



CITY OF RIALTO
LIABILITY
CLAIM FOR DAMAGES
TO PERSON OR PROPERTY

CITY CLERK'S DATE STAMP
CITY OF RIALTO
2024 NOV -4 AM 11:40
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- 1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Gov. Code §911.2).
2. Claims for damages to real property must be filed not later than one (1) year after the occurrence (Gov. Code §911.2).
3. READ ENTIRE CLAIM FOR BEFORE FILING
4. ATTACH SEPARATE SHEETS, IF NECESSARY, TO GIVE FULL DETAILS

PR-LITIGATION
NOTICE & DEMAND
FOR RESTITUTION ON
A ALREADY APPROVED
CLAIM Tab "C1"

RETURN TO:
Rialto City Clerk's Office
Mail: 150 S. Palm Ave., Rialto, CA 92376
Address: 290 W. Rialto Ave., Rialto, CA 92376

CLAIMANT INFORMATION:
Stephanie Cane & Victoria Quesenberry: Re Claim previously served Tab ("C. 1")
FULL NAME
DATE OF BIRTH
HOME ADDRESS INCLUDING CITY, STATE & ZIP
HOME TELEPHONE NO.
PLEASE MAIL ALL CORRESPONDENCE to PO. 1562 Rialto, CA 92376
BUSINESS ADDRESS INCLUDING CITY, STATE & ZIP
BUSINESS TELEPHONE NO.
ADDRESS AT WHICH CLAIMANT DESIRES TO RECEIVE
NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM
(if different from home address provided above):
Atten: Stephanie Cane & Victoria Quesenberry PO. 1562 Rialto, CA 92376
PO. BOX 1562 RIALTO, CA 92377

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: SEPTEMBER 5, 2023 TIME: 4:10:08 - [X] AM [] PM

2. PLACE OF ACCIDENT (OCCURRENCE) BE SPECIFIC - Describe fully and (if applicable) locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses, measurements and landmarks.

Purportedly known as Cactus and Bloomington.

PLEASE SEND ANY & ALL CORRESPONDENCES TO PO. BOX 1564 RIALTO, CA 92377

3. HOW DID DAMAGE OR INJURY OCCUR?

The verified good faith claims were presented February 23, 2024 & unnecessarily were caused to amend the claim March 14, 2024, caused by the city's "NON-LICENSED" third party claims adjuster & claim was approved on April 9, 2024, and we relied on the city's approval for Restitution, due to conversion & city authorized agents propriety non-governmental functions unjust enrichment receipt of a benefit and unjust retention of the benefit, at the expense of the claimants. And any consideration received returned. The claim purports to be denied, and IMPROPER SERVICE by "EMAIL" from the City Assistant City Attorney which makes any Affirmative defense "VOID". The negligent conduct by the city Assistant city Attorney constitutes Stephanie and Victoria under the Gov. Claims Act have 2 years to file a claim for the action.

conversion & city authorized agents propriety non-governmental functions CLAIM ["C1"]
4. WERE POLICE AT THE SCENE? [] YES [X] NO WERE PARAMEDICS AT THE SCENE? [] YES [X] NO

5. WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CAUSED THE INJURY OR DAMAGES? Give the name of the city/town employee causing the injury or damage, if known.

Stephanie and Victoria exercised due diligence and discovered the Assistant city Attorney Robert Messinger allegedly played a part and caused negligent conduct and other authorized agents. The parcels were Allegedly illegally constructed and not reported or recorded. The city is required by law to report to LAFCA and make

[The city, and agent] knew or had reason to know that [Vince Marfe] (claimed the unit was a townhouse the city is allegedly found to have received payments paid as mortgage payments specifically knew the property was not real property unjust enrichment, e.g., embezzled money from [name of plaintiff])

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage \$

HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list doctor bills, repair estimates, etc. Please attach 2 estimates.

DAMAGES INCURRED TO DATE:

Item/Date: Amount: \$
Item/Date: Amount: \$

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ Approx-\$490,474.85

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: Request for Prejudgment Interest.

CITY OF RIALTO

Amount: \$ Restitution

Item/Date: Claim for the city not renege on their already Approved CLAIM

2024 NOV 06 AM 11:41

Amount: \$

TOTAL ESTIMATED AMOUNT PROSPECTIVE DAMAGES:

\$

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7. WITNESSES TO DAMAGE OR INJURY List all persons known to have information (attach additional pages, if necessary)

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

8. IF INJURED, PROVIDE NAME, CONTACT INFORMATION AND DATE/TIME DOCTOR(S) OR HOSPITAL(S) VISITED:

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

DATE: _____ TIME: _____ AM PM

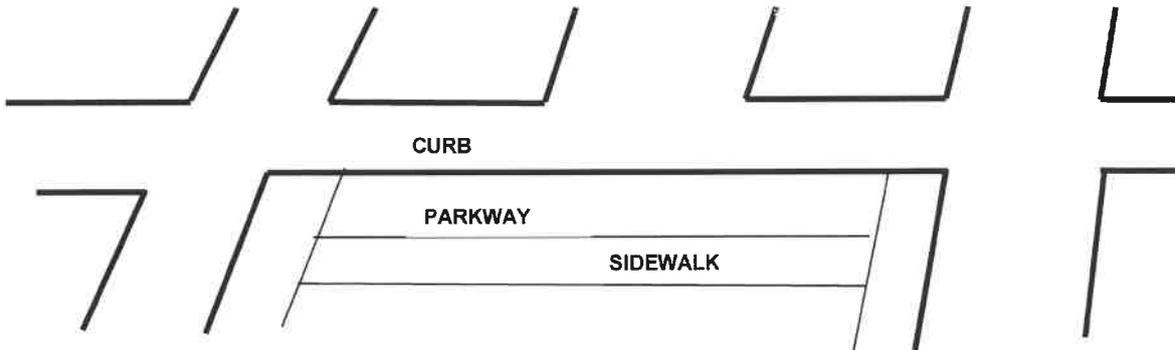
DATE: _____ TIME: _____ AM PM

9. PLEASE READ THE FOLLOWING CAREFULLY:

For all vehicle accident claims, place on the following diagram, the names of streets, including NORTH, EAST, SOUTH AND WEST directions. Indicate place of accident by "X" and by showing house numbers or distances to street corners.

If a city/town vehicle was involved, designate by letter "A" location of the City/Town vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City/Town vehicle; location of City/Town vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

⇒ NOTE: IF THE DIAGRAM BELOW DOES NOT FIT THE SITUATION, PLEASE ATTACH A PROPER DIAGRAM SIGNED BY THE CLAIMANT.



I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF; AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF; AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Stephanie Cane & Victoria Quesenberry
SIGNATURE OF CLAIMANT OR AGENT

Stephanie Cane & Victoria Quesenberry
TYPE OR PRINT NAME

November 04, 2024
DATE

///
RELATIONSHIP TO CLAIMANT

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (CA PENAL CODE 72)
RETURN CLAIM TO: RIALTO CITY CLERK'S OFFICE – 150 S. PALM AVE., RIALTO, CA 92376

CITY OF RIALTO
2024 NOV -4 AM 11: P.O. Box 1562 Rialto CA 92377

Stephanie Cane and
Victoria Quesenberry

November 3, 2024 RECEIVED
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Via Email & Personal Delivery

The Pre-suit claims previously presented to the proper Dept of the public entity.
Robert Messinger In C/O
the **Clerk of the city of Rialto**
290 W. Rialto, CA 92376
cityclerk@rialtoca.gov

Via Email & Certified Mail

Colony Club Patio HOA
In C/O Nicole Lilomaiava
Fiore Racobs & Powers
Inland Empire Office
6820 Indiana Avenue, Suite 140
Riverside, CA 92506
nlilomaiava@fiorelaw.com

Mary Gozdecki,
1173 S. Cactus Avenue
Apartment/PUD No. 2
Rialto, CA 92376

Via Email Certified Mail

**Newrez LLC dba Shellpoint
Mortgage Servicing**
CSC- Lawyers Incorporating Service
2710 Gateway Oaks Drive
Sacramento, CA 95833
smsp@newrez.com

Vince Marfe
1173 S. Cactus Avenue
APARTMENT/PUD No. 34
Rialto, CA 92376
vmmarfe@att.net

Marylou Avila
1173 S. Cactus Avenue
Apartment/PUD No. 35
Rialto, CA 92376

STEPHANIE CANE AND VICTORIA QUESENBERRY

**PRESENT THIS VERIFIED PRE-LITIGATION NOTICE AND
A DEMAND FOR RESTITUTION**

Please mail all correspondence to Stephanie Cane and Victoria Quesenberry

Mailing address: PO. Box 1562 Rialto, CA 92377

**THIS IS A CONSTRUCTIVE NOTICE DIRECTED TO THE CITY OF RIALTO AND
AGENTS CODY CLARK, VINCE MARFE, MARY GOZDECKI, MARYLOU AVILA AND AS
INDIVIDUALS VINCE MARFE, MARY GOZDECKI, MARYLOU AVILA THE
UNINCORPORATED, UNRECORDED, UNSUPPORTED UNCERTIFIED DECLARATION
AND RESTRICTION OF COVENANTS COLONY CLUB PATIO HOMEOWNERS'
ASSOCIATION**

**WE WILL BE SEEKING AN ORDER FROM THE COURT
COMPELING THE COLONY CLUB PATIO HOMEOWNERS'
ASSOCIATION TO PAY FOR A DEEP DIVE AUDIT FROM 2003
TO PRESENT, SPECIFICALLY INTO ANY AND ALL BOOKS AND
PAYMENTS OF VINCE MARFE; MARY GOZDECKI AND**

2024 NOV -4 AM 11:41

MARYLOU AVILA AND THE CITY ASSISTANT CITY ATTORNEY ROBERT MESSINGER. YOU ARE HEREBY NOTICED ONTO THE PRE-LITIGATION NOTICE AND ARE BEING INJECTED INTO THE CLAIM.

THE CITY OF RIALTO, without notice to Stephanie Cane and Victoria Quisenberry discovered the city is a **Special District** in a FLOOD ZONE. We never received a copy of the CC&Rs or By-Laws and never received any Exhibit A as promised.

