

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): M. C. EARLE BAR NO. 188290 MICHAEL C EARLE 474 W Orange Show Rd San Bernardino, CA 92408 TELEPHONE NO. (909) 889-5151 FAX NO. (Optional): (909) 889-3900 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFF		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE : STREET ADDRESS 700 CIVIC CENTER DR, WEST : MAILING ADDRESS 700 CIVIC CENTER DR, WEST CITY AND ZIP CODE: SANTA ANA 92701 BRANCH NAME: CENTRAL JUSTICE CENTER		
PLAINTIFF: YAJUN HUANG DEFENDANT: NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY <input checked="" type="checkbox"/> DOES 1 TO <u>10</u> Inclusive		
COMPLAINT — UNLAWFUL DETAINER* <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input checked="" type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited		CASE NUMBER:  Assigned for All Purposes Judge Kimberly A. Knill 30-2022-01259414-CL-UD-CJC

1. PLAINTIFF: YAJUN HUANG

alleges causes of action against DEFENDANT (name each): NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY,

- 2 a. Plaintiff is (1) ☒ an individual over the age of 18 years (4) ☐ a partnership.  
(2) ☐ a public agency (5) ☐ a corporation.  
(3) ☐ other (specify):

b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county): 90 SPACIAL, IRVINE, CA 92618, ORANGE COUNTY

b. The premises in 3a are (check one)

- (1) ☒ within the city limits of (name of city): IRVINE  
(2) ☐ within the unincorporated area of (name of county):

c. The premises in 3a were constructed in (approximate year): 2017

4. Plaintiffs interest in the premises is ☒ as owner ☐ other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

\* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161 a).

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PLAINTIFF (Name): YAJUN HUANG DEFENDANT(Name): NICHOLAS THOMAS DELFRANCO	CASE NUMBER: 30-2022-01259414-CL-UD-CJC
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6. a. On or about (date): 08/03/2021  
 defendant (name each): NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY,

- (1) agreed to rent the premises as a ☐ month-to-month tenancy ☒ other tenancy (specify): Lease  
 (2) agreed to pay rent of \$ 17,000.00 payable ☒ monthly ☐ other (specify frequency):  
 (3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):

b This ☒ written ☐ oral agreement was made with

- (1) ☒ plaintiff. (3) ☐ plaintiffs predecessor in interest.  
 (2) ☐ plaintiffs agent (4) ☐ other (specify):

6. c. ☒ The defendants not named in item 6a are  
 (1) ☐ subtenants.  
 (2) ☐ assignees.  
 (3) ☒ other (specify): Unknown Occupants

d. ☐ The agreement was later changed as follows (specify):

e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)

f. ☒ (For residential property) A copy of the written agreement is not attached because (specify reason):

- (1) ☒ the written agreement is not in the possession of the landlord or the landlord's employees or agents.  
 (2) ☐ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. The tenancy described in 6 (complete (a) or (b))

a. ☒ is not subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is (specify): This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code

b. ☐ is subject to the Tenant Protection Act of 2019.

8. (Complete only if item 7b is checked. Check all applicable boxes.)

a. ☐ The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).

b. ☐ The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff (check one)

- (1) ☐ waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$  
 (2) ☐ provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$  
 to (name each defendant and amount given to each):

c. ☐ Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action

9 ☒ a. Defendant (name each): NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY,

was served the following notice on the same date and in the same manner:

- (1) ☒ 3-day notice to pay rent or quit (5) ☐ 3-day notice to perform covenants or quit  
 (not applicable if item 7b checked)  
 (2) ☐ 30-day notice to quit (6) ☐ 3-day notice to quit  
 Prior required notice to perform covenants served (date):  
 (3) ☐ 60-day notice to quit  
 (4) ☐ 3-day notice to quit (7) ☐ Other (specify):

PLAINTIFF (Name): YAJUN HUANG	CASE NUMBER:
DEFENDANT (Name): NICHOLAS THOMAS DELFRANCO	

9. b. (1) On (date): 05/10/2022 the period stated in the notice expired at the end of the day.  
 (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☒ The notice included an election of forfeiture.
- e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a-e and 8 for each defendant.)
10. a. ☒ The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) ☐ by personally handing a copy to defendant on (date):
- (2) ☐ by leaving a copy with (name or description):  
 a person of suitable age and discretion, on (date): at defendant's  
☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence on (date): because defendant cannot be found at defendant's residence or usual place of business.
- (3) ☒ by posting a copy on the premises on (date): 05/05/2022 ☐ AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises on (date): 05/05/2022
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☒ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.
- b. ☐ (Name):  
 was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d. ☒ Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
12. ☒ At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ 34,000.00
13. ☒ The fair rental value of the premises is \$ 566.66 per day.
14. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
15. ☐ A written agreement between the parties provides for attorney fees.
16. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

17. ☐ Other allegations are stated in Attachment 15.

