARE NOT
8 FOLLOWING THE PRIOR COURT ORDERS, WHICH ARE, CONTRARY TO
9 THE COMMUNITY'S INTEREST AND MR. AVRAHAM'S INTEREST, TO
10 SELL THE PROPERTY AT THE HIGHEST AMOUNT POSSIBLE. BUT
11 THE ISSUE IS THAT THEY ARE BRINGING UP INFORMATION ABOUT
12 CAPITAL GAINS TAXES HAVING TO DO WITH THE BARRINGTON
13 PROPERTY WHERE THE SCHEDULE -- I WOULD LIKE VERY MUCH
14 THE OPPORTUNITY TO QUESTION THAT ACCOUNTANT, BECAUSE
15 IT'S A SCHEDULE OF CAPITAL GAINS OFFSETS AND CARRY
16 FORWARDS RELATING TO THE BARRINGTON PROPERTY, WHICH IS
17 RELEVANT TO WHAT ARE THE OUTSTANDING DEBTS OF THE
18 COMMUNITY, BUT NOT AT ALL RELEVANT TO THE SALE OF THE
19 WOOSTER PROPERTY, COMPLETELY IRRELEVANT TO THE SALE OF
20 THE WOOSTER PROPERTY. WHAT IS RELEVANT TO THE SALE OF
21 THE WOOSTER PROPERTY ARE WHAT ARE THE LIENS AND
22 ENCUMBRANCES THAT MUST BE SATISFIED FOR AN ESCROW TO
23 CLOSE AND FOR TITLE INSURANCE.

24 BUT THAT HAS BEEN MASKED HERE, THAT HAS
25 BEEN MASKED AND THE COURT HAS BEEN MISLED BY THESE
26 MOVING PAPERS TO TRY TO DISTRACT TWO ISSUES OF, OH, GIVE
27 ME MONEY TO PAY THIS LOAN BECAUSE WE CAN'T SELL THE
28 PROPERTY OTHERWISE.

1 IT IS PREPOSTEROUS TO REPRESENT TO THIS
2 COURT THAT ESCROW CAN'T BE CLOSED UNTIL THE BUSINESS OF
3 A COMMUNITY BETWEEN THE TWO MEMBERS OF A COMMUNITY ARE
4 SETTLED. THAT IS IRRELEVANT TO THIRD PARTIES. WHAT IS
5 RELEVANT TO A THIRD PARTY IS TRANSFER OF A PROPERTY WITH
6 SATISFACTION OF ENCUMBRANCES. OKAY. SO THIS IS ALMOST
7 AN EMBARRASSMENT THAT THEY WOULD TRY TO MISLEAD THE
8 COURT THIS WAY TO MASK -- THEIR GOAL IS TO, AGAIN, TAKE
9 ADVANTAGE OF MR. AVRAHAM'S SOMETIMES LACK OF
10 COMMUNICATION TO THE COURT OF THE SALIENT ISSUE AND MASK
11 THAT.

12 THAT'S WHAT'S GOING ON WITH THIS MOTION.
13 SO WHILE THEY ARE ATTEMPTING TO GRAB THE MONEY -- AND
14 THE CAPITAL GAINS ANALYSIS IS COMPLETELY IRRELEVANT TO
15 THE WOOSTER PROPERTY. NOWHERE IN THAT ANALYSIS DOES IT
16 MAKE ANY STATEMENT ABOUT THE DEPRECIATION RECAPTURE OR
17 THE CAPITAL GAINS TAXES DUE ON THE WOOSTER PROPERTY. IT
18 ONLY TALKS ABOUT HER OBLIGATION TO REPORT HALF THE
19 CAPITAL GAINS ON A PROPERTY THAT WAS SOLD FOUR YEARS
20 AGO, AND HOW SHE PROPERLY REPORTED THAT USING COMMUNITY
21 CARRY FORWARDS OF CAPITAL LOSSES. OKAY. THAT IS HER
22 FEDERAL TAX OBLIGATION, CONGRATULATIONS TO HER THAT THEY
23 DID IT.

24 WHAT THEY DIDN'T DO UNTIL TODAY IS
25 COMMUNICATE TO MR. AVRAHAM THAT SHE REPORTED HALF THE
26 CAPITAL GAINS TAX. SO HE'S BEEN COMPLAINING FOR THE
27 LAST FOUR YEARS THAT, WHY AM I STUCK WITH REPORTING ALL
28 THIS WHEN THEY COULD HAVE COMMUNICATED BY LETTER,

1 E-MAIL, THAT WE ARE FOLLOWING THE TAX LAWS AND TAKING
2 HALF THE TAX LIABILITY FOR THE CAPITAL GAINS USING
3 COMMUNITY CARRY FORWARDS FROM TAX LOSSES GENERATED BY
4 THE SALE OF STOCKS THAT WERE COMMUNITY ASSETS, THAT
5 CARRY FORWARDS IS A COMMUNITY ASSET.