INTRODUCTION

I Stephanie Cane would like to take this time and ask each defendant herein; would you like to be exposed to ILLEGAL MATERIAL THAT COULD POSSIBLY MAKE YOU SICK AND HAVE CANCER BY PLACING YOU IN HARMS WAY WITHOUT YOU EVEN KNOWING THAT THE PARCEL THAT YOU TOOK YOUR TIME AND HARD-WORKING MONEY AND PLACED IN A UNIT. AND OF WHAT YOU WERE SOLD AND TOLD BY THAT PERSON THAT IT WAS A REAL TOWNHOUSE OF REAL PROPERTY BY SOMEONE THAT YOU TRUSTED AND CONSIDERED AS A FATHER FIGURE. BUT THEN YOU PLACED OVER \$100,000.00 into a unit that you have resided in for over 21 years. But come to discover that the person you detrimentally relied on and truly trusted had went behind your back, and defamed you, and your good character, and placed you in harm's way. But then constructed in a systematic plan scheme with others to evict you and your loved one and found out that person discriminated against you and your loved one and perpetrated as if he was the owner of the unit that you truly thought you purchased from that same individual. And took your personal information and caused you to be a victim of identity theft and assisted in the scheme to file forged documents in your name and stole your personal identity to be enriched off your back and purchased a Cadillac while being retired from your hard work. And took advantage of you and took all your money to leave you with nothing but your clothes on your back. But we are not finished yet, but then that person went behind your back and conjured -up forged documents and placed it on your unit to make it look as if you signed 22 forged deeds of trust to make you have bad credit, when in fact before on May 14, 2003, our credit was in the high 750 range.

Therefore, making life more difficult where you cannot even afford to obtain even another place to stay when you have worked hard all your life to afford a home and just to call somewhere that you assumed was yours free and clear of which you paid five times over from what the purchase price was because you worked so hard that's all you did was work

GOVERNMENT CLAIMS ACT

**Verified Pre-litigation Notice made in Good Faith
and with CLEAN HANDS.**

and paid bills and haven't went on vacation since 2016, just a place that you worked so hard to call your own but discovered there are others that assisted behind your back and colluded in a plan scheme to try and take you down.

Now just think if this reprehensible conduct happened to your mom or your daughter or son or someone you loved let alone yourself.

We don't use illegal and unethical and reckless tactics. We care about others. We don't intimidate or hack into other individual's private network and devices and track other individual's vehicles by cyber-hacking into their car's blue tooth stereo or Wi-Fi stereo, or divert other individual's mail, or write letters to others impersonating as a Bank or County or Government entity to act as if letters were mailed from that public entity. Nor would we ever take over other individual's accounts or take what's not ours and make obsessive robocalls and hack into their televisions, cameras, printers, or Alexa devices or place ourselves into other's private affairs. We wouldn't stalk or harass, or listen to an individual's private phone calls, or view others text message to intimidate and aggravate to try and make them stop investigating to file a complaint. This is just what we have endured which have left us with damages and victims of identity theft and for these reasons the following is under way. Victoria Quesenberry and Stephanie Cane are advising all the defendants that this case is under investigation.

Here I ask each of you to place yourself in our shoes, there's not anyone in the unreported contaminated parcels that haven't been deceived with intent to defraud. Finally, we are not requesting what is not ours, we are demanding Restitution.

We should NOT have to fight our way through a lawsuit. We are entitled to and deserve restitution IMMEDIATELY.

1708. Every person is bound, without contract, to abstain from injuring the person or property of another or infringing upon any of his or her rights.

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CITY OF RIALTO

2024 NOV -4 AM 11:41

PLEASE TAKE NOTICE: We have exercised due diligence and took immediate action and discovered THE UNRECORDED AND UNREPORTED AND CONTAMINATED "41" PARCELS WITH A CESSPOOL IS DISCOVERED. WE ARE VICTIMS THAT WERE LEFT TO BE HOSTAGES IN THE PARCELS WITH OTHER INNOCENT VICTIMS.

THE CITY DECLARED THE AREA TO BE "VACANT LAND" IN THE GENERAL PLAN 2000. AND DID NOT REPORT THE 41 PARCELS BUT PLACED "14" PARCELS AS IF THE PARCELS WERE CONSTRUCTED ON THE CHURCH OF THE LIGHT HOUSE. NEXT DOOR TO THE "41" UNREPORTED PARCELS IN ORDER TO CLAIM EXEMPT ON THE VACANT LAND.

AND BY PLACING LOW INCOME INDIVIDUALS IN THE UNREPORTED PARCELS FROM RIALTO CARES ACT. AND FROM THE INDIVIDUALS THAT DOESN'T RECEIVE UNDER THE CARES ACT THAT GETS UP EARLY AND HIT THE GROUND RUNNING TO WORK THAT IS THE LADIES THAT IS PRESENTING THE VERIFIED PRELITIGATION NOTICE AND DEMAND WHICH IS MADE IN GOOD FAITH WITH CLEAN HANDS.

STEPHANIE AND VICTORIA DISCOVERED THE CITY IS IN VIOLATION OF CAL.CIV SECTION 1102.6 (B)

THIS CLAIM IS IN ALL THE PARTIES BEST INTEREST TO MAKE RESTITUTION FOR-THE-SAKE OF HEALTH AND SAFETY & HAPPINESS FOR THE GOOD FAITH VERIFIED PRESUIT CLAIMS, AND THE PRELITIGATION NOTICE AND DEMAND.

Arbitrary and Capricious

Robert Messinger and the city is determined by Review of agency determination are limited to whether the agency's action was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, or if it was taken without observance of procedure required by law.

GOVERNMENT CLAIMS ACT
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CITY OF RIALTO
2024 NOV 14 AM 11:41

Stephanie and Victoria are in possession of Substantial Evidence means more than a mere scintilla; it means such relevant evidence as a reasonable mind might accept as MORE than adequate to support a conclusion of law.

YOU ARE ALL HEREBY PLACED ON NOTICE OF STEPHANIE CANE AND VICTORIA QUESENBERRY'S PRE-SUIT LITIGATION NOTICE. WE WILL COMMENCE A LAWSUIT AGAINST THE CITY OF RIALTO; and agents, the Assistant City Attorney Robert Messinger we discovered is part of the planned scheme. And discovered he committed malpractice which was arbitrary. Per the Government Claims Act. The City of Rialto NEVER reported OR RECORDED the CONTAMINATED ILLEGAL Constructed of 41 PARCELS TO LAFCO. Cody Clark, Colony Club Patio Homeowners' Association; Vince Marfe, Mary Gozdecki, Marylou Avila, SLS aka Newrez LLC dba Shellpoint Mortgage Servicing and DOES 1-50.

All Defendants are hereby put on NOTICE, and all parties are presented with a valid and verified pre-litigation Notice. There is NO immunity for propriety in a NON-GOVERNMENTAL capacity function. The "PURPORTED Colony Club Patio HOA" was a plan for the City to make up falsified deeds of trust and assignment of deeds it was stated in the City Council meeting on November 5, 1997. The staff was given the authority to sign all documents "AS IS NECESSARY" so that both escrows go through. It also stated that it is the agency's intention to "REMAIN OFF TITLE."

revised if HUD changes its position as to whether the Agency has to be on the Title. He said it is staff's intention to go ahead and make those changes and that this approval would include such a changed document, if appropriate. Agency Attorney Owen said the Agency would prefer to remain off Title.
Chairman Longville said recognizing the unusual nature of the procedures involved in this, this is not something routinely done. He said the Agency has the intent, by adopting this resolution, to authorize staff to sign paperwork as is necessary, even if it turns out that there is some additional piece of paperwork unexpectedly requested at the last minute.

WE WERE NEVER PROPERLY SERVED WITH A PROPER PRE-LIEN LETTER. Furthermore, there is "NO RECORDED CONDOMINIUM PLAN or a CERTIFICATION OF COMPLIANCE OR A CERTIFICATE OF OCCUPANCY".

We will be seeking an ORDER from the Court Compelling these items stated above once litigation is commenced.

GOVERNMENT CLAIMS ACT
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CITY OF RIALTO

2024 NOV - 4 AM 11:41

Evidence of Proof the city of Rialto of its authorized agents manipulated documents recorded on the (“NMLS”) regarding Morgan Development; Cities and municipalities lack sovereign immunity, *Jinks v. Richland County* (2003), and counties are not considered to have sovereign immunity, even when they “exercise a ‘slice of state power’”. See *Lake Country Estates, Inc. Tahoe Regional Planning Agency*.

Evidence of Proof [“the tort of conversion is an ‘act of dominion wrongfully exerted over another’s personal property in denial of or inconsistent with his right therein.”].) A city is, after all, **NOT** immune from conversion claims. (See *Tallmadge v. County of Los Angeles* (1987) 191 Ca.App.3d251, 254 [236 Cal.Rptr.338]

Moreover, per California State Equalization Code § 505.0005 Condominiums 2. A leasehold or sublease hold condominium does not qualify as an exemption. (Stephanie Cane and Victoria Quesenberry did not sign a leasehold or sublease of ANY kind and the exemption form that was placed at the Assessor’s office was forged, **AKA SIGNED AS NECESSARY.**)

Stephanie Cane and Victoria Quesenberry presented herein a proper Pre-Litigation Notice and Demand, and previously presented the verified Pre-Suit Claims VIA Certified Mail delivered to the city Clerk that was presented in compliance with the Government Claims Act and Statues.

Stephanie Cane and Victoria Quesenberry complied with the statue of compliance with the claim presentation requirements. The claim was substantially complied with under the Government Code that placed the public entity and agents on notice, and Robert Messinger had Specific knowledge of the verified claims herein, which is not an element of a cause of action. We exercised due diligence and exhausted our Administrative Remedies and lastly, we will be presenting a Writ to the city if the claim is not resolved, and Restitution is not made within a fair and reasonable specified time.

NOTICE YOU ALL HEREBY GIVEN SEVEN DAYS TO RESPOND TO THE PRE-LITIGATION NOTICE ON OR BEFORE NOVEMBER 7, 2024.

The California Public Records Act (CPRA) was enacted in 1968 to promote public access to public records, while also recognizing competing interests. In enacting the CPRA,” found and declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary “RIGHT” of every person in this state.

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
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CITY OF RIALTO
2024 NOV -4 AM 11:41

The City of Rialto and the authorized agents had a Duty to provide our previously proper public request for the VIDEO to the public Meeting which had (“NO SOUND”) to the video for the public that we attended and spoke at in the Planning Commissioners Public Meeting on **June 5, 2024**, and our [Public Request] For Certification of Compliance **Section 66499.35**. There is a purported Lot Line Adjustment dated after our claim was filed dated March 2024, we are entitled to have our request met. Any person may request from a local agency a **Certification of Compliance under Section 66499.35**. Stephanie Cane and Victoria Quesenberry previously requested a Certification of Compliance under Section 66499.35 from the city of Rialto authorized agents and the city Clerk of Rialto, the agency must have previously determined that the subdivision development [was in compliance or was NOT in compliance] at the time of the construction took place.

