

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/11/18 TIME: 9:00 A.M. DEPT: L CASE NO: FL025970

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KERRY FAITH D'OYEN
JOHNSON

and

RESPONDENT: MICHAEL D. JOHNSON

NATURE OF PROCEEDINGS: 1) ATTORNEY FEES AND COSTS – ORDERS TO
IMPLEMENT 09 STIP AND ORDER [RESP] MICHAEL D. JOHNSON
2) ATTORNEY FEES AND COSTS [PETR] KERRY FAITH D'OYEN JOHNSON

RULING

Two matters are on calendar.

Respondent Michael Johnson ("Father") filed a *post judgment* Request for Order ("RFO") on June 26, 2018, seeking court ordered eviction and forced sale of 3 Creekside Court in Corte Madera, California. He argues the home, then occupied by his son and Petitioner Kerry Faith D'Oyen ("Mother"), should have been put on the market for sale pursuant to the Marital Settlement Agreement entered in 2009. Mother filed her response on August 8, 2018, stating in her declaration that she agreed to cooperate with Father's property agent, and requesting to remain in the property until their 18 year old son Sebastian transitions from his home to college. Mother asks that her son's life not be uninterrupted by having to move out of his family home before leaving to college.

The matter is now mostly moot, as the parent's son has left to begin his freshman year in college. Father has failed to show any exigent circumstances to justify a move-out order, and it appears Mother is cooperating with the realtor. Moreover, without providing citations to the Marital Settlement Agreement, Father argues that title reverts back to his name if the home is not sold by September 1, 2018. Father's request for Mother to vacate the property to prepare it for sale is granted. Mother has 45 days to vacate after entry of order. Father's request for holdover rent from June 1 to present is denied.

Father's request for fees is denied.

The second RFO on calendar was filed by Mother on September 7, 2018, seeking to set aside child support orders on equitable grounds entered on May 21, 2004, and April 1, 2009. Appearances are required. Counsel is to address why the issue should not be time barred under the equitable theory of laches due to Mother's unreasonable delay in making this claim just before the property is to be sold.

Mother's request for attorney's fees in the amount of \$12,000 is granted.

Parties must comply with Marin County Superior Court Local Rules, Rule 6.12(B), (C) to contest the tentative decision. In the event no party requests oral argument in accordance with Rule 6.12(C), the tentative ruling shall become the order of the court.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/11/18 TIME: 9:00 A.M. DEPT: L CASE NO: FL1603674

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: OLGA DUARTE

and

RESPONDENT: ABDIEL MOTA RAMIREZ

NATURE OF PROCEEDINGS: MODIFICATION – VISITATION [RESP] ABDIEL MOTA RAMIREZ

RULING

Respondent Abdiel Mota Ramirez (“Father”) filed a Request for Order (“RFO”) on August 2, 2018, seeking post-judgment changes to custody and visitation orders. Mother was personally served the RFO, however she did not file an opposition. The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Father. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 6.17.A.)) The parents met with FCS on or about October 2, 2018.

Orders were entered on January 9, 2018, and April 2, 2018 requiring professionally supervised visitation with Father’s biological daughter, Genesis (6). Mother has two teenage daughters who are not the biological children of Father. Father argues that his has parental rights over Genesis and Mother’s 8 year old daughter, based on a grant of parentage from this court. Father also argues that he is subject to pay child support for both Genesis and Ruth, a daughter subject to the parentage action. The Order entered April 2, 2018 indicates that Father is also the parent of Ruth (10).

The court has reviewed the file, prior orders, and prior reports issued by FCS on November 2, 2016, and December 6, 2017, and the report issued on October 2, 2018 and, good cause appearing, hereby adopts the recommendations as follows:

1. Father shall have professionally supervised visits with Ruth and Genesis at Rally Visitation Services once a month. The children shall be encouraged to attend these visits, but not forced. This shall be a permanent through October 11, 2021.

 2. Mother shall arrive with the girls to the supervised visits on time.
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Parties must comply with Marin County Superior Court Local Rules, Rule 6.12(B), (C) to contest the tentative decision. In the event no party requests oral argument in accordance with Rule 6.12(C), the tentative ruling shall become the order of the court.