6 AND IT APPEARS FROM THE SCHEDULE THAT THE
7 ACCOUNTANT TOOK HALF OF THAT FROM THE JOINTLY FILED TAX
8 RETURNS AND CARRIED IT FORWARD TO HER SEPARATELY FILED
9 TAX RETURNS. THAT'S NOT RELEVANT TO THE SALE OF THE
10 WOOSTER PROPERTY. NOTHING RELEVANT TO THE SALE OF THE
11 WOOSTER PROPERTY IS IN THAT ACCOUNTANT'S STATEMENT. I
12 WOULD HAVE A FIELD DAY WITH HIM ON THE STAND.

13 THE COURT: THAT I ASSUME WOULD BE ON NOVEMBER
14 4TH.

15 MR. GREEN: IT'S NOT RELEVANT. WHAT'S RELEVANT IS
16 WHAT IS THE CAPITAL GAINS CONSEQUENCES TO THE COMMUNITY,
17 TO THE PARTIES, TO THE WOOSTER PROPERTY. AND THEN THAT
18 WOULD ONLY TALK ABOUT HOW MUCH NEEDS TO BE WITHHELD. SO
19 IF THEY WANTED TO DO SOMETHING CONSTRUCTIVE, THEY COULD
20 HAVE MADE A DETERMINATION ON WHETHER OR NOT THERE IS
21 ENOUGH LONG TERM CAPITAL GAIN CARRY FORWARD THAT WOULD
22 OFFSET ANY CAPITAL GAINS TAXES DUE ON THE WOOSTER
23 PROPERTY. OKAY?

24 BUT HERE I AM TEACHING THEIR ACCOUNTANT
25 WHAT TO DO. BUT THAT'S NOT NECESSARY. THAT'S NOT
26 NECESSARY AT THIS TIME. ALSO, THEY ARE REPRESENTING
27 ABOUT THE BARRINGTON PROCEEDS THAT SOMEHOW PETITIONER
28 WAS NOT MADE WHOLE. PETITIONER MISLED THIS COURT USING

1 THE LABEL --

2 MR. BERMAN: I DON'T WANT TO --

3 THE COURT: I APPRECIATE WE CAN GO ON ABOUT THIS
4 ALL DAY, ALL AFTERNOON, BUT I NEED TO DECIDE WHAT TO DO
5 RIGHT NOW SO THAT THE SALE DOESN'T FALL THROUGH. AND
6 WHAT I WAS THINKING OF DOING IS I DON'T -- AND IT SHOULD
7 BE OBVIOUS FROM MY EARLIER ORDERS OF MARCH AND THEN
8 LATER IN MAY, IS I'VE SORT OF BEEN PUTTING OFF HOW TO
9 DISTRIBUTE THE NET PROCEEDS FROM THIS SALE 'ONCE THE SALE
10 WAS DONE.

11 I THINK BOTH SIDES HAVE CLAIMS THROUGH THE
12 JUDGMENT FOR REIMBURSEMENT, THAT'S WHY WE'RE GOING TO
13 HAVE AN EVIDENTIARY HEARING. I THINK -- IT'S MY
14 UNDERSTANDING THERE WILL BE A LARGE POT OF MONEY FROM
15 WHICH THOSE -- YOU KNOW, AFTER THE SALE IS OVER TO BE
16 DIVIDED BETWEEN THESE TWO PARTIES. IT'S THE LAST BIT OF
17 COMMUNITY PROPERTY THEY HAVE, AND THAT'S WHAT I WOULD
18 LIKE TO DO.

19 SO I WOULD LIKE TO GET THIS ESCROW CLOSED
20 AND THEN -- AND GET THE IRS AND THE FRANCHISE TAX BOARD
21 PAID, AND THEN DEPOSIT -- ORDER THAT WHATEVER FUNDS
22 REMAIN GET DEPOSITED IN A CLIENT TRUST FUND ACCOUNT, AND
23 AT OUR HEARING ON NOVEMBER 4TH WE'LL FIGURE OUT WHERE
24 THAT MONEY GOES.