A Certificate of Compliance application applies only to a single parcel and is required when an existing land violation prevents the division or development of property or, when such a certificate is desired as provided for in the Business and Profession Code, Section 11538.3. **GENERAL MATERIAL FACTS OF DISPUTED FACTS: Once a subdivision records, each lot requires an address prior to construction. This record allows a subdivider to request an address assignment for each lot within the subdivision. A Re roof Permit is required prior to the construction of re-roofing activity. Business and Profession Code, Section 11538.3. The application review and inspection process involve verifying compliance with the California Building Codes, San Bernardino County Development Code, and/or any required laws and regulations. The city violated those conditions. The city is in violation of Environmental Protection and violation of the General Plan. The ASBESTOS fibers have posed a danger to Stephanie and Victoria and the public are exposed to the mechanism of the airborne fibers that contains asbestos. And are having breathing issues such as coughing and chest pain and dizziness and have had exposure over twenty years. Asbestos is found in government housing. The building was illegally built and built with building material that contained asbestos. See the following materials that were constructed and that contain the following: (a.) Cement asbestos board siding/under-sheeting. (b.)**

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
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ASBESTOS-CONTAINING VERMICULITE INSULATION (c.) Vinyl Floor Tiles. (d.) Composed of fibers are damaged fibers become air-born (e.) Asbestos insulation around felt for shingles which is on each roof in the subdivision including the shed the little shack It is unlawful to offer for sale, lease, financing or other conveyance, any portions of real property, or obtain building permits, until the Certificate of Compliance has been given final approval by the County and all conditions of the approval satisfied.

There are many violations of Real estate acquisition, land use, zoning, and permitting issues.

Stephanie Cane and Victoria Quesenberry's amended pre-suit claim had restarted the (45) day consideration period. *Postada v. City of Oakland*, 30 Cal.App.3d 1022 (1973). The city of Rialto did not respond within the 45 days of the amended claim. We received two improper Notice of Insufficiency that is confusing and were emailed on and the other was mailed we never stated that we wanted to be emailed to anyone which is NOT proper service. The City of Rialto has waived ANY defenses. THERE WAS NO INVESTIGATION"

Stephanie Cane and Victoria Quesenberry were NOT Notified within (20 days) after presentation under section 910.8. Any defense as to the sufficiency of the claim based upon any defect or omission in the claim as presented must be waived by the failure to give a timely notice of insufficiency.

STATE OF CALIFORNIA GOVERNMENT CODE SECTION 53051 THE SECRETARY OF STATE ROSTER CITY OF RIALTO "DOESN'T CONTAIN AN ASSISTANT CITY ATTORNEY. ROBERT MESSINGER "EMAILED" AN IMPROPER AND INVALID LETTER THAT PURPORTS TO BE A DENIAL.

The City of Rialto's Roster is incomplete it does not substantially conform to the requirements of **Section 53051. (b) On the question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.**

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
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State of California GOVERNMENT CODE § 53051 53051. (a) Within 70 days after the date of commencement of its legal existence, the governing body were required by law of each public agency shall file with the Secretary of State on a form prescribed by the Secretary of State and with the County clerk of each County in which the public agency maintains an office, a statement of all of the following facts:

- (1) The full, legal name of the public agency.
 - (2) The official mailing address of the governing body of the public agency.
 - (3) The name and residence or business address of each member of the governing body of the public agency.
 - (4) The name, title, and residence or business address of the chairperson, president, or other presiding officer, and clerk or secretary of the governing body of the public agency.
- (b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), an amended statement containing the information required by subdivision (a) shall be filed as provided therein. The information was improper and insufficient that were submitted to the Secretary of State. The information must be on a form titled "Registry of Public Agencies," prescribed by the Secretary of State. (c) It shall be the duty of the Secretary of State and of the County clerk of each County to establish and maintain an indexed "Registry of Public Agencies," to be so designated, which shall contain all information filed as required in subdivisions (a) and (b), which roster is hereby declared to be a PUBLIC RECORD. Notwithstanding any provision of law to the contrary, service of process in an action or proceeding against a public agency may be made in the manner provided in Section 960.3

THE CITY OF RIALTO IN THE COUNTY OF SAN BERNARDINO ROSTER DEPICTED SEE
TRUE AND CORRECT COPY BELOW:

Address: 150 S. Palm Avenue, Rialto, CA 92376
Telephone: (909) 820-2525
Fax: (909) 873-9593
Website: yourrialto.com
Email: cityclerk@rialtoca.gov
Office Hours: Monday through Friday 7:00 a.m. to 6:00 p.m.
Mayor: Deborah Robertson
Mayor Pro Tempore: Andy Carrizales
Council: Ed Scott, Rafael Trujillo, Joe Baca

GOVERNMENT CLAIMS ACT
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2024 NOV -4 AM 11:41

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Council meets on the second and fourth Tuesday of each month

Interim City Manager: G. Michael Milhiser

City Clerk: Barbara A. McGee

City Attorney: Eric Vail

Treasurer: Edward J. Carrillo

Police Chief: Mark Kling

Fire Chief: Brian Park

Acting School Superintendent: Dr. Ed D'Souza

Incorporated: November 17, 1911

Legislative Districts: 33rd CD; 23rd SD; 45th AD

General Law City Population: 104,000 **improprieties by the public entities were UNDER A non-governmental CAPACITY see the following:**

The city's third-party **claims adjuster Supervisor** named Jessica Pickering employed with George Hills mailed an **improper letter of rejection**, and at "NO" time did she ever speak or correspond with Stephanie and Victoria. Ms. Pickering's letter had "**NO date-stamp envelope**", and she dated the letter of rejection with a false date **June 7, 2024, without signing the letter itself.**

GOVERNMENT CLAIMS ACT
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 2024 NOV -4 AM 11:41

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3 Planned Residential Developments

Planned Residential Developments generally allow for greater flexibility when developing large areas of land. The Rialto Zoning Code has established two planned residential development districts for attached (PRD-A) or detached (PRD-D) housing units.

Planned Residential Development-Attached District (PRD-A)

The City's Zoning Code establishes a PRD-A District to facilitate and guide the development of high-density residential developments, including but not limited to condominiums, community apartment projects, and cluster housing. All current sites zoned PRD-A have been developed with residential units and meet the development standards shown below. The following development standards apply to proposed attached planned residential developments:

Table 3-7: PRD-A Development Standards

Development Feature		Measurement Requirement
Minimum Site Area		1 acre
Maximum Density		12 DUU/acre
Minimum Floor Area	Bachelor/Single	650 sq. ft.
	One Bedroom	750 sq. ft.
	Two Bedrooms	900 sq. ft.
	Three Bedrooms	1,100 sq. ft.
Four Bedrooms		1,300 sq. ft.
Maximum Site Coverage		35%
Maximum Building Height		35 ft.
Minimum Setbacks	Front Yard	25 ft.
	Side Yards	15 ft.
	Rear Yard	15 ft.
Minimum Open Space		40%

Source: City of Rialto Zoning Code

Planned Residential Development-Detached District (PRD-D)

The City's Zoning Code establishes a PRD-D District to facilitate and guide the development of single-family residential developments, including but not limited to cluster housing. All current sites zoned PRD-D have been developed with residential units and meet the development standards shown below. The following development standards apply to proposed detached planned residential developments:

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San Bernardino County Assessor



Parcel 0128612030000

Parcel Status ACTIVE

Parcel Type REAL PROPERTY

Property ID

Tax Status ASSESSED BY COUNTY

Use Code ATT SFR

Land Access PUBLIC PAVED

→ Size 0 TO 4,999 SQ. FEET

Land Type SINGLE FAMILY
RESIDENTIAL

District FONTANA

Resp Group REAL PROPERTY

Resp Unit RES ZONE(MAX 14
UTS)&USE EX HPC/MMM(1-
14 UTS,CHURC

Supplement History

GOVERNMENT CLAIMS ACT
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Moreover, Assistant Attorney City Robert Messinger's email dated June 7, 2024, stated that at the request of the City's third-party claims administrator and due to our FACTUAL claims, his office undertook an investigation into facts related to the property and homeowners' association. Robert Messinger knew and should have known that he didn't have a legal right to have sent the email to Stephanie and Victoria, pursuant to Government Code section 1090, which is why he didn't mail his letter that was attached to his email that contain unsubstantial assertions, but he placed our **PO. BOX 1562** acting as if he mailed the letter when in fact, he "NEVER" Mailed his letter.

WE PROVIDE HEREIN SUBSTANTIAL EVIDENCE ROBERT. MESSINGER PURPORTS TO DENY OUR CLAIM.

The court has recognized to supplement the administrative record when claimants make a strong showing of bad faith or improper behavior on the part of the agency.

Robert Messinger states in his letter dated June 7, 2024, Our Law Firm serves as the city Attorney's Office for the city of Rialto, and I serve as the Assistant city Attorney for the city, but yet there's no Mention of Robert Messinger's name or being an Assistant city Attorney for the city on the California Secretary of State Rouser. But also states (our law firm which he doesn't state who is our law firm in his statement).

Robert Messinger purports to have denied our claim, because we exercised our rights and properly exercised Administrative Duties and requested Declarations from the agent [Daniel Rosas] on May 28, 2024, and [Daniel Casey] April 3, 2024, at 5:40 p.m. to confirm our conversation and there, statements that they stated.

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Municipalities are not the only government units that frequently utilize private attorneys. Private attorneys are similarly hired by “other local government agencies such as water districts, school districts, redevelopment agencies, and counties. Robert Messinger is not entitled to qualified immunity as a private attorney.

Robert Messinger EMAIL attached to the improper purported denial letter is dated the same date as Ms. Pickering’s WHO Stephanie and Victoria discovered **doesn’t have a claims adjuster license** and she was not our claims adjuster. The improper purported denial that includes a scare tactic that states please be advised that pursuant to sections 128.7 and 1038 of the California Code of Civil Procedure, the city of Rialto will seek to recover all costs of defense, including attorney’s fees, in the event an action is filed in this matter, and it is **determined that the action was not brought in good faith and reasonable cause.**

Jessica Pickering doesn’t have a law degree; therefore, her rejection letter must only contain the warning. Jessica Pickering’s rejection letter is a threat and improper and out of bounds, there’s many things that Stephanie and Victoria would NEVER do and that’s cause problems, or lie, cheat or steal or do anything illegal. We are good respectable individuals, and we presented our valid and verified pre-suit claims to the city of Rialto in good faith and with clean hands.

A rejection letter can only be created when a claim has been investigated and then rejected. The city of Rialto was required by the Government Claims ACT to investigate the claim which Robert Messinger claimed. **Furthermore, the threat for fees by the other side creates an estoppel/laches.**

In addition, Mr. Messinger’s email attached to his letter that was **improper** and unethical that states at the request of the City’s third-party claims administrator of which he did NOT name an individual or business as to who he was referencing who

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the third-party claims adjuster was until the very end of his email attached to his 3-page aggressive, highly inappropriate email to say the least.

Furthermore, by Robert. Messinger's improper purported denial letter we provide General Material facts his purported denial letter was NOT created at the request of the third-party claim's administrator. Because the claims administrator was not Imelda Vega at George Hills, who he cc'd she was the adjuster for our claim. Robert Messinger cc'd his **email attached** to his letter on **June 7, 2024**, to the city Attorney Eric Vail his BOSS, and Imelda Vega.

