

[REDACTED]

Attorney at Law

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Attorney for Respondent,

[REDACTED]

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

[REDACTED]	)	
	)	
Plaintiff, Cross-Defendant	)	
And Respondent	)	Court of Appeal
v.	)	[REDACTED]
	)	
[REDACTED]	)	
	)	Superior Court
Defendant, Cross-Complaint	)	[REDACTED]
And Appellant.	)	
_____	)	

APPLICATION FOR TRANSMITTAL OF EXHIBIT

TO: PRESIDING JUSTICE PATRICIA BAMATTRE-MANOUKIAN AND  
HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL:

Respondent, [REDACTED] applies through his counsel, pursuant to rule

18(c) of the California Rules of Court for the transmittal of Defendant's Exhibit J to

the Court of Appeal. This motion is based upon this application and the Declaration of appellate counsel for respondent, [REDACTED]

Dated: August 12, 2002

Respectfully submitted,

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[REDACTED]  
Attorney for Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

██████████,	)	
	)	
Plaintiff, Cross-Defendant	)	
And Respondent	)	Court of Appeal
v.	)	██████████
	)	
██████████	)	
	)	Superior Court
Defendant, Cross-Complaint	)	██████████
And Appellant.	)	
_____	)	

██

I ██████████, declare:

1. I am an attorney at law duly admitted to practice my profession before all California courts, and I am the attorney of record in this court for respondent.

2. One of the central issues on appeal in this case is whether the parties intended to create a true joint tenancy with 50/50 ownership and rights of survivorship when they acquired certain real property. There is a discrepancy in the form of ownership between the grant deed (title in joint tenancy) and deed of trust (title as tenants in common). Respondent believes that it would assist this court in resolving this appeal if it had access to the deed of trust. The deed of trust was introduced into evidence by the appellant at trial (R.T. 503-504, 584), and would be useful to this court's resolution of the

appeal.

3. The Respondent's Brief was filed on July 26, 2002. The appellant has yet to file a reply brief. I recently discovered that Rule 18 of the Rules of Court (effective January 1, 2002—request for transmittal to be filed within 10 days after last respondent's brief is filed) had replaced former Rule 10(d) which permitted a party to specify exhibits for transmittal to the reviewing court only after the notice of oral argument. Rule 18(c) permits application to the reviewing court for "later" transmittal of an exhibit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 16, 2002, at Monterey, California.

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