25 MR. GREEN: WELL, YOUR HONOR, I WOULD ASK THAT THE
26 COURT MAKE NO ORDERS TODAY, BECAUSE UNDER THE
27 DISENTITLEMENT DOCTRINE, THEY HAVE FLOUTED YOUR PRIOR
28 ORDERS AND HAVE USED YOUR PRIOR ORDERS TO TRY TO

1 MANIPULATE THE COURT'S ALGORITHM THAT IT JUST OUTLINED
2 TO THEIR BENEFIT.

3 THEY DIDN'T COME HERE TODAY SAYING, HELP US
4 CLOSE THE ESCROW. THEY CAME HERE SAYING THAT WE CAN'T
5 CLOSE THE ESCROW UNTIL YOU TELL US HOW WE'RE GOING TO
6 ALLOCATE WHICH STUDENT LOAN GETS PAID. THAT'S
7 PREPOSTEROUS.

8 YOU SHOULD NOT MAKE ANY ORDERS FOR THEM
9 TODAY. THEY SHOULD BE DISENTITLED TO AN ORDER TODAY
10 BECAUSE THEY HAVE NOT FOLLOWED THE PRIOR ORDERS. AND ON
11 NOVEMBER 4TH WE'LL DO AN EVIDENTIARY HEARING AND WE'LL
12 GO OVER THINGS, LIKE, WHETHER THERE IS CAPITAL GAINS TO
13 BE SEQUESTERED FROM THE PROCEEDS, AND WHAT OFFSETS.
14 BUT --

15 THE COURT: ISN'T THERE THE DANGER? I MEAN, IT
16 SEEMED PRETTY CLEAR FROM WHAT I READ THAT THIS ESCROW
17 HAS BEEN HUNG UP NOW FOR OVER 60 DAYS, AND THAT IF WE
18 DON'T CLOSE IT SOON, THE BUYER MAY SAY NEVER MIND, WALK
19 AWAY, THEN I GUESS YOUR CLIENT WOULD GET HIS CHANCE TO
20 TRY AND HAVE THE PROPERTY SOLD FOR MORE MONEY.

21 MR. GREEN: I HAVE PRESENT HERE, I HAVE A REAL
22 ESTATE AGENT WITH AN ALL CASH OFFER SIGNED FOR SEVERAL
23 HUNDRED THOUSAND MORE. IF THIS SALE FAILED, IF THIS
24 ESCROW CLOSED BECAUSE THE BUYER WALKED AWAY, IT WOULD
25 BENEFIT THE COMMUNITY. IT WOULD BE TO THE COMMUNITY'S
26 BENEFIT. ALLOWING IT TO GO THROUGH TODAY --

27 MR. BERMAN: I CAN'T GET A WORD IN, YOUR HONOR.

28 THE COURT: GO AHEAD. YOU MAY ALL BE SEATED.

1 MR. BERMAN: THE BUYER IS HERE. THE BUYER WHO HAS
2 GOT THE MONEY IN ESCROW IS IN THE COURTROOM.

3 THE COURT: THERE'S BEEN A SALE.

4 MR. BERMAN: THERE'S BEEN A SALE. IT DOES NEED TO
5 GO THROUGH. THE ONLY THING THAT WE WOULD ASK -- AND
6 AGAIN, THERE WAS A LONG DIATRIBE OF LOTS OF THINGS
7 THERE, BUT THE BOTTOM LINE IS IF -- WITHOUT A WHOLE LOT
8 OF FOUNDATION, BUT IF THE MONEY GETS DISBURSED, THAT
9 ARGUMENT IS THE 800 POUND GORILLA IN THE ROOM. SHE WILL
10 NEVER BE MADE WHOLE AGAIN.

11 WE'D ASK THE COURT DELAY, AT LEAST UNTIL
12 THE 4TH, SO THAT THE COURT CAN MAKE ORDERS AND THEN THE
13 MONEY CAN BE DISBURSED ACCORDING TO THOSE COURT ORDERS.