Robert Messinger DID NOT ("cc") JESSICA PICKERING. We received Jessica Pickering's improper notice six-days later that violates our right to due process to make a qualified findings from the date she stamped her purported notice with a false BACK-DATE **June 7, 2024**, we received her notice on **June 13, 2024**, and her envelope is dated June 11, 2024, the notice ("ITSELF HAS (NO SIGNATURE")) "meaning" The NOTICE ITSELF IS NOT SIGNED THEREFORE HER LETTER CONSTITUTES AS VOID, AND ("NOT SIGNED"). THE NOTICE DOESN'T CONTAIN AN INDIVIDUAL'S NAME.

The notice doesn't contain the Government Code Section as required that we are to rely on is CONFUSING. Stephanie and Victoria relied on the claim presentation statutes, including section 915, subdivision (b), function as notice requirements. The requirements serve the goal of providing public entities with notice that we filed a good faith verified claim or potential lawsuit against the public agency as co-defendant, and the agents herein. We understand the objective of the statute is to provide the entity with notice of the claim so it can potentially settle the claim of merit and prevent litigation and prevent future harm.

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2024 NOV -4 AM 11:42

The purpose of the claim presentation statute is “to provide the public entity [with] sufficient information to enable it too adequately make a good faith determination, but we were not given that right.”

Investigate claims and to settle them, if appropriate, SUCH AS OUR CLAIMS without the expense of litigation” (quoting *City of San Jose v. Superior Court*, 525 P.2d 701, 706 (Cal. 1974))). **A CLAIMANT MAY SUE FOR MALPRACTICE** if the claimant’s claim is late as result of the attorney’s negligence.

Imelda Vega presents a scale of justice tipped heavily against fairness. which were out of the same transaction and that to was properly presented to the codefendant the city of Rialto, its agents Cody Clark, Vince Marfe, Mary Gozdecki, AKA Millard and Marylou Avila and Robert Messenger DOES 1-50 presented to the city clerk. The 41 Parcels WERE never reported AND NEVER Recorded on the GENERAL PLAN, but the area is on the General Plan 2000 as “**VACANT LAND**” Robert Messinger stated in his letter that was emailed that we need to file a claim with the Department of Real Estate when he knew and should have known that action was already taken. Please see copy of Entity search result of three entities with the name colony club. 1. Colony club Homeowners Association in Orange. 2. Colony Club Patio Homeowners’ Association 3. Colony Club Production, in Irvine.

We discovered there were illegal acts of ill-gotten gains of unreported funds that are being pocketed off the backs of Stephanie and Victoria and other individuals in the CONTAMINATED UNREPORTED PARCELS. while Vince Marfe, Mary Gozdecki and Marylou Avila were able to RETIRE OFF THE BACKS OF Stephanie and Victoria and other innocent victims, we work hard each and every day and cannot sleep in the **CONTAMINATED PARCEL THAT WAS ILLEGALLY CONSTRUCTED IN** approximate years of 1950’s OR 1960’s with an oil pipe in the

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2024 NOV -4 AM 11:42

up and down stairs bathrooms and in the garage without Notice to Stephanie and Victoria the chemicals are being exposed and are a health and safety hazards to Stephanie and Victoria.

THE MATTER IS UNDER INVESTIGATION.

On March 14, 2024, our amended claim was properly presented to the designated recipient, the City Clerk. Our verified claims were in Substantial Compliance of the Government Claims Act and Statues and of the Government Claims presentation requirements and are codified in sections 900–935.7 of the California Government Code. See generally CAL. GOV'T CODE §§ 900–935.7.

JESSICA PICKERING AND ROBERT MESSINGER UNETHICAL TACTICS.

THE CITY OF RIALTO “APPROVED” TAB C-1

Stephanie Cane and Victoria Quesenberry’s attended the public meeting on **April 9, 2024**. Stephanie Cane represented the claim to the city Council Members, and Mayor Pro Tem Carrizales and to the city of Rialto’s Mayor on **April 9, 2024**, Tab C1 on the city of Rialto’s Calendar, which is the second part of the city’s Calendar. The city Council and Mayor Pro Tem Carrizales and the city of Rialto’s Mayor consent to the Calendar that has Tab C1 to the claim which is Stephanie Cane and Victoria Quesenberry’s claim. The definition of consent to the calendar means “approved”. The claim Tab C1 was the city Attorney Eric Vale brought to the attention to the city Council, Mayor Pro Tem and the city’s Mayor Deborah Robertson “APPROVED” the Claim by Ed Scott and second by Mayor Pro-Tem Andy Carrizales: See Clear and Convincing C.1 is a zone evidence <https://www.youtube.com/live/benDaOXMijA?si=XxHcYeqMd7qEIH>

Consent is defined commission for something to happen or an agreement to do something by Consent of all members and city Mayor VOTE. Robert Messinger claimed that our claim was purportedly not approved in his unsupported purported denial letter attached to his improper email that was highly inappropriate. We were led to believe our claim was approved and Robert Messinger perpetrated in the act as if he and others investigated the claim when in fact Stephanie and Victoria EXERCISED Due diligence and discovered neither of the Claims Adjuster were LICENSED.

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Imelda Vega was our point of contact, and she is NOT A LICENSE CLAIMS ADJUSTER THEREFORE, WE WERE GIVEN INCORRECT INFORMATION AND DETRIMENTALLY RELIED ON THE CLAIM BEING MADE IN RESTITUTION.

WE ARE IN THE HOPES WE ARE NOT CAUSED TO FILE A CIVIL LAWSUIT IN THIS MATTER BECAUSE THIS WOULD BE BAD FOR THE CITY TO BE MORE EXPOSED THAN IT ALREADY IS SUCH AS TELEMUNDO TELEVISION AND CHANNEL SEVEN BREAKING NEWS ALONG WOITH MANY OTHERS.

THE PARCEL TO BE SEEN ON T.V. AND SOCIAL MEDIA NETWORK AND U-TUBE AND SO MANY OTHERS. WE DESERVE TO LIVE AND BE ABLE TO PURCHASE A SAFE AND HEALTHY PLACE TO LIVE, OTHER THAN BEING HELD CAPTIVE IN AN UNREPORTED CONTAMINATED PARCEL WITH A CESSPOOL THAT IS MAKING STEPHANIE AND VICTORIA SICK BY THE DAY.

On **March 18, 2024**, we contacted Imelda Vega the claims adjuster for George Hills regarding our claim. Imelda. Vega stated she was the adjuster for the claim and never stated she was the administrator or administrator over our claim. Imelda Vega stated she didn't have any information regarding our claim and asked **if we hear anything from the city regarding our claim to let her know**. But this goes to prove direct facts that Robert Messinger's letter attached to his email is unsubstantiated.

Imelda Vega stated she mailed an acknowledgment letter, but we did not receive it and requested that she send the acknowledgment to us which she improperly emailed the acknowledgment "**without mailing the acknowledgement**", and the acknowledgment contained incorrect information such as a Date of Incident and an incorrect Claim number, and the incorrect date of February 29, 2024.

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The acknowledgment was backdated and the acknowledgment didn't have the Date of Loss, or the correct date or the correct Claim Number.

On May 28, 2024, we sent an email to the city's senior planner Daniel Rosas and requested a declaration confirming our conversation that he would inform the city Attorney Eric Vail that we called regarding status of our claim.

On June 6, 2024, at 5:04 p.m. we sent an email to Daniel Casey and requested a declaration from him as well regarding his statement when he called Stephanie and Victoria on **April 3, 2024**, at 5:44 pm and stated that a purported entity named Morgan Development started construction on the project in "**1985**", and **did not**, finish construction on the project, and stated Morgan Development ["**Had Dropped the Ball**"]. In addition, the purported law firm named Fiore Racobs & Powers, that purports to represent the Bankrupt, unlicensed and unincorporated shell entity Colony Club Patio Homeowners Association states in their invalid and improper verification of debt letter of which we do "NOT" owe, their letter was improperly served "**ONLY**" by "**EMAIL**" dated July 17, 2024, inter alia which constitutes the letter to be VOID on its face, and doesn't serve as constructive notice on any parcel, and states a declaration of restriction purports to claim to be dated June 12, 1984, and Robert Messinger stated in his purported letter attached to his improper email states the HOA was incorporated on May 31, 1984, and again proves General Material Fact there wasn't an investigation. Stephanie and Victoria exercised due diligence and discovered there was never a Morgan Development related to the unrecorded contaminated purported parcels and never conveyed any parcels and was NOT licensed with the California Secretary of State or the California Department of Real Estate or the National Mortgage Licensing System, ("NMLS"). See in support of Stephanie and Victoria's verified prelitigation Notice evidencing these direct facts.

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2024 NOV -4 AM 11:42

Robert. Messinger's Improper Email Continues:

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On June 7, 2024, Robert. Messinger's email stated that the city does not and has not ever, possessed an ownership interest in the **HOA or the property** on which the development was constructed.

Principle 4 (**No Self Aggrandizement**). The Assistant city attorney Robert Messinger should have discharged his duties in a manner that consistently places the city's interests above self-advancement and enrichment.

On June 5, 2024, we attended the Planning Commissioners public meeting. On June 5, 2024, the city VIDEO RECORDED while Stephanie and Victoria spoke in front of the chair Jerry Gutiérrez and the city Commissioners. Stephanie and Victoria were questioned by the City of Rialto's "Chair of the Planning Commission" Jerry Gutiérrez asked, "Do you have an Attorney? **AND HE ASKED", THE PLAINTIFFS WERE THEY STILL PAYING MORTGAGE? HE FURTHER STATED, "YOU'RE ON THE RIGHT PATH AND HE SAID" THAT HE COULDN'T GIVE US ANY LEGAL ADVICE". EVEN THOUGH THAT WAS LEGAL ADVICE.** The Plaintiffs have reason to believe the statements that the city chair made is why the "VIDEO HAS NO SOUND."

The Assistant city attorney cannot give legal advice to a private person of the public or the public. It is inappropriate, not to mention an insurance risk, to give advice to a private individual or members of the public who is NOT his client and who may have interests adverse to it.

We noticed that the city of Rialto's website was changed and more likely than not Robert Messinger changed the city website that now states the following: Please be advised a claim submitted does not guarantee a commitment to pay your claim or admission of liability. All information submitted will be evaluated and investigated to make a final liability decision

Furthermore, we disagree with Robert Messinger's ***email attached to his LETTER that*** is VOID that was improperly served "***BY EMAIL***". And was **NEVER MAILED TO** Stephanie or Victoria.

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CITY OF RIALTO
2024 NOV -4 AM 11:42

GENERAL MATERIAL FACTS: We exercised due diligence and discovered on July 15, 1997, at a Regular Public Hearing at 4:00 p.m. Council Member Zupanic- Skaggs had a question concerning CC&Rs (Covenants, Conditions & Restrictions.) **Mr. Meyer said that the city will become a part of the CC&R's therefore, compliance can be enforced by the city should the homeowners not comply with the CC&R's.**

(WHICH HE SAID IS TYPICAL OF ALMOST ALL MUNICIPALITIES).