18. Plaintiff accepts the jurisdictional limit, if any, of the court.

PLAINTIFF (Name): YAJUN HUANG DEFENDANT (Name): NICHOLAS THOMAS DELFRANCO	CASE NUMBER:
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**19. PLAINTIFF REQUESTS**

- |   |  |
|---|--|
| <p>a. possession of the premises.</p> <p>b. costs incurred in this proceeding:</p> <p>c. <input checked="" type="checkbox"/> past-due rent of \$ 34,000.00</p> <p>d. <input type="checkbox"/> reasonable attorney fees.</p> <p>e. <input checked="" type="checkbox"/> forfeiture of the agreement</p> | <p>f. <input type="checkbox"/> damages in the amount of waived rent or relocation assistance as stated in item 8: \$</p> <p>g. <input checked="" type="checkbox"/> damages at the rate stated in item 13 from date:) 06/01/2022<br/>for each day that defendants remain in possession through entry of judgment.</p> <p>h. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12.</p> <p>i. <input checked="" type="checkbox"/> other (specify): PLAINTIFF WAIVES ALL MONETARY AMOUNTS IN EXCESS OF \$24,99.99</p> |
|---|--|

20. ☒ Number of pages attached (specify): 2

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**


21. (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, state:)

- |   |   |
|---|---|
| <p>a. Assistant's Name:</p> <p>b. Street address, city, and zip code:</p> | <p>c. Telephone No.:</p> <p>d. County of registration:</p> <p>e. Registration No.:</p> <p>f. Expires on (date):</p> |
|---|---|

Date: 5/12/2022

M. C. EARLE

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PLAINTIFF)



Plaintiff: YAJUN HUANG

Defendant: DELFRANCO

CASE NUMBER:

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.

12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

**NOTICE: If you fail to file this claim, you may be evicted without further hearing.**

13 **Rental agreement.** I have (*check all that apply to you*):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☐ *other (explain):*

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

**WARNING: Perjury is a felony punishable by imprisonment in the state prison.**

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF CLAIMANT)

**NOTICE:** If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

### — NOTICE TO OCCUPANTS —

**YOU MUST ACT AT ONCE** if all the following are true:

- 1. You are **NOT** named in the accompanying Summons and Complaint.
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
- 3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*



## VERIFICATION

STATE OF CALIFORNIA, COUNTY OF ORANGE

I have read the foregoing SUMMONS AND COMPLAINT

and know its contents.

### ☐ CHECK APPLICABLE PARAGRAPHS

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an Officer ☐ a partner

☐ a \_\_\_\_\_ of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the matters stated in the foregoing documents are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are state on information and belief, and as to those matters I believe them to be true.

☒ I am one of the attorneys for PLAINTIFF

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on: 05/12/2022, at San Bernardino, California.

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

M. C. EARLE

TYPE OR PRINT NAME

SIGNATURE

PROOF OF SERVICE  
1013A (3) CCP Revised 2004

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of

, State of California

I am over the age of 18 and not a party to the within action; y business address is:

On

, I served the foregoing document described as

on

in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

### ☐ BY MAIL

\*I deposited such envelope in the mail at

, California

The envelope was mailed with postage thereon fully prepaid

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at

California in the ordinary course of business. I am aware that on motion of the

Party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit of mailing affidavit.

Executed on

, at

, California

☐ \*\* (BY PERSONAL SERVICE) I delivered such envelop by hand to the offices of the addressee.

Executed on

, at

, California

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

TYPE OR PRINT NAME

SIGNATURE

\*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING  
ENVELOPE IN MAIL SLOT, BOX OR BAG)  
\*\*(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF  
MESSENGER)

# THREE-DAY NOTICE TO PAY RENT OR QUIT

For Rent Due on or after April 1, 2022

YAJUN HUANG
Plaintiff(s)
Vs
NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY
Defendant(s)/Tenant(s)
Does 1 to 10

TO: NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY

AND ALL OTHER OCCUPANTS IN POSSESSION OF THE PROPERTY LOCATED AT;  
90 SPACIAL, IRVINE, CA 92618

You currently owe the total sum of **\$34,000.00**, **Due on the 1st of each month** and calculated as follows:

\$	17,000.00	Which came due	1st	For the rental period From	04/01/2022	Thru	04/30/2022
\$	17,000.00	Which came due	1st	For the rental period From	05/01/2022	Thru	05/31/2022
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	
\$	0	Which came due		For the rental period From		Thru	

**WITHIN THREE (3) DAYS**, not including Saturdays, Sundays, or other judicial holidays, after the service on you of this Notice, you are required to:

1. Pay the total sum of (\$ **\$34,000.00** ). which is the rent due for the months indicated above.

OR

## 2. QUIT AND DELIVER THE POSSESSION OF THE PREMISES.

If you fail to perform or otherwise comply, Landlord declares the forfeiture of your Rental/Lease Agreement and will institute legal proceedings to obtain possession. Such proceedings could result in a judgment against you, which **may include attorneys' fees** and court costs as allowed by law, and an additional punitive award of six hundred dollars (\$600) in accordance with California law. If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency. This Three-day Notice to Pay Rent or Quit supersedes all previous Three-day Notices to Pay Rent or Quit, if any.

This notice does not demand payments that come due prior to April 1, 2022, however, any amounts you may owe from prior to April 1, 2022, are not waived and landlord reserves the right to pursue those amounts in a separate action.

PERSON AUTHORIZED TO GIVE NOTICE

Dated: 5/5/2022

Person to Pay: YAJUN HUANG

Pay Here: 114 PUMPKIN, IRVINE, CA 92620

Payment Days and Hours: MONDAY – SUNDAY/9:00 AM – 5:00 PM

Phone No: 626 592 8028



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F.E.S.  
474 W Orange Show Rd  
San Bernardino, CA 92408

NICHOLAS THOMAS DELFRANCO AND TIFFANI ROSE RAY  
90 SPACIAL  
IRVINE , CA 92618

**PROOF (DECLARATION) OF SERVICE OF NOTICE TO TENANT**

On May 5, 2022, I served the following NOTICE(s):  
 (Insert Date of Service of Notice)

- ☒ 3 Day Notice To Pay Rent or Quit  
☐ 3 Day Notice To Perform Covenant or Quit  
☐ 30 Day Notice of Termination of Tenancy  
☐ 60 Day Notice of Termination of Tenancy  
☐ Other Notice: \_\_\_\_\_

The NOTICE(s) set forth above were served on the following Tenant(s) and all other occupants:

NICHOLAS THOMAS DELFRANCO , TIFFANI ROSE RAY  
 (Insert Tenant(s) Name)

The NOTICE(s) set forth above were served by:

- ☐ **PERSONAL DELIVERY:** On the date set forth above, I **HANDED** a copy of the notice to the Tenant(s) named herein at approximately:  
☐ **SUBSTITUTE SERVICE:** On the date set forth above, at approximately:  
 I served the NOTICE to the Tenant(s) named herein by **LEAVING** copies of the NOTICE with:

*(Insert Name of the Person Other Than a Tenant Who Is At Least 18 years old or Give Description (Age, Sex, Height, Weight etc. if person refuses to give name)*  
 who is a person of suitable age and discretion at the residence or usual place of business of the Tenant(s), because the Tenant(s) was/were absent. I also **MAILED** by First Class mail on the same date a copy of the NOTICE to the Tenant(s) named herein by depositing copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above named Tenant(s) at the Premises.

- ☒ **POSTING & MAILING:** On the date set forth above, I served the NOTICE to the Tenant(s) named herein by **POSTING** a copy of the NOTICE in a conspicuous place on the Premises because there was no person of suitable age or discretion found at the Premises at the time I was there, or no one answered the door. On the same day as I posted the NOTICE, I also **MAILED** copies of the NOTICE to the Tenant(s) named herein by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) named herein at the Premises address:  
90 SPACIAL, IRVINE, CA 92618

Person who served papers

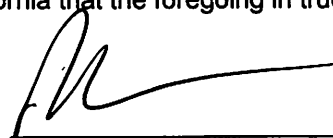
- a. Name: **ENRIQUE MEDINA**  
 b. Address: **985 KENDALL DR SUITE A BOX 337, SAN BERNARDINO, CA 92407**  
 c. Telephone Number: **909-889-4200**  
 d. The Fee for Service was: **100.00**  
 e. I am a registered California process server:  
     (i) ☐ owner ☐ employee ☒ independent contractor  
     (ii) Registration No.: **1447**  
     (iii) County: **SAN BERNARDINO**

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

Date: **05/12/2022**

**ENRIQUE MEDINA**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHALL)



(SIGNATURE)