14 THE COURT: IS THE BUYER WILLING TO WAIT UNTIL THE
15 4TH?

16 MR. WACHMAN: WE'D RATHER JUST FINISH IT, GIVE
17 THEM THE MONEY NOW AND THEY'LL DEAL WITH IT LATER --

18 THE COURT: I GATHER THAT'S THE BUYER SITTING
19 THERE.

20 WELL, I MEAN, THE GOVERNMENT IS GOING TO
21 GET ITS MONEY, WE KNOW THAT. IT'S \$276,802 ROUNDED OFF.

22 AND WHAT IS THE -- THE SALE IS FOR 1.5
23 MILLION; RIGHT?

24 MR. BERMAN: YES.

25 UNIDENTIFIED SPEAKER: NO. 1.575.

26 THE COURT. 1.575. OKAY.

27 MR. GREEN: YOUR HONOR, I HAVE A REAL ESTATE --

28 THE COURT: SO THERE IS, LIKE, 1.2 MILLION THAT

1 WOULD BE PLACED INTO A TRUST FUND. AND WE'D FIGURE OUT
2 AT THE HEARING ON NOVEMBER 4TH WHO GETS WHAT MONEY.

3 MR. GREEN: THAT IS CORRECT, YOUR HONOR, BUT I
4 HAVE A REAL ESTATE AGENT WHO IS READY TO TESTIFY THAT
5 THIS PROPERTY SHOULD SELL FOR SOMETHING IN THE AREA OF
6 1.7.

7 THE COURT: WHAT IF THE REAL ESTATE MARKET
8 COLLAPSES AND IN AUGUST IT'S ONLY WORTH 800,000? I
9 MEAN, THERE IS A SALE THAT'S OCCURRED.

10 MR. GREEN: ALSO, YOUR HONOR, LET'S NOT OVERLOOK
11 THE FACT THAT THEY HAVE REPEATEDLY SAID THAT SHE HAS
12 INNOCENT-SPOUSE RELIEF --

13 THE COURT: THAT'S WHAT WE'LL DEAL WITH. I MEAN,
14 MY THOUGHT IS I'LL JUST ORDER THE IRS AND THE FRANCHISE
15 TAX BOARD TO BE PAID. THERE IS \$1.2 MILLION. IF
16 MR. AVRAHAM CAN CONVINC ME THAT SHE OWES HALF OF THAT
17 MONEY BECAUSE SHE'S NOT AN INNOCENT SPOUSE, THEN SHE
18 OWES HALF A MILLION OUT OF THE 1.2 MILLION.

19 MR. GREEN: WELL, I UNDERSTAND THE COURT'S LOGIC
20 IN PROPOSING THAT ORDER. HOWEVER, THAT IS NOT WHAT THEY
21 ASKED FOR TODAY. AND --

22 THE COURT: BUT I'M TELLING YOU WHAT THEY'LL GET
23 TODAY.

24 MR. GREEN: AND I, AGAIN, REQUEST THAT UNDER THE
25 DISENTITLEMENT DOCTRINE, THEY NOT GET THAT RELIEF TODAY
26 AND THEY NOT GET THAT RELIEF UNTIL THEY PUT US THROUGH
27 THE ONEROUS HEARING THAT THEY HAVE SAID IS A CONDITION
28 PRECEDENT --

1 MR. BERMAN: HE'S JUST TRYING TO GET THE OTHER
2 BUYER TO BUY THE PROPERTY, YOUR HONOR --

3 MR. GREEN: EXCUSE ME.

4 THE COURT: WOULDN'T THAT MONEY HAVE TO BE PAID
5 IF -- IF FOR SOME REASON THE SALE DIDN'T GO THROUGH AND
6 THERE WAS A \$1.6 MILLION SALE, WOULDN'T THAT MONEY STILL
7 HAVE TO BE PAID?

8 MR. GREEN: YES, BUT THEY HAVE COME HERE AND
9 STATED AS A CONDITION PRECEDENT TO YOU MAKING THE ORDER,
10 WHICH LOGIC DICTATES IS NECESSARY, YOU MUST SOLVE ALL
11 THESE OFFSETS.

12 THE COURT: MR. GREEN, I'M TELLING YOU I'M NOT
13 GOING TO DO THAT TODAY. I'M GOING TO MAKE A VERY SIMPLE
14 ORDER SINCE IT APPEARS -- IS IT WESTERN ESCROW?

15 MR. BERMAN: WILSHIRE ESCROW.

16 THE COURT: WILSHIRE ESCROW. IF THEY WANT ME TO
17 CLARIFY WHAT THEY NEED TO DO TO CLOSE AN ESCROW, IT'S
18 ALWAYS BEEN THE COURT'S INTENTION -- I THINK I HAVE TO
19 JUST UNDER THE LAW, THE LIENS THAT ARE AGAINST THE
20 PROPERTY BY THE IRS AND THE FRANCHISE TAX BOARD HAVE TO
21 BE PAID, AND SHOULD BE PAID FROM THE PROCEEDS.