Director of Development Services Taylor also provided information. City

Administrator Guzzetta had a question for the City Attorney Owen concerning the CC&R's. **City Attorney Owen responded Mayor Pro Tem Farmer discussed the pros and cons of development of this property. Council Member Scott said although he will vote in favor of the "ZONE CHANGE", HE WANTED IT ON RECORD HE HAS "SERIOUS CONCERNS ABOUT THIS HOUSING DEVELOPMENT". Proposed Ordinance 1263.**

The building has **NO CONDOMINIUM PLAN**, Stephanie and Victoria were never provided any "BY LAWS" or Declaration of Restrictions and Covenants, or Disclosures, and Substantial evidence exists in the record.

On June 5, 2024, we attended and spoke in front of the city planning commissioners public meeting. In the public meeting the Chair of the planning commissioners was speaking out loud about where he was going on vacation to Paris and London. We then were invited to speak and stated exactly what Daniel Casey had expressed over the phone to us on April 3, 2024, at 5:40 pm, stated **Morgan Development started construction on the project in "1985", but *did not*, finish construction on the project, and stated Morgan Development had ["Dropped the Ball"].** Daniel Casey sat behind us as we spoke at the planning commissioners public meeting.

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2024 NOV -4 AM 11:42
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We also requested that someone in the Department must investigate the building because it is unhealthy and contaminated. The Planning Commissioner “CHAIR” named Jerry Gutierrez then Jerry Gutiérrez stated to us were we represented by an attorney and then stated that they cannot give us legal advice but then “asked, “were we paying mortgage. We advised Mr. Gutiérrez that we were not there to get legal advice, that we had already filed a claim with the city and again Notice of our claim, that was on file and served properly of our valid pre-suit claim served on February 23, 2024, and amended claim properly filed and served on March 14, 2024, to the city of Rialto city Clerk.

If they were investigating into our claim those questions would not need to be asked, because we served the city over 2000 thousand Exhibits and our verified pre-suit claim in pleading format that had over 80 pages, and all the while the Assistant Attorney Robert Messinger listened and looked at Jerry. Gutierrez and, a couple days later the purported servicer to the purported loan that we paid in full named Specialized Loan Servicing improperly mailed us a Default Letter on **June 6, 2024, and on June 6, 2024**, Robert Messinger emailed a nasty and abrupt and unethical email and on **June 7, 2024**, Robert Messinger emailed Stephanie and Victoria with an attachment with a letter that was invalid and purports to be a denial of some sort.

Evidence of Proof attached Specialized Loan Servicing is the city of Rialto’s Vendor. See Attached proof to pre-litigation Notice herein and attached Direct evidence of fact proves that our claim was NOT investigated.

The State or local law dictates that when a certain percentage of units is sold ONLY on Real Property constructed building or after a specific time, control of the PURPORTED Homeowners’ Association must be transferred from the developer to an executive board elected by the “owners.”

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2024 NOV -4 AM 11:42
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State law also dictates the process for taking property out of condominium ownership and re-establishing a single title.

The San Bernardino County Public Access System County Clerk Document States: [Document Type Release of Lien],
[Document Number 2011-0379670],
[Recording Date 9-13-2011, 12:00 p.m.] [Grantor Rialto City],
[Grantee Bank of New York Mellon:] Presented by Rialto City.

The Bank of New York Mellon is named on a purported Assignment of Deed of Trust recorded on July 19, 2018, that is forged with an amount of \$250,000.00 under a forged recorded and re-recorded deed of trust under two forged modification agreements that are Fraudulent. With the same dates and amounts dated with the years 2016, and 2017. A purported borrower cannot have two modifications which also proves that the recorded documents were erroneously recorded under a forged deed of trust recorded by fraud to cause harm and injury.

Newrez LLC dba Shellpoint Mortgage Servicing are one of the City of Rialto's Vendors. Specialized Loan Servicing was the purported servicer of the purported loan and stated in a correspondence dated **May 2, 2024**, which was backdated and received on **May 16, 2024**, they transformed to Shellpoint. See attached in support of our pre-litigation notice the correspondence dated May 2, 2024, states "**Shellpoint.**"

After researching Shellpoint is a vendor for the City of Rialto which is in violation of Senate Bill No. 908 chapter 163. An act to amend Sections 1788.11 AMD 1788.52 of the civil code, and to add division 25 (commencing with Section 100000) to the Financial Code, relating debt collectors. [Approved by Governor LEGISLATIVE COUNSEL'S DIGEST SB908, Wieckowski, Debt Collectors licensing and regulation: Debt Collectors: Rosenthal Fair Debt Collection Practices

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CITY OF RIALTO

2024 NOV -4 AM 11:42
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Act, prohibit debt collectors that doesn't hold a Debt Collection License to demand payments of which Stephanie and Victoria doesn't owe, are in violation of the Debt Collection License Act. Newrez LLC dba Shellpoint Mortgage Servicing, ("Shellpoint"), in violation of the California Secretary of State name requirements of the governing entity statute.

On October 8, 2004, A Grant Deed with 4 pages was apparently recorded that was forged and erroneously filed with the San Bernardino County Recorder's office that contains Stephanie Cane's name acting under the deed granted to Victoria Quesenberry [**BOTH NAMES WERE FORGED**] that states computed on full value less liens or encumbrances remaining at the time of sale the [**city of RIALTO**]. [**NO CONSIDERATION**] WHICH WAS concealed and portrayed behind their backs. **The purported parcel was not a gift and cannot be considered as one. Stephanie and Victoria paid in full five times over for the discovered non-real property that were paid as purported mortgage payments, and paid taxes, paid dues and came to discover their payments were paid under a planned scheme for sham transactions.**

GENERAL MATERIAL FACT OF DISPUTED FACTS
REGARDING DEFENDANT COLONY CLUB PATIO
HOMEOWNERS' ASSOCIATION

Stephanie and Victoria paid all payments in full on what Vince Marfe told and sold to Plaintiffs which he stated he was the owner and seller, and he had his own construction business and worked with the city. At no time did Vince Marfe or Mary Gozdecki, Marylou Avila or any agent for the city ever state the 41 Parcels **WERE UNRECORDED AND CONTAMINATED** and never stated the city were the owners, we were led to believe the Fraudulent Reliance and detrimentally relied and entrusted Vince Marfe he stated that he was

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2024 NOV -4 AM 11:42

CITY CLERK

knowledgeable in real estate, and that he was the President of the purported association and at that time Vince Marfe gave us no reason not to entrust him. Vince Marfe stated to Stephanie and Victoria on May 14, 2003, and to our real estate agent that in order for them to purchase the purported townhouse a real property that we would have to go through the Colony Club Patio Homeowners' Association's Bank.

On May 14, 2003, Vince Marfe stated that we could trust him, and that we would like living, in the community and, we would be safe living in our first new real property townhouse. Stephanie and Victoria advised Vince Marfe that it would be our first real property that we purchase, and that we did not know much about real estate, now we see Vince Marfe took more than just advantage of our innocence and kindness. Vince Marfe and the defendants herein robbed us of **21 years that we cannot get back and are held hostage to live in an unhealthy or safe environment the UNREPORTED PARCEL WITH A CESSPOOL ALL THE UNREPORTED PARCELS ARE UNSECURED BEING THAT THE "41" ILLEGAL PARCELS CANNOT BE RECORDED. AND THE AREA ONLY IS PLACED ON THE GENERAL PLAN AS VACANT LAND.** THE INDIVIDUALS HEREIN WERE UNJUSTLY ENRICHED BY GREED AND HAVE PLACED STEPHANIE AND VICTORIA IN HARMS WAY AND LEFT THEM HARMED AND ECONOMICALLY DAMAGED BY NO FAULT OF THEIR OWN. THIS IS A MATTER IS OF IMPORTANT AND IS A HEALTH AND SAFETY MATTER AND IS IN THE PUBLICS BEST INTEREST AND FOR THE CITY AND OTHER DEFENDANTS TO COME TOGETHER AND MAKE RESTITUTION. WE HAVE FELT VERY SICK AND EXEPERIENCED DIZZINESS AND HEADACHES AND IF WE ARE CAUSED TO ENTER INTO THE HOSPITAL EMERGENCY DUE TO OUR HEALTH THIS WILL FALL BACK ON THE BAD ACTORS THAT CAUSED THE CLAIM TO BE DENIED. THE CITY IS REQUIRED TO MAKE RESTITUTION IN SUCH CASES.

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CITY OF RIALTO
2024 NOV -4 AM 11:42

FRACKING WAS COMMITTED

FRACKING WAS COMMITTED The co-defendant the city and the other bad actors herein are liable for our damages and harm that has placed us feeling ill and sick and weak at times with breathing problems, and discovered the illegal HYDRAULIC FRACKING that was committed July 2024, in front of our UNREPORTED CONTAMINATED PARCEL which vibrated the entire 41unreported Parcels this act is illegal in California which we discovered was to cook the books for litigation purposes. Stephanie and Victoria were **harmed** **their** claim Must be accepted and approved as it was by the sitting city council member and the city Mayor on April 9, 2024, and to discover there never was an association.

The Planning and Zoning Law requires a city or county to bring its general plan into substantial compliance with provisions regulating general plans and specifies timelines under which the city or county is required to bring its zoning ordinance into consistency if the court finds in favor of a plaintiff in an action challenging the validity of a general plan, or any mandatory element thereof, as specified. **STEPHANIE AND VICTORIA ARE IN POSSESSION OF PRIMA FACIA EVIDENCE THE PRINCIPAL PLANNER LAUREN LYONS STATED IN HER CORRESPONDENCE TO VICTORIA ON** May 21, 2024.

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PLEASE TAKE NOTICE

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Quesenberry, Victoria

From: Lyon, Lauren - ARC [cLauren.Lyon@arc.sbcounty.gov](mailto:Lauren.Lyon@arc.sbcounty.gov)>
Sent: Tuesday, May 21, 2024 9:25 AM
To: Quesenberry, Victoria
Subject: RE: Parcel No, 0128612030000-located at 1173 S. Cactus Avenue, Apt 3, Rialto CA 92376

EXTERNAL EMAIL This email originated from outside the organization.

Good Morning Victoria,

I am happy to assist you in matters within the scope of my job. I will address your questions in the order you asked them in your email below.

You asked about the date of completion of new construction for your parcel. [Rule 463.500\(b\)](#) provides that the date of completion of new construction is the earliest of either the date upon which the new construction is available for use by the owner or the date the property is occupied or used by the owner, or with the owner's consent. The link above provides the full text of Rule 463.500. As you know, the appraiser's note on the building record does not mention which of the above criteria they based their completion date on. Since the City of Rialto was the permitting agency for this property, they should be able to provide you with the date of Issuance of the permit (number 51456) and the date it was finalized by their inspector.

