

Petitioner, Wife

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

In Re The Marriage of)	CASE NO.
)	
Wife,)	PROPOSED
)	COMPLAINT IN JOINDER FOR
Petitioner,)	FRAUDULENT CONVEYANCE
)	
and)	
)	
Husband)	
)	
)	
Respondent.)	
_____)	
)	
Wife)	
)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	
Corporation,)	
)	
)	
Defendant.)	
_____)	

Petitioner, Wife alleges as follows:

CAUSE OF ACTION

(Joinder Based on Fraudulent Conveyance, Against All Claimants)

1. At all times mentioned herein, Wife was the Petitioner in the within action and Husband was the Respondent in the within action.

2. Claimant, Corporation is, and at all times herein mentioned held itself out to be, a corporation licensed to do business under the laws of the State of California with its principal place of business in Los Angeles County.

3. Wife is ignorant of the true names and capacities of Claimants sued herein as Does 1 - 10, inclusive and therefore sues these Claimants by such fictitious names. Wife will amend this Complaint to allege their true names and capacities when ascertained.

4. Wife is informed and believes and based thereon alleges the facts to be that at all times herein mentioned and material hereto, Claimants, and each of them, were the agents, servants, and employees of the others, and that at all times mentioned herein, Claimants, and each of them, were acting with knowledge of each other within the course and scope of their agency or employment.

5. Wife is informed and believes and thereon alleges that each of the fictitious named Claimants claims an interest in the property herein after described and which is the subject of this action.

6. On December 1, 1985, Judgment of Dissolution of Marriage was entered resolving all issues involved in the material dissolution proceeding.

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7. Husband did not follow the terms and conditions of the Judgment so that a subsequent Stipulation re: Judgment for Monies Owed by Respondent to Petitioner was agreed to by the parties. The Stipulation became a Court Order on March 1, 1997, whereby as of that date Husband owed to Wife \$100,000.00. Husband has made no payments on this debt and the full amount remains owing, plus interest.

8. The true facts now are that Husband has transferred all of his personal property, for little or no consideration to his corporation, Corporation, in order to make himself Judgment proof and thereby is shielded by the corporation from the debt owed by Husband to Wife. These transfers were made with the actual intent to hinder, delay, and/or defraud Husband's creditors, including Wife in the collection of their claims. The transfer of Husband's assets to the corporation rendered Husband insolvent, or was made at the time when Husband was insolvent.

9. Husband is, and at all times herein mentioned was, the sole shareholder of Corporation, as well as the only director, present, secretary, and chief financial officer.

10. There exists and at all times herein mentioned there existed a unity of interest in ownership between Husband and the corporate entity, such that any individuality and separateness between Husband and the corporate entity has ceased, and the Corporation is the alter-ego of Husband in that:

10.1 Corporation was conceived, intended, and used by Husband as a device to avoid individual liability and for the purpose of substituting a corporation in place of Husband.

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10.2 Husband used assets and/or income of Corporation for his own person use, caused assets of the corporate entity to be transferred to him without adequate consideration, and withdrew funds from corporate bank accounts for his person use and/or to pay personal expenses.

10.3 Husband conducted his business in the corporate name exactly as he had conducted it previous to incorporation, exercising complete control and dominance over such businesses to such an extent that any individuality or separateness of Corporation and Husband does not and at all times herein mentioned did not exist.

10.4 The activities and business of Corporation were carried out without the holding of directors' or shareholders' meetings. Husband entered into personal transaction with the corporate entities without corporate authority.

11. Adherence to the fiction of a separate existence of Corporation as an entity distinct from Husband would permit abuse of the corporate privilege and would sanction fraud in that Husband has caused sums of money, the exact amount of which is unknown at this time, to be drawn form his personal assets and accounts and places in the name of the corporate entity without any consideration to the corporate entity and/or paying his obligation from the corporate entity, all for purposes of avoiding and preventing attachment and execution by creditors, and to evade payment of Husband's obligations owed to Wife.

12. Adherence to the faction would permit abuse of the corporate privilege and would produce an inequitable results in that Husband has made loans and/or take loans from

the corporation in lieu of salary taken or will take salary but not honor levies/garnishments/wage assignments in order to avoid personal creditors, and to evade payment of Husband's obligation owed to Wife.

13. Wife is informed and believes, and thereon alleges that Husband and Claimants, and each of them, intentionally and with purpose, acted together to defraud Wife of her property rights, in that Husband and Claimants, and each of them, acted with intent and purpose to transfer funds and assets of Husband to Claimants to purposely dissipate the assets of Husband, for the purpose of defrauding Wife of her property rights.

14. As a proximate cause of Husband's actions, Wife has been and continues to be damaged in the sum of at least \$100,000.00 plus interest thereon of ten percent (10%) per annum.

15. The aforementioned conduct of Husband was an intentional misrepresentation, deceit, and concealment of a material fact known to him with the intention on the part of the Husband of depriving Wife of property therefore causing injury to her and was despicable conduct that subjected Wife to cruel and unjust hardship in conscious disregarding of Wife's rights, so as to justify an award of exemplary damages.

WHEREFORE, Wife prays Judgment as follows:

CAUSE OF ACTION

(For Fraudulent Conveyance)

1. That all transfers made to Corporate be declared fraudulent and Corporation be held liable for Husband's obligation to Wife in the sum of at least \$100,000.00 plus interest

thereon of ten percent (10%) per annum.

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2. For exemplary/punitive damages.
3. For costs of suit herein incurred.
4. For such other and further relief as the Court may deem proper.

Dated:

LAW FIRM

By: _____

Attorney
Attorney for Petitioner
Wife

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