22 MR. GREEN: OF COURSE, YOUR HONOR, BUT THAT'S NOT
23 WHAT THEY ARE ASKING YOU TO DO.

24 THE COURT: I UNDERSTAND.

25 MR. BERMAN: YOUR HONOR, WE'RE JUST ASKING --

26 THE COURT: THEY TOLD ME WILSHIRE ESCROW NEEDED AN
27 ORDER, SO I'M GOING TO GET THEM AN ORDER.

28 MR. BERMAN: WE'RE ASKING THAT THE COURT DELAY

1 THAT ORDER UNTIL NOVEMBER 4TH SO THAT IT WILL BE A
2 CLEANER PROCESS, AND THE PETITIONER ISN'T GOING TO BE AT
3 RISK OF NOT HAVING ALL THE MONEY SHE'S ENTITLED TO.

4 THE COURT: BUT DIDN'T YOU COME HERE SAYING THAT
5 IF I DIDN'T DO THIS, THE BUYER MIGHT WALK AWAY? IS THAT
6 A RISK YOU WANT TO TAKE? HE SAYS HE WANTS HIS MONEY
7 NOW.

8 MR. GREEN: I WOULD ASK THE COURT TO JUST FOLLOW
9 THEIR REQUEST AND NOT MAKE THESE ORDERS UNTIL NOVEMBER
10 4TH. AND LET THE CARDS FALL WHERE THEY MAY AS TO
11 WHETHER OR NOT THIS BUYER HANGS AROUND OR IF WE GET A
12 BUYER FOR A MUCH HIGHER AMOUNT.

13 MR. BERMAN: THAT'S NOT GOING TO BE RELEVANT IF
14 THE BUYER IS STILL HERE. THEY HAVE A CONTRACT THEY'VE
15 ALL SIGNED. THEY'VE SIGNED A CONTRACT TO SELL THE
16 PROPERTY, SO THE BUYER, IF HE CHOOSES TO HANG IN THERE,
17 IS GOING TO GET HIS PROPERTY. I DON'T KNOW WHO THESE
18 OTHER PEOPLE ARE, BUT THEY ARE INTERFERING, AND I THINK
19 THEY HAVE THE POTENTIAL OF CAUSING SOME FAIRLY
20 SIGNIFICANT LEGAL ISSUES FOR BOTH PETITIONER AND
21 RESPONDENT.

22 MS. AVRAHAM: YOUR HONOR, CAN I SAY SOMETHING?

23 THE COURT: TALK TO YOUR ATTORNEY, PLEASE.

24

25

(PAUSE IN THE PROCEEDINGS.)

26

27

28

THE COURT: ALL RIGHT. WHAT THE COURT HAS IN THE
PLEADING FROM THE PETITIONER IS EXHIBIT F, WHICH IS AN

1 ESTIMATED PAYOUT IN WHICH THEY BASICALLY -- THE WILSHIRE
2 ESCROW COMPANY SAYS WHAT IT WOULD NEED IN ORDER TO CLOSE
3 ESCROW, AND THEN DISTRIBUTE THE NET PROCEEDS, WHICH IT
4 SAYS WILL BE \$1,106,635.53.

5 MR. GREEN: YOUR HONOR, NOWHERE IN THE PLEADINGS,
6 IN THE PAPERS, DO THEY REPRESENT EXACTLY WHAT WILSHIRE
7 ESCROW NEEDS TO CLOSE ESCROW AND HAVE A TITLE INSURANCE
8 ISSUED. SO BASED ON THAT, IT'S ONLY SPECULATION AND
9 THIS IS A DATED STATEMENT.

10 SO I WOULD, AGAIN, ASK THE COURT NOT TO
11 MAKE SUCH ORDERS UNTIL WE HAVE EVIDENCE IN THE FORM OF
12 DECLARATION OR TESTIMONY FROM AN ESCROW OR TITLE
13 OFFICIAL AS TO WHAT IS NEEDED TO EFFECT A CLOSURE AND
14 TITLE TRANSFER. THIS IS, AGAIN, SPECULATION AND LIKELY
15 WOULD BE AN ORDER THAT WOULD BE REJECTED.

16 THE COURT: BUT HERE'S THE THING, I'VE READ WHAT
17 MS. -- THE PETITIONER, MS. AVRAHAM, SAYS SHE BELIEVES
18 SHE'S OWED. I'VE READ WHAT MR. AVRAHAM SEEMS TO BELIEVE
19 HE'S OWED. THERE IS PORTIONS OF THE JUDGMENT THAT REFER
20 TO REIMBURSEMENT THAT MAY BE REQUESTED FOR EXPENSES
21 INVOLVING THE CHILDREN, AND OTHER EXPENSES THAT EACH
22 SIDE IS ENTITLED TO REQUEST FOR REIMBURSEMENT OUT
23 OF THIS -- YOU KNOW, IN THE TERMS OF THE JUDGMENT. AND
24 I DON'T BELIEVE THAT ANY OF THOSE REIMBURSEMENTS WOULD
25 EXCEED THE NET PROCEEDS THAT ARE HERE TO BE DISTRIBUTED
26 BETWEEN THE PARTIES. WHETHER THERE IS A BUYER FOR 1.5
27 MILLION OR A BUYER FOR 1.6 MILLION, THESE PAYOFF CHARGES
28 ARE GOING TO BE PAID. IT'S NOT GOING TO GET ANY BETTER.