- We do not have a copy of the developer's identification or the contractor's license. This is not information we typically retain. The City of Rialto may have this in the records, but I am not certain. I strongly recommend you follow up with them.
- When you say legal description of the subdivision, 'do you mean changing the use code from condo to attached SFR?
- The actual legal description of your property has not changed. It remains Lot 3 of Tract 11264, and a ilgal-prelusive easnmem for inereas and egress use and enjoyment in and to the common area Lot 42.
- The use code (different from legal description) was corrected from "condo" to "attached SFR" on or about 11/2/2023 by the Fontana District Supervisor at the time. Per his notes, the property is located in a development known as 11 73 Colony Club where there is a homeowners association and shared interest of common area. There is no recorded condominium plan. He corrected the use code to more accurately reflect the development. To my knowledge, no one requested the use code be changed.
- In the first screenshot, you referenced two supplemental bills issued for a transfer that occurred on 5/14/2003. I do not know why a Change of Ownership Statement was not recorded,
- I do not know why the purported previous owner did not have an exemption.
- I cannot speak to where or how the Tax Collector's website generates its information relating to property type. I can only speak to our records which show your property's use code is on attached SFR (common wall).
- I do not have any information on who is claiming to be the developer.
- I do not know why the City of Rialto doesn't have a copy of the builder's report.
- The first mention of a domestic partnership was in deed 2006-0120505 recorded 2/21/2006. I don't know if any supporting documentation was provided at the time the deed was recorded, or who requested the domestic partnership be acknowledged.

If you believe you are a victim of real estate fraud, I encourage you to visit the San Bernardino County District Attorney's website dedicated to this matter <http://obcountydoorg/rcal estate fraud/>.

I regret that I cannot be of more help to you at this time. If you have any questions or require additional information, feel free to contact me. E-mail is preferred, as I am in different offices most days.

FIORE-000098

SEE HEREIN THE FOLLOWING: at 9:25 am the following:

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Moreover, Stephanie and Victoria discovered they were paying UNDISCLOSED POSSESSORY TAXES AND USURY TAX AND SPECIAL TAXES, AND SPECIAL ASSESSMENT WITHOUT NOTICE TO STEPHANIE OR VICTORIA.

THESE ACTS ARE ILLEGAL AND UNCONSCIONABLE AND SHOWS PROPRIETY NON-GOVERNMENTAL CAPASITY FUNCTIONS ON THE CITY AGENTS IN A SYSTEMATIC ORCHESTRATED PLANNED SCHEME TO COMMIT CORRUPTION TO EMBEZZLE AND TO HARM AND DAMAGE STEPHANIE AND VICTORIA.

STEPHANIE AND VICTORIA VISITED THE COUNTY OF SAN BERNARDINO TAX ASSESSOR'S OFFICE AND WERE PERMITTED TO TAKE A PICTURE OF THE COUNTY AGENT'S COMPUTER SCREEN JESSICA N ON MARCH 21, 2024, SHE STATED THERE WAS A WIRE TRANSFER IN THE AMOUNT \$9,456,026.67 FOR THE UNRECORDED PARCEL. SEE THE WIRE TRANFER CHECK IN SUPPORT OF THE PRE-LITIGATION NOTICE.

The agents are liable for our damages we were deceived and defrauded and were told and sold an unrecorded CONTAMINATED Parcel On May 14, 2003, without our knowledge and paid a down payment \$7,050.00 cash and was paid off IN FULL on May 15, 2003, and paid for title insurance cash \$1,000 on May 14, 2003, the balance remaining \$116,509.00 and the balance was paid off in full FIVE TIMES OVER Stephanie and Victoria never taken any loan or modifications which one could not even if they wanted to on an unreported contaminated purported property that is discovered not to be a townhouse of real property.

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
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CITY OF RIALTO
2024 NOV -4 AM 11:42

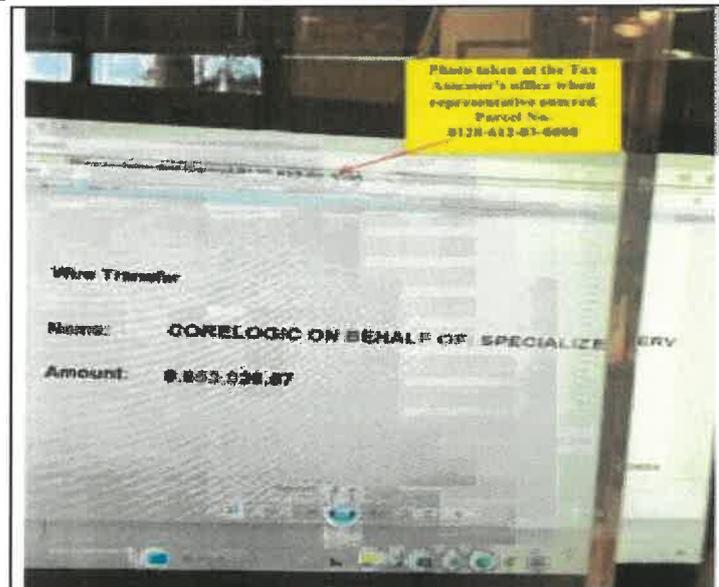
THEORY:

Vince Marfe is hired by the city as well as Joe Avila, Mary Gozdecki and Marylou Avila and illegally taking payments as if there was an association and have not paid a dime to live in the community because it's UNREPORTED. Jerry Gutierrez asked Stephanie and Victoria were they still paying mortgage and did we have an attorney just to have Robert Messinger take notes while he sat in the public commissioners meeting on June 5, 2024. Vince Marfe gives kickbacks to Cody Clark, Mary Gozdecki, Marylou Avila to aid and abet in there orchestrated scheme which there are more bad actors assisted and have been paid in kickbacks and all having to report back to Robert Messinger who is perpetrating in illegal acts acting as if there was a servicer under the name Specialized Loan Servicing but needed to change to Newrez because that name is utilized and is the name that Robert Messinger conjured-up and placed on the city's Vendor list but really is a SHELL COMPANY that doesn't exist. In addition, to the theory Robert Messinger is naming a defunct business Morgan Development deflecting as if it was a developer that developed [**"14" Parcels and NOT "41"**] Parcels in the Orchestrated Systematic Planned Scheme of Corruption to embezzle public funds, and placed 14 Parcels on the front page Only on the Tax Assessor's property information management system, "PIMS" and placed the 14 parcels as if they were constructed on the Lighthouse Church to claim EXEMPT to the IRS, and have acted as if he was the IRS IN CONJURING-UP TAX FORMS AND MANIPULATED AND REDACTED THE FORMS AS IF THE IRS mailed the forms and placed Stephanie and Victoria's names and their PO Box on the forms, acting as if they were mailed when the forms were never mailed out to Stephanie and Victoria which is why our CPA had to call in for our tax which we never saw. Robert Messinger placed THE THEORY CONTINUES: The money in a Wire

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transfer at the Tax Assessor's Office instead of with the city because the bad actor did NOT want any one from the city that doesn't know about the property. In A Non-Governmental Capacity Function of The Unrecorded Money Sitting in A Wire Transfer, at the County Tax Office just as the agent stated on September 19, 2024, to Stephanie and Victoria. **We were not supposed to know about the money in the wire transfer \$9,653,026.67 and we were not supposed to see the wire transfer.** Although, the wire transfer has Stephanie and Victoria's unreported parcel number on the wire transfer, we were not supposed to see the unrecorded wire transfer of unreported funds which is why it's in A Wire Transfer. Because it's difficult to detect **THE MONEY LAUNDERING.** It also explains why on **April 12, 2024**, David Carmany, City Manager resigned 3 days after we spoke to the City Council on **April 9, 2024.**



Robert Messinger engaged in the scheme as the Tax Assessor and reporting and publishing the Tax Information on the PIMS as if the Parcels were constructed on the Inland Lighthouse Church, and claiming Exempt on the TAXES acting and perpetrating as if he's The Tax Assessor Chris Wilhite and mailed Stephanie and Victoria forged letters and engaged in tampering into

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Stephanie and Victoria's Mail and Cyber-hacked into their private network to see their private information and what and all they were planning and what they knew about what Robert Messinger, and others committed in preparation for litigation. The theory continues Robert Messinger conjured- up the forged Modification papers which were two in 2015, and 2016 which he assumed Stephanie and Victoria did not know that's impossible and illegal and he claimed he was an investor and made loans on the unreported parcel and had Stephanie and Victoria to fund their lavish life style assuming Stephanie and Victoria would sit back and continue to pay continuous payments for a non-mortgage and a non-association in the hopes we wouldn't discover the corruption with intent to defraud and embezzle all of our funds along with Vince Marfe who added an unsupported Rider to the mix, and added more pages to the forged modification papers he wanted to added more fuel to the fire that was already lit.

VINCE MARFE'S BANKRUPTCY 2002

Header	
Case Number: 6:02bk21775	
Date Filed: 07/22/2002	
Date Proceedings & Schedule Reviewed: 09/25/2024	
Misc: (0) UNKNOWN	
Chapter: 7	
Flags: CLOSED	
Case Type: Bankruptcy	
Assets: No	
Vol: Voluntary	
Judge: Meredith A. Jury	
Disposition: DISCHARGED	
J41 Date: 08/28/2002	
J41 Location: 3420 TWELFTH ST ROOM 100B RIVSID	
Pending Status:	
Participants	
Litigants	Attorneys
Stephanie E. Acker 1873 S. Cactus Rd Riverside, CA 92504 Phone: 951-886-7717 E-mail: sacker@attbankruptcy.com John Debar 2500 Main St Riverside, CA 92503 Phone: 951-886-7717 E-mail: jdebar@attbankruptcy.com	John Debar - INACTIVE - 4271 Latham St Ste 403 Riverside, CA 92503 Phone: 951-886-7717 E-mail: jdebar@attbankruptcy.com John Debar John Debar - INACTIVE - 4271 Latham St Ste 403 Riverside, CA 92503 Phone: 951-886-7717 E-mail: jdebar@attbankruptcy.com Debar

See wherein on July 22, 2002, it states that Vince Marfe claimed he had **NO ASSETS**.

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Documented on Tab 3 of the Rialto City Council Meeting, dated May 9, 2023, it states the following: “Mr. Gurger stated AICPA has a standard for audit. They must obtain inquiry understanding possible impacts of fraud. It includes inquiry with City personnel with the knowledge and understanding of possible fraud and specific procedures on the financial statements over risks of fraud such as misstatements to the accounts and disclosures that might be misleading to the financial statements.”

Council Member Ed Scott asked if Mayor Robertson or any Council Member was interviewed regarding potential fraud. Director of Finance believed it was with Council Member Trujillo and Mayor Robertson. Council Member Scott asked why weren't the other Council Members spoken to.

Director of Finance Stevens stated it is a random sample selection.

Council member Scott stated that in all his 20 years' experience, all the council members were spoken to. It is appropriate for the auditors to meet with each council member and review the audit results. This is the first time it hasn't been done and expressed his concern.

Director of Finance Stevens stated it will be done moving forward

Council Member Trujillo stated he did not intent to supersede his collogues. He thought it was part of the process.

Director of Finance Stevens stated random selections were conducted to have that **AUTHENTICITY** with the **FRAUD INQUIRY**

The Planning and Zoning Law requires a city or county to bring its general plan into substantial compliance with provisions regulating general plans and specifies timelines under which the city or county is required to bring its zoning ordinance into consistency if the court finds in favor of a plaintiff in an action challenging the validity of the general plan, or any mandatory element thereof.

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REALLY THE CITY WHICH WE KNOW TO BE ROBERT MESSINGER THE CONSPIRATOR VINCE MARFE AND OTHER CO-CONSPIRATORS AND AIDER AND ABETTORS MARY Gozdecki and Marylou Avila, Cody Clark we don't make claims we can't back-up. See attached substantial evidence in support of our prelitigation Notice and our demand for restitution. IN ADDITION, STEPHANIE AND VICTORIA HAVE PAID DUES CONTINUOUSLY FOR 21 YEARS.

WE REQUESTED A PAYOFF STATEMENT AND DID NOT RECEIVE IT BUT RECEIVED THREE FORGED MODIFICATION AGREEMENTS THAT STATE INVESTOR LOANS. WE NEVER SAW OR SIGNED ANY SUCH PAPERS. AFTER WE WENT IN FULL INVESTIGATION MODE AND DISCOVERED THE 41 PARCELS ARE NOT RECORDED WITH THE COUNTY TAX ASSESSOR'S OFFICE AND THE 41 PARCELS WAS NEVER RECORDED IN THE GENERAL PLAN AS REQUIRED BY LAW. WE ALSO DISCOVERED 16 PARCELS WERE ILLEGALLY PLACED AT THE CHURCH WHICH IS NEXT TO THE 40 UNRECORDED PARCELS ACTING AS IF THE PARCELS WAS ONLY CONSTRUCTED WITH "14 PARCELS" AND PERPETRATED IN A PLAN SCHEME ACTING AS IF THE 16 PARCELS WERE CONSTRUCTED ON THE CHURCH GROUNDS AND CLAIMED PARCELS AS EXEMPT.

On October 8, 2004, A Deed of Trust was recorded erroneously on the same date October 8, 2004, and the same time as the Grant Deed with 22 pages under a modification agreement by corruption and fraud.

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But yet Mr. Messinger's improper email states the city does not and has not **ever** possessed an ownership interest in the property development.

On June 7, 2024, Robert Messinger wrote a purported denial letter and placed Stephanie and Victoria's mailing address on the letter to an email acting as if he mailed the letter by placing their mailing address on the letter but he **cc'd** the claims adjuster Imelda Vega and the city Attorney Eric Vail.

The city Assistant Attorney Robert Messinger never mailed his letter to Stephanie and Victoria **but only emailed the improper letter to Stephanie and Victoria on June 7, 2024. Robert Messinger knew and should have known his purported denial letter was misleading, incorrect and unethical and he specifically knew a denial must be properly presented to a claimant.**

The claims supervisor from George Hills named Jessica Pickering dated her rejection letter **June 7, 2024**, she stated under penalty and perjury she executed her rejection letter on **June 10, 2024**, she purports to have wrote the rejection letter on the same date of Mr. Messinger's email of June 7, 2024, **which Ms. Pickering was NOT cc'd on the email** unless she was bcc'd but yet she did not mail the rejection letter on the date that she dated the letter of June 7, 2024, she wrote the rejection letter three days later that she mailed the letter. Ms. Pickering claim, in her letter she executed the rejection on **June 10, 2024**, but Stephanie and Victoria did not receive Jessica Pickering's rejection letter until **June 13, 2024**. Jessica Pickering states in her rejection letter the following " Notice is hereby given that the claim that you presented to the city of Rialto on **February 26, 2024**, was rejected on **June 7, 2024, which is incorrect** we served a proper and valid claim on the city of Rialto on **February 23, 2024**, and an amended claim on **March 14, 2024**, we only had then received the improper rejection letter that indicate the 45-day period without a Government Code that Mr. Messinger emailed which stated: In this instance, the investigation of your

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CITY OF RIALTO
2024 NOV -4 AM 11:43
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claim exceeded the 45-day period and your claim was therefore deemed denied by operation of State law, and again without a Government Code in the improper rejection letter attached in an email that was served by **improper delivery in an email** from the city's Assistant Attorney Robert Messenger on June 7, 2024, Mr. Messenger stated in his purported denial letter dated June 7, 2024, which was only emailed to us that our claim was investigated. We have reason to believe our claim was [NOT INVESTIGATED]. Robert Messinger emailed us on **June 6, 2024, at 5:22 pm** with an email that violates are rights under the ["CPRA"], the city of Rialto has a duty to respond and act under the California Public Records Act. The courts have recognized that the intent of the California Public Records Act was to include in the definition of "public records" all forms of records, including electronic media, and any new forms of record keeping that are developed. Braun v. City of Taft (1984) 154 Cal. App. 3d 332, 340.

Mr. Messinger's June 6, 2024, email states the following: I serve as Assistant city Attorney for the city of Rialto [NO CITY PERSONNEL WILL BE SIGNING ANY DECLARATIONS IN CONNECTIONS WITH YOUR CLAIM FILED AGAINST THE CITY BECAUSE YOU HAVE FILED CLAIMS AGAINST THE CITY. Mr. Massinger's email is inaccurate we have only served a valid claim which was **one claim** to the city of Rialto. Mr. Messinger email goes on to state AND HAVE THREATENED LITIGATION PLEASE DIRECT FUTURE COMMUNICATION IN CONNECTION WITH SUCH CLAIMS TO MY ATTENTION.

The city of Rialto city Attorney Mr. Eric Vail emailed us on Tuesday **May 28, 2024, at 1: 48p.m** which was before Mr. Messinger's **June 7, 2024,** email. Mr. Eric Vails email states the city Attorney's Office is currently investigating your claim and will prepare a response to you on this matter. I anticipate being able to provide a response to you this week. Our valid claim

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2024 NOV -11 AM 11:43

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was properly served to the city of Rialto that contained over 80 pages with attached exhibits of over 2000 Exhibits which most certainly could not be investigated in 13 business days.

In addition, we were in contact with Imelda Vega the claims adjuster and spoke with her on several occasions, by phone and email.

Imelda Vega **STATED THAT THE CITY WAS NOT KEEPING HER IN THE LOOP REGARDING OUR CLAIM. AND THAT WE SHOULD RETAIN AN ATTORNEY BECAUSE THE CITY WAS NOT RESPONDING TO OUR CLAIM OR OUR PUBLIC REQUEST.**

Imelda Vega asked could we call the city of Rialto's manager for status for our claim on May 5, 2024, we emailed the then Assistant city Manager Tanya Williams on May 5, 2024, for status of the claim. However, Tanya Williams did not answer our May 5, 2024, email which is why we emailed the city Attorney Mr. Vail on May 28, 2024, we emailed Tanya Vega again on April 18, 2024, she then answered our email and stated Imelda Vega at George Hills was our point of contact for our claim.

Further, the supervisor for George Hills Jessica Pickering's invalid rejection letter stated under code 1038 which she essentially made a threat not to sue and to prevent our valid claim of true and correct and fair settlement of our valid claim that is brought the proceeding with reasonable cause and in the good faith belief that there is justifiable controversy under the facts and law which warrants the filing of our complaint.

The City of Rialto and DOES 1-50 you are hereby given notice that [Stephanie Cane and Victoria Quesenberry] intend to commence a lawsuit against the city of Rialto DOES 1-50 [in the amount \$492,474.85. for money].

[WRONGFUL CONDUCT AND DAMAGES and violations and has demonstrated by a preponderance of the evidence establish a prima facie case of Conversion by Fraud. THAT SERVES AS THE BASIS FOR THE LAWSUIT].

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We will file suit against you if you do not [EXPLAIN HOW TO CURE THE Defect and Pay the amount of Damages Requested] of \$ 492,474.85 which is within [14] days after receiving this letter.

Please contact either Stephanie Cane or Victoria Quesenberry as soon as possible at [909] 258-2261 or cell (951) 456-7321] to resolve this matter.

The foregoing is not intended to be a complete recitation of all applicable law and/or facts, and shall not be deemed to constitute a waiver or relinquishment of any of [Stephanie Cane or Victoria Quesenberry's] rights or remedies, whether legal or equitable, all of which are hereby expressly reserved, including [Stephanie Cane or Victoria Quesenberry's] right to all available remedies against [the city of Rialto], including but not limited to the recovery of costs and possibly attorneys' fees.

NOTICE OF LAWSUIT: Stephanie Cane and Victoria Quesenberry made their claim in **Good Faith and with Clean Hands and properly served the city of Rialto A Valid pre-suit claim.**

PRE-LITIGATION NOTICE
A Valid Pre-Litigation Notice to the public entity to the city of Rialto
We are "NOT" barred under any State or Federal Laws or Government Code Section 946.6. and are not barred by statute of limitation for causes of action. The pre-suit claim was improperly rejected, and the public entity's rejection was "**UNTIMELY**" and rejected **four months later and was deemed denied** by the operation of law. Stephanie Cane and Victoria Quesenberry were **improperly emailed** with the city of Rialto's rejection on **June 7, 2024**, by the Assistant Attorney for the city of Rialto by email. **The Assistant City Attorneys name is NOT listed on the Secretary of State Required Rouser.** Furthermore, the public entity was in receipt of our claim, the public entity had **45 days to grant or deny the claim.** (Gov. Code, § 912.4.). The public entity was to serve the notice of rejection of the claim.

THE CITY OF RIALTO DOES 1-50 VIOLATION 17.52.010 by its published laws and ordinances. Nonconforming sale of land deemed an offense. Each separate sale or each separate attempt or offer to sell any land from a subdivision parcel map or record of survey as herein defined, without first complying with the provisions of such Subdivision Map Act of the state and the provisions of this title, shall be deemed a separate offense. (Ord. 684 § 30, 1975) 17.52.020 - Penalty for violation.

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2024 NOV 11 11:43 AM
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THE CITY OF RIALTO DOES 1-50 Violation 18.56.090 - Affordable housing projects. When a non-vacant lot has been identified in a prior housing element and at least twenty percent of the proposed units are affordable to lower income households, the maximum density shall be **THIRTY DWELLING UNITS** per acre. (Ord. No. 1681, § 3, 8-8-23) 18.54.030 through.

Stephanie Cane and Victoria Quesenberry are advising and acknowledging the public entity we are commencing a lawsuit against the city of Rialto and its employees, supervisors, agents who has authorized authority for the city of Rialto, DOES 1-50 are within six months of the date of service of the notice. (Gov. Code, § 945.6(a)(1).) Service means "personally delivered or deposited in the mail." (Ibid.) Name of claimants Stephanie Cane and Victoria Quesenberry location, 1173 South Cactus Ave 3 Rialto, Ca 92376 and description of injury/accident General description of all damages and expenses have been listed (medical costs, injuries, lost wages, etc.) Stephanie Cane and Victoria Quesenberry have exhausted their administrative remedies.

THE CLAIM WAS PRESENTED BY THE CLAIMANTS

Stephanie Cane and Victoria Quesenberry.

THE ADDRESS OF THE POST OFFICE

In the city of Rialto, Post Office Rialto Post office 241 W Rialto Ave, Rialto, CA 92376. Contact Numbers. Phone: 909-875-4064. Fax: 909-875-2859

THE POST OFFICE ADDRESS TO WHICH THE PERSON PRESENTING THE PRE-NOTICE OF THE CLAIM DESIRES NOTICES TO BE SENT.

Stephanie Cane and Victoria Quesenberry where all mail may be delivered to PO. Box 1562 Rialto, CA 92377

Herein of the following A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim. Public Entity Liability for Failure to Perform Mandatory Duty. [Victoria Quesenberry and Stephanie Cane] claim that [they] were harmed because

[The city of Rialto] violated [their rights to the PUBLIC RECORDS ACT: CA Gov't Code Section 6251. This chapter shall be known and may be cited as the California

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Public Records Act Cal. Gov't. Code §§ 6250, et seq. [CPRA], any person may request records from a California State or Local Agency or Government Agency. The city of Rialto violated CA Gov't Code Section 6250. The conduct of the people's business is a fundamental right and [the reference to statute, Gov Code 6252.] **necessary right of every** person As used in this chapter: (a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof, other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952. (h) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all the property has been acquired or all of the contract agreement obtained. (1) The agency shall make the information available in any electronic format in which it holds the information. (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format. (b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies. [Stephanie Cane and Victoria Quesenberry] was harmed; and the [the city of Rialto]'s failure to perform its mandatory duty by not recording and publishing in the general plan the 41 parcels and erroneously naming the parcels as PRD-A, listing them at the Inland Lighthouse Church with only 14 parcels. Therefore, the parcels are not recorded in their official capacity. The legislators are the only bodies that can promote the assessor to assess any property in the City of Rialto. This was a substantial factor in causing [Stephanie Cane and Victoria Quesenberry]'s harm. The building is contaminated and is reported as a Cesspool, Open Space, PUD, Liens, Abatement and is reported as VACANT LAND. RECORDED IN THE [the city of Rialto's General Plan], however, is responsible for [Stephanie Cane and Victoria Quesenberry]'s harm [The city of Rialto] did NOT make any reasonable efforts to perform its duties under the [statute/regulation/ordinance]. The public request was properly served to the City Clerk's Office in the City of Rialto 150 So. Palm Ave. Rialto, CA. 92376 (909)820-2519 cityclerk@rialtoca.gov. Pursuant to the California Public Records Act, the city of Rialto's website states please allow 10 days to comply with your request we were never mailed our request or acknowledged for our request per Cal. Gov. Code § 66499.35.

"PUD" this is a Floating Zone. A Pud is described in a district that must be described in the zoning ordinance BUT NOT GIVEN A SPECIFIC LOCATION ON THE ZONING MAPS until a property owner or developer applies for it., which begs to question, how, what when, where, why and who applied for these parcels to be a PUD at the time reported as a PUD, then a PRD-A then a CONDO and lastly now a [Att SFR], Attached Single Family Residence? The foregoing answers to all these questions will be subject to discovery.

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2024 NOV - 1 AM 11:43

THE CITY OF RIALTO VIOLATION CURRENT 2024 LEGISLATIVE SESSION. SECTION 66499.35 - CERTIFICATE OF COMPLIANCE

(a) Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and a local agency shall determine, whether the real property complies with the provisions of this division and of local ordinances enacted pursuant to this division. If a local agency determines that the real property complies, the city or the county shall cause a **CERTIFICATE OF COMPLIANCE** to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division of the real property complies with applicable provisions of this division and of local ordinances enacted pursuant to this division. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a local agency determines that the real property does not comply with the provisions of this division or of local ordinances enacted pursuant to this division, it shall issue a conditional certificate of compliance. A local agency may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and that had been established at that time by this division or local ordinance enacted pursuant to this division, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of the local ordinances who by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant to this division, and the person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of this division or those local ordinances, then the local agency may impose any conditions that would be applicable to a current division of the property. Upon making the determination and establishing the conditions, the city or county shall cause a conditional certificate of compliance to be filed for record with the recorder of the county in which the real property is located.

The certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the local agency.

(c) A certificate of compliance shall be issued for any real property that has been approved for development pursuant to Section 66499.34.

(d) A recorded final map, parcel map, official map, or an approved certificate of exception shall constitute a certificate of compliance with respect to the parcels of real property described therein.

(e) An official map prepared pursuant to subdivision (b) of Section 66499.52 shall constitute a certificate of compliance with respect to the parcels of real property described therein and may be filed for record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the city engineer or county surveyor, within contiguous sections of land.

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2024 NOV -4 AM 11:43

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(1) Each certificate of compliance or conditional certificate of compliance shall include information the local agency deems necessary, including, but not limited to, all of the following:

- (A) Name or names of owners of the parcel.
- (B) Assessor parcel number or numbers of the parcel.
- (C) The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
- (D) Legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
- (E) A notice stating as follows:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval. (F) Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance. (2) Local agencies may process applications for certificates of compliance or conditional certificates of compliance concurrently and may record a single certificate of compliance or a single conditional certificate of compliance for multiple parcels. Where a single certificate of compliance or conditional certificate of compliance is certifying multiple parcels, each as to compliance with the provisions of this division and with local ordinances enacted pursuant thereto, the single certificate of compliance or conditional certificate of compliance shall clearly identify, and distinguish between, the descriptions of each parcel. Ca. Gov. Code § 66499.35 The name or names of the public employee or employees causing the injury, damage, or loss, if known. (f) such entities are statutorily entitled to with almost no exceptions, lawsuits involving the government, and its agencies must be preceded by written notice that a lawsuit will commence against that entity. claimants must provide a public entity with notice some six months up to two years-depending on the type of case-before a lawsuit may commence against that entity (California Government Code §945.4). Stephanie and Victoria have properly abided by California Government Code Section 910, et seq., that governs the manner in which this notice must be presented to the entity or entities responsible, have and were mailed the claim that is meritorious.

The amount of claimed losses and how they were calculated; and detriment to health of not knowing the land AND PARCELS ARE contaminated AND is Detriment to Safety. The number of years located at the address 21 years divided by payments paid as purported mortgage and payments paid as association paid fees. And yearly taxes paid and concealed Usury taxes and erroneous modification agreements \$250,000.00.

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
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CITY OF RIALTO
2024 NOV -4 AM 11:43

This code section has been broadly interpreted across a wide spectrum of civil suits filed against public entities. Personal injuries, contract law, suits arising from real estate transactions such as buying land from a public entity, and even employment law-when a public employee sues its employer—are all categories of law where the court expects a claimant to give notice prior to a complaint. In fact, the courts have gone so far as to note that, “claims statutes must be satisfied even in face of the public entity’s actual knowledge of the circumstances surrounding the claim” (12 CaL3d 447, p. 455). This means pre-suit notice must be given even after a lawsuit is filed or other documents are sent to the public entity which would indicate a potential lawsuit such as a letter or bills evidencing losses. Sometimes the court may deem that notice was affected by virtue of a letter; other times, the court demands a strict adherence to the claim forms used by the entity. This is because, as the courts often repeat while dismissing a suit for failing to adhere to the code, the purpose of it isn’t to prevent surprise but rather to allow the public entity the opportunity to fully investigate and prepare for a claim prior to its being filed (p. 455). Forms provided by the entity, therefore, help to ensure that claimants are given the opportunity to fully notice the public entity in a way that a letter or other documents may not. That said, claims which adhere to both the timing and form given in the government codes seem to be fair better when decided by the superior court.

THE PRELITIGATION NOTICE SATISFIES THE RESTRICTIVE REQUIREMENTS CALIFORNIA’S GOVERNMENT CODE. IDENTIFYING THE PLAINTIFF’S AND ALL THE DEFENDANTS AND THE PUBLIC

Stephanie Cane and Victoria Quesenberry exercise reasonable diligence to consult counsel and discover the relevant facts and available remedies during the claim presentation period.”

Stephanie Cane and Victoria Quesenberry as plaintiffs who did not delay in either pursuing the claim or finding a competent attorney.

Stephanie Cane and Victoria Quesenberry have taken all the precautions and did “NOT” lock themselves out of any remedies against the public entities responsible for our damages.

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
and with CLEAN HANDS.

November 3, 2024

43 | Page

CITY OF RIALTO

2024 NOV -4 AM 11:43

REFERENCES

Arceneaux v. MARIN HOUSING AUTHORITY, Dist. Court, ND, California 2015
Barragan v. County of Los Angeles. 184 Cal. App Ath 1373 (2010) 109 Cal.Rptr.3d
501 City of Stockton v. Superior Court. 68 Cal.Rptr.3d 295 (2007) 171 P.3d 20.42 Cal.4th
730 DiCampli-Mintz v. County of Santa Clara. 55 Cal.4th 983 (2012) 150 Cal.Rptr.3d
111 289 P.3d 884.

Moreover, all defendants and DOES 1-50 ARE NOTICED ON THE PRE-LITIGATION NOTICE AND ARE GIVEN 7 DAYS TO RESPOND TO OUR PRE-LITIGATION NOTICE.

The accuracy of the consideration involved in the restitution was requested in the claim in the amount of \$492,474.85, on February 23, 2024, and was approved at the City Council Meeting on April 9, 2024. Furthermore, be advised that prejudgment interest will be requested pursuant to **California Code, Code of Civil Procedure (CCP) 685.110.**

Sincerely

Stephanie Cane

and

Victoria Quesenberry

GOVERNMENT CLAIMS ACT
Verified Pre-litigation Notice made in Good Faith
and with CLEAN HANDS.

Stephanie Cane personally delivered to the city of Rialto to the city Clerk and in C/O Robert Messinger.

On November 4, 2024

I ZANA M. PAULINO Verified Stephanie Cane presented to the city of Rialto city Clerk with a Pre-Litigation Notice and Demand for Restitution at the correct location at 290 West Rialto Ave Rialto CA 92376

Time: 11:30 AM

CITY OF RIALTO
2024 NOV -4 AM 11:39
RECEIVED
CITY CLERK

CITY OF RIALTO
2024 NOV -4 AM 11:39
RECEIVED
CITY CLERK

Personal Delivery.

The Pre-suit claims previously
presented to the proper Dept of the
public entity.
Robert Messinger In C/O
the Clerk of the city of Rialto
290 W. Rialto, CA 92376