1 MR. GREEN: THAT'S FULLY UNDERSTANDABLE, YOUR
2 HONOR. BUT NOWHERE IN THE PLEADING -- BECAUSE THEY'VE
3 TRIED TO USE THIS AS A GRAB FOR THE PROCEEDS, THAT'S
4 EFFECTIVELY -- THIS MOTION HAS MADE -- THE FIRST
5 PRIORITY, LET'S GRAB ALL THE PROCEEDS FOR PETITIONER.

6 MR. BERMAN: JUST TO BE MADE WHOLE.

7 MR. GREEN: RIGHT. BUT THEY DILUTE THE SALIENT
8 ISSUE OF HOW TO CLOSE THE ESCROW. THAT'S NOT PRESENTED
9 HERE. THAT'S NOT CLEARLY PRESENTED.

10 THE COURT: I'M NOT LIMITED TO ONLY ISSUING ORDERS
11 THAT REFLECT THEIR REQUEST.

12 MR. GREEN: YES, BUT WE DON'T HAVE EVIDENCE TO
13 SHOW WHAT IS NECESSARY TO CLOSE THIS ESCROW. SO RATHER
14 THAN MAKING A SPECULATIVE ORDER, IT'S THEIR DUTY, IF
15 THEY WANT THAT ORDER, BECAUSE SHE'S BEEN VESTED WITH THE
16 RESPONSIBILITY OF SELLING THE BUILDING PER HER REQUEST.
17 IT'S THEIR DUTY TO COME TO THE COURT WITH A CLEAR AND
18 CONCISE ROAD MAP TO HOW -- WHAT ORDER IS NECESSARY TO
19 CLOSE THE ESCROW, NOT TO HAVE THE COURT SPECULATE ON A
20 JULY 13 ESTIMATED CLOSING STATEMENT THAT WAS BEFORE THE
21 ESCROW WENT ABOUT VERIFYING TAX LIENS AND OTHER
22 ENCUMBRANCES ON THE PROPERTY.

23 THERE IS NO CURRENT INFORMATION HERE
24 SHOWING AT THE TIME OF FILING WHAT THE VERIFIED
25 ENCUMBRANCES ARE ON THE PROPERTY.

26 THE COURT: WELL, THIS SHOWS THE CLOSING DATE OF
27 JULY 31ST, 2015. SO WE'RE A MONTH PAST THAT. SO,
28 OBVIOUSLY, SOME OF THESE THINGS WILL SHIFT, BUT I DON'T

1 THINK THEY'LL SHIFT THAT MUCH.

2 SO WHAT THE COURT IS GOING TO ORDER IS THAT
3 THE SALE OF THE WOOSTER PROPERTY, 1442 SOUTH WOOSTER
4 STREET, LOS ANGELES, CALIFORNIA 90035, SHOULD OCCUR;
5 THAT THE ESCROW NUMBER 130729-024, THAT THE PROPERTY BE
6 SOLD FOR \$1,575,000; THAT ALL THE LIENS ON THE PROPERTY
7 AND ADJUSTMENTS AS SET FORTH IN THE ESTIMATED CLOSING
8 STATEMENT DATED JULY 3RD, 2015, BE PAID WITH THE
9 NECESSARY UPDATES TO BRING IT TO A CURRENT DATE OF THE
10 CLOSING OF THE ESCROW SOMETIME IN SEPTEMBER, I SUPPOSE,
11 AND THAT THE NET PROCEEDS FROM THAT SALE BE DEPOSITED.

12 I PRESUME YOU BOTH HAVE CLIENT TRUST
13 ACCOUNTS?

14 MR. GREEN: YOUR HONOR, THE MONEY CAN STAY IN THE
15 ESCROW FOR AT LEAST 90 DAYS AND THEN -- EVEN PETITIONER
16 DOESN'T WANT THIS ORDER TODAY. THEY DON'T WANT AN ORDER
17 TO SELL THE PROPERTY UNTIL SUBSEQUENT TO THE NOVEMBER
18 4TH HEARING. AND I WOULD ASK THE COURT NOT TO MAKE SUCH
19 AN ORDER TO COMPLETE THE SALE AT THIS TIME.

20 MR. BERMAN: ONE OF THE PROBLEMS THAT PETITIONER
21 IS GOING TO HAVE WITH THE ORDER IS THAT HER SOURCE OF
22 INCOME IS THE RENT FROM THE BUILDING, FROM WOOSTER. SO
23 SHE'S GOING TO HAVE TWO MONTHS WITHOUT ANY INCOME AND
24 IT'S GOING TO BE PROBLEMATIC FOR HER. I WANT TO BRING
25 THAT TO THE COURT'S ATTENTION. WHEREAS IF THE COURT --

26 THE COURT: WELL, HERE'S THE PROBLEM, YOU WANTED
27 ME TO MAKE ORDERS TODAY BASICALLY ALLOCATING THE NET
28 PROCEEDS. MR. AVRAHAM HAS OBJECTED BECAUSE HE SAID THAT

1 HE'S ENTITLED TO A BUNCH OF REIMBURSEMENTS, WHICH HE
2 HASN'T PROVIDED PROOF FOR, BUT CERTAINLY HE'S ENTITLED
3 TO DO SO. SO I REALLY CANNOT MAKE AN ORDER THAT'S GOING
4 TO DECIDE WHO GETS WHAT MONEY.

5 NOW, I CAN MAKE AN ORDER TODAY THAT WILL
6 END UP WITH THE NET PROCEEDS BEING DEPOSITED SOMEWHERE
7 OR HELD IN THE ESCROW FOR 90 DAYS. AND IF FOR SOME
8 REASON YOUR CLIENT FEELS SHE NEEDS SOME SORT OF
9 IMMEDIATE DISTRIBUTION SHE CAN COME BACK TO COURT, I
10 SUPPOSE ON AN EX PARTE BASIS, AND ASK ME TO -- THAT SHE
11 HAS EXPENSES THAT NEED TO BE PAID. I ASSUME THEY
12 WOULDN'T EXCEED THE 1.1 MILLION OR THEREABOUTS. IT
13 WOULD STILL BE IN ESCROW.

14 MR. BERMAN: WOULD THE COURT BE AMENABLE TO
15 ALLOWING A DISTRIBUTION OF -- THE EQUIVALENT OF THE
16 RENT, ONE IS FOR OCTOBER -- ONE FOR SEPTEMBER, ONE IS
17 FOR OCTOBER, SUBJECT TO REALLOCATIONS WITHOUT PREJUDICE
18 SO SHE ISN'T LEFT WITHOUT INCOME FOR TWO MONTHS?

19 MR. GREEN: YOUR HONOR, WE'RE ABSOLUTELY OPPOSED
20 TO THAT. RESPONDENT WOULD HAVE BEEN FINE WITH HER
21 KEEPING THE BUILDING FOR SEVERAL MORE YEARS. HE'S
22 ENTITLED, PURSUANT TO THAT JUDGMENT, FOR HALF THE RENT
23 AT THIS TIME. HALF THE RENT HAS NEVER BEEN TENDERED.
24 IT'S IN THE JUDGMENT THAT HE GETS HALF THE RENT AFTER A
25 CERTAIN DATE, AND THAT DATE HAS PASSED.

26 SO FOR HER -- IT'S DISINGENUOUS FOR HER NOW
27 TO SAY, SELL THE BUILDING, BUT OUT OF THE PROCEEDS GIVE
28 ME THE RENT AS IF I WAS COLLECTING THE RENT, WHEN WE

1 WOULD HAVE AGREED. IT'S RIFFLED THROUGHOUT HIS PAPERS
2 NOT TO SELL THIS BUILDING AT THIS TIME.

3 THAT IT WAS HIS PROPOSITION TO THE COURT
4 THAT SELLING IT AT THIS TIME WAS NOT MAXIMIZING
5 COMMUNITY VALUE. SO THEY CAN'T HAVE IT BOTH WAYS. THEY
6 CAN'T HAVE IT SOLD AND TAKE THE NET PROCEEDS TO PRETEND
7 IT WASN'T SOLD.

8 MR. BERMAN: IT'S SUBJECT TO REALLOCATION. WE'RE
9 TALKING ABOUT A SMALL AMOUNT OF MONEY.

10 MR. GREEN: SHE TOOK EVERY PENNY OF THE BARRINGTON
11 SALE THAT WAS NOT TAKEN BY LIENS AND --

12 THE COURT: IT'S NOT BEFORE ME TODAY.

13 MR. BERMAN: THERE IS SO MUCH STUFF BEING
14 MISSTATED. I DON'T WANT TO INTERRUPT MR. GREEN, BUT
15 NONE OF THIS IS TRUE.

16 MR. GREEN: AND THAT IS NOT RELIEF REQUESTED.

17 THE COURT: OKAY. HERE'S THE DEAL.

18 I'M NOT GOING TO JUST SORT OF OFF THE CUFF
19 ALLOCATE PARTS OF THE MONEY TO THE PETITIONER. THERE
20 WILL BE A POT OF MONEY THAT WILL BE THERE UNTIL NOVEMBER
21 4TH. IF SHE NEEDS, REALLY NEEDS TO COME BACK TO COURT
22 AGAIN AND ASK THAT THE COURT DISTRIBUTES SOME OF THOSE
23 PROCEEDS TO HER, SHE CAN SEEK TO DO SO. I'M NOT SAYING
24 I WILL.

25 SO THE COURT'S ORDER IS THAT THE
26 PROPERTY -- THAT THE ESCROW BE CLOSED, HOPEFULLY NO
27 LATER THAN SEPTEMBER 15TH, THAT IT WILL BE SOLD FOR THE
28 SALE PRICE IT'S LISTED, \$1,575,000, AND ALL THE LIENS

1 AND COMMISSION CHARGES AND TAXES BE PAID SUBJECT TO
2 REALLOCATIONS FROM THE NET PROCEEDS, WHICH WILL BE
3 PLACED INTO ~~IT~~ WHICH WILL BE HELD IN ESCROW UNTIL
4 NOVEMBER 4TH WHEN THE COURT WILL MAKE FURTHER ORDERS.

5 THAT'S THE COURT'S ORDER. DO YOU WISH TO
6 DRAFT THAT, MR. GREEN?

7 MR. GREEN: I THINK THE PETITIONER SHOULD.

8 MR. BERMAN: I'M SORRY?

9 THE COURT: DO YOU WISH TO DO THE ORDER OR SHALL
10 HE?

11 MR. BERMAN: I'LL DRAFT THE ORDER.

12 MR. GREEN: SUBJECT TO --

13 THE COURT: YEAH, JUST RUN IT BY MR. GREEN SO HE'S
14 HAPPY ON BEHALF OF HIS CLIENT. ALL RIGHT.

15 MR. GREEN: THANK YOU VERY MUCH, YOUR HONOR.
16 NOVEMBER 4TH, 1:30?

17 THE COURT: YES. JUST WANT TO MAKE SURE I GET
18 THAT IN THE BOOK.

19 AND PLEASE CONVEY TO YOUR CLIENT MY
20 STATEMENTS. I THINK HE NEEDS TO REALLY SERIOUSLY
21 CONSIDER HIS COURSE OF ACTION.

22 HE'S FREE TO APPEAL TODAY'S RULING. HE HAS
23 ALL THESE LEGAL OPTIONS AVAILABLE TO HIM. AND HIS
24 COURSE OF CONDUCT, TAKING ON A PUBLIC CAMPAIGN, IS
25 REALLY JUST A BIG WASTE OF TIME. I'M SURE HE HAS BETTER
26 THINGS TO DO.

27 MR. GREEN: AGAIN, I APOLOGIZE TO THE COURT. I IN
28 NO WAY CAN CONTROL SUCH CONDUCT. I CAN ONLY ADVOCATE MY

1 CLIENT'S LEGAL INTERESTS IN THIS COURTROOM IN A ZEALOUS
2 BUT PROFESSIONAL MANNER.

3 THE COURT: OKAY. THANK YOU.

4 MR. BERMAN: THANK YOU, YOUR HONOR.

5 MR. GREEN: THANK YOU, YOUR HONOR.

6

7

(THE PROCEEDINGS WERE CONCLUDED.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WE-F HON. MATTHEW ST. GEORGE, COMMISSIONER

MIRI AVRAHAM,)	
)	
PETITIONER,)	
)	
VS.)	NO. SD027039
)	
NATAN RAHAMIM AVRAHAM,)	REPORTER'S
)	CERTIFICATE
RESPONDENT.)	
-----)	

I, LISA MCLAY, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING PAGES 1 THROUGH 30, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON SEPTEMBER 3, 2015.

DATED THIS 4TH DAY OF JANUARY, 2015.



 LISA MCLAY, CSR NO. 10765
 OFFICIAL